



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

THE UNIVERSITY POLICY ON THE PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT THE WORKPLACE, 2018

Preamble / Introduction

The protection from sexual harassment and the right to work with dignity are recognized as universal human rights by international instruments such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which has been also ratified by India. The sexual harassment of women results in violation of the fundamental rights of women to equality under article 14 and 15 of the Constitution and also her right to live with dignity under article 21 and right to practice any profession or to carry on any occupation, trade, business under article 19 (1) (g) of the Constitution of India.

The Supreme Court of India in its 1997 judgment in Vishakha & others vs. State of Rajasthan & others held that each incident of sexual harassment results in the violation of the fundamental rights and makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Court and to evolve a specific policy to combat sexual harassment in the workplace. To ensure that women are protected against sexual harassment at all the work places, be it in public or private, the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 has been passed.

Policy

The University is committed to provide all women who fall within its jurisdiction including its, teaching, academic, non-academic staff and students a place of work and study which is free from sexual harassment, intimidation and exploitation. Every woman shall have the right to work in an environment free from any form of sexual harassment and any act of sexual harassment at workplace will invite serious disciplinary action. The purpose of the policy is to create awareness among the employees about what constitutes sexual harassment and to provide them relief through a fair mechanism dealing with complaint of sexual harassment and with matters connected therewith or incidental thereto.

Objectives of the Policy

The main objectives of the Policy are the following:



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

- To prevent and prohibit sexual harassment of women at the work place.
- To promote a workplace having safe and congenial work environment based on equality, free from discrimination and violence against women.
- To conduct enquiries into complaints of sexual harassment.
- To evolve a permanent mechanism for the prevention, prohibition and redressal of sexual harassment of women within the jurisdiction of the University.
- To determine the implication of sexual harassment on the duties, responsibilities and rights of various stakeholders involved in the process.
- To actively promote a social, physical and psychological environment that will raise awareness about and deter the acts of sexual harassment of women.
- To ensure the implementation of the policy in letter and spirit by undertaking all necessary and reasonable steps including the constitution of appropriate Internal Complaints Committees.

Applicability / Scope of the Policy and Effective Date

The policy shall apply to all the employees of the University, academic, non academic, teaching, non teaching, temporary, contractual, administrative staff, technical staff, support staff, students, consultants, visitors, service providers, persons holding permanent, temporary, honorary, adhoc, voluntary or short term positions and also women visiting the University premises **without prejudice to the provisions contained in the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013.**

It will also be binding on members of centres/ institutes associated with the University to the extent that they are engaged in the University related activities.

Anyone violating this policy will be subject to disciplinary action as detailed in the University Rules and Procedures for the Prevention, Prohibition and Punishment of Sexual Harassment of Women at the Workplace, 2018. At the University, sanctions for sexual harassment may include the full range of disciplinary action upto and including removal from the University.

The University shall take all necessary and reasonable steps to prevent and ensure that no woman within its jurisdiction is subject to sexual harassment by any Third Party. Where any such sexual harassment occurs, the employer shall take all necessary and reasonable steps to assist the aggrieved woman in redressal of the act of sexual harassment. It will be unlawful to retaliate against an employee, student or staff member for filing a complaint of sexual harassment or for cooperating in an enquiry of sexual harassment.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

The policy is deemed to be incorporated in the service conditions of all the employees of the University and comes into effect immediately.

.....



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

The University Rules and Procedures for the Prevention, Prohibition and Punishment of Sexual Harassment of Women at the Workplace, 2018

1. Short Title

These Rules and Procedures will be called the Rules and Procedures for the Prevention, Prohibition and Punishment of Sexual Harassment of Women at the Workplace, 2018

These have been formulated to implement the University's Policy for the **Prevention, Prohibition and Punishment of Sexual Harassment of Women, 2018.**

These Rules and Procedures shall be applicable to all complaints of sexual harassment made by an aggrieved woman against a respondent.

2. Definitions

The definitions given below, where in case is provided in the Act are subject to the interpretation and reference to the exact definitions given in the Act.

The Act here means Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013.

- a. **Aggrieved woman** means in relation to a workplace, a woman, of any age whether employed or not, whether member, resident or outsider, who alleges to have been subjected to any act of sexual harassment by the respondent.
- b. **Employee** means any person, including teachers and other academic staff of the University, employed or engaged by the University for any work on regular, temporary, *ad hoc* or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the University, whether for remuneration or not, working on a voluntary basis or otherwise, whether the terms of employment are explicit or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.
- c. **Member** includes students, teachers, employees, academic staff and non-teaching staff of the University, or anyone working in a managerial capacity including persons on the Board of Management, Academic Council, and Planning Board of the University. It also includes employees, academic staff and non-teaching staff of its affiliated Centres and



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

Partner institutes only to the extent that they are performing the University related activities.

- d. **Respondent** means any person irrespective of gender whether the employee or member of the University or a visitor against whom the aggrieved woman has made a complaint.
- e. **Work place** includes,
 - (i) Any campus, cell, centre, school, division or office; branch or unit which is established, owned, controlled (wholly or substantially) financed by funds provided directly or indirectly by the University.
 - (ii) Any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.
- f. **Campus** includes all places of work and residence at the university headquarters in Delhi or any Regional Centre or Study Centre in so far as it is used for the University activities. It includes all places of instruction, research and administration, as well as staff quarters, hostel, health centres, sports grounds, parks, streets, lanes and canteens, etc.
- g. **Outsider** includes any person who is not a member of the University or a resident. It also includes domestic workers, but is not limited to any private person offering residential, food or any other facilities to members of the University.
- h. **Resident** includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted by the University. These include any residential quarters provided by the University at the Maidan Garhi campus, Asian Games Village Campus, or any other residences provided by the University to any of its employees at the headquarters or at any of the Regional Centres and their surrounding areas. It will include a person residing in any centre or institution affiliated to the University only to the extent that they are performing university related activities.
- i. **Partner Institute** includes an institute with which the University enters into an agreement in furtherance of its objectives.
- j. **Regional Centre** includes a centre established or maintained by the University for the purpose of co- coordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such centres by the Board of Management of the University.
- k. **The Regional Services Division (RSD)** organizes, administers and maintains funding and expenditure control of the national network of Regional Centres (RCs) and Study Centres (SCs) while coordinating and monitoring their activities. It develops policies, systems and procedures in respect of establishment and management of RCs and SCs. RSD negotiates



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

with Government Departments, educational institutions, other organizations including voluntary organizations for establishment of new Regional Centres and Study Centres.

- l. **School** includes a School of Study of the University.
- m. **Division** includes any division of the University.
- n. **Cell** includes any cell of the University.
- o. **Centre** includes any centre of the University.
- p. **Sexual Harassment:** "sexual harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
 - (i) physical contact and 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.

The following circumstances, among other circumstances, if it occurs or is present in relation to or is connected with any act or behavior of sexual harassment may amount to sexual harassment:

- (i) Implied or explicit promise of preferential treatment in her employment; or
- (ii) Implied or explicit threat of detrimental treatment in her employment; or
- (iii) Implied or explicit threat about her present or future employment status; or
- (iv) Interference with work or creating an intimidating/ offensive/ hostile work environment for her; or
- (v) Humiliating treatment likely to affect her health or safety; or
- vi) Publishes or causes to publish or transmit any information in electronic form or by means of a computer resource or a communication device, which is obscene, offensive, humiliating or has menacing character.

Explanation:

- a. It is clarified that it is the reasonable perception of the woman that would be relevant in determining whether any conduct was sexually determined and, if so, whether such conduct was unwelcome or not and that her objection would disadvantage her in



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

- b. connection with her education or employment, including evaluation, grading, recruitment or promotion, or when it creates a hostile working, educational or living environment.
- c. “Hostile Work Environment” is said to be created when any act of sexual harassment has the purpose or effect of interfering with an individual’s work or academic performance or creating an intimidating, hostile or offensive employment, educational or living environment.
- q. **Student** includes a student of the University, and includes any person who has enrolled for pursuing any course of study with the University.
- r. **Study Centre** includes a centre established, maintained or recognised by the University for the purpose of advising, counselling or for rendering any other assistance required by the students. It includes but is not limited to Regular Study Centres, Special Study Centres, Programme Study Centres and Work Centres only in so far as they are performing University related activities.
- s. **University** means the Indira Gandhi National Open University established under the Indira Gandhi National Open University Act, 1985.
- t. **Vice Chancellor (VC)** and **Pro Vice Chancellor(s)** include Vice Chancellor and any or all Pro Vice Chancellor(s) of the University.

3. General duties and responsibilities of the University

The University shall:

- (a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- (b) display at any conspicuous place in the workplace, the penal consequences of sexual harassment and the order constituting the Internal Complaints Committees (ICC) which in the case of IGNOU are the ICASH, RSDCASH and RCCASH;
- (c) organise workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the IGNOU policy;
- (d) organize orientation programmes for the members of the Internal Committees;



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

- (e) provide necessary facilities including but not limited to online grievance portal, room, secretarial staff *of whom at least one should be a permanent staff*, a qualified counsellor to each of the Internal Complaints Committees as the case may be, for dealing with the complaints and conducting an inquiry;
- (f) assist in securing the attendance of respondent and witnesses before the Internal Complaints Committees as the case may be;
- (g) make available such information to the Internal Committee as it may require having regard to the complaint made under this policy;
- (h) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- (i) cause to initiate action, under the India Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- (j) treat sexual harassment as misconduct under the service rules and initiate action for such misconduct;
- (k) monitor the timely submission of report by the Internal Committee;
- (l) shall not during the pendency of an Inquiry and till the final determination of a complaint of sexual harassment under this policy alter the conditions of service/study of the complainant/supporter/witness concerned to their prejudice, as a consequence to the filing, participation or holding of an Inquiry under this Policy. Filing of a complaint shall not adversely affect the complainant's status/job/ salary/promotion/ grades etc.;
- (m) bear the expenses of the committee members incurred in relation to the redressal of a complaint such as travel allowance, sitting fees to co-opted members;
- (n) provide on the premises of its Delhi headquarters a space for confidential counselling and other necessary facilities. The provision of this facility shall be well publicised. For this purpose the University shall engage a professionally competent counsellor.

4. **Constitution of Internal Complaint Committees:**

4.1 Guiding Principles:

The Complaints and redress mechanism at the University has been formulated in accordance with the following principles:

- a. In view of the structure and spread of the University across the country it is essential to decentralize the complaints redressal mechanism. This will ensure that the complaint mechanism is effective and accessible for all. Accordingly separate Committees Against



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

Sexual Harassment (CASH) have been provided for at different levels of work place: at the headquarters, the Regional Services Division and at each Regional Centre of the University which will function as Internal Complaints Committees. The Apex Committee at headquarters shall also be formed.

- b. In order to ensure that the Committees Against Sexual Harassment are gender sensitive and representative, members will be drawn from different categories in accordance with the guidelines given in the Act.
- c. In order to create autonomous institutional structures to enquire into complaints of sexual harassment, the Internal Complaints Committees constituted **shall consist of at least one half of the total members to be women from among the following members** as nominated by the University namely;
 1. The Chairperson/ Presiding Officer will be a woman employed at a senior level at the workplace from amongst the employees:

In case a senior level woman employee is not available especially at the Regional Centres, the Presiding Officer shall be nominated from other offices or administrative units of the workplace. 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.
 2. Not less than two members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
 3. One member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.

The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceeding of the Internal Committee, by the University as may be prescribed. The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years from the date of nomination as may be specified by the Competent authority.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

In case vacancy is created due to removal of member or any casual vacancy **shall be filled by fresh** nomination in accordance with the provisions of this section.

4.2 Structure: Internal Complaint Committees at different levels

To implement the University's Policy against Sexual Harassment the following Internal Complaints Committees/Internal Committees shall be constituted:

1. **The Regional Centre Committees against Sexual Harassment (RCCASH) at Regional Centre level of the University** – A complaints and redressal body to be set up in each Regional Centre or for a group of Regional Centres of the University. This Committee shall have jurisdiction over all complaints received at the Regional Centre and all Study Centres within the supervisory jurisdiction of the Regional Centre/s concerned.
2. **Regional Services Division Committee against Sexual Harassment (RSDCASH), at the University headquarters-** As a supervisory complaints and redressal body, this Committee shall oversee all RCCASH committees within its supervisory jurisdiction. It will function as the overseeing body for all awareness and preventive work related to this Policy at all Regional Centres and Study Centres. However, all complaints pertaining to the Regional Services Division shall be enquired into by the ICASH.
3. **IGNOU Committee against Sexual Harassment (ICASH), at the University headquarters** - A complaints and redressal body to be set up at the headquarters where many educational, technical, administrative and managerial activities of the University are carried out. This Committee shall have jurisdiction over all complaints at the University headquarters, including those arising from the Regional Services Division.
4. **The Apex Committee against Sexual Harassment (ACASH), at the University headquarters.** - This committee, located at the University headquarters, will function as the guiding body for all Awareness, Preventive and Redressal work related to this Policy.

ACASH will function as the appellate body for all complaints filed with RCCASH/ RSDCASH and ICASH .

The Vice Chancellor may for special reasons, refer any complaint under this Policy for enquiry directly to ACASH.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

5. Composition and Method of Constituting the Internal Complaint Committees against Sexual Harassment

(i) Regional Centre Committee Against Sexual Harassment (RCCASH)

(a) Composition-It shall be composed of at least **six** members drawn from the following categories:-

- The Chairperson/ Presiding Officer will be a woman employed at a senior level at workplace from amongst the employees. 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. 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.
- Two members from amongst employees of Academic staff preferably committed to the cause of women or who have had experience in social work or have legal knowledge.
- Two non teaching staff members of which one shall be from the “officers” category and one from “other staff” category.
- One external member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment to be co-opted by the Committee.

b) Procedure for constitution of RCCASH:

A panel of names (*at least twice the required number for each of the above categories*) for RCCASH committees will be recommended by RSDCASH for each Regional Centre and the required number of persons for each of the above categories will be approved by the Vice-Chancellor.

(ii) Regional Services Division Committee against Sexual Harassment (RSDCASH)

(a) Composition- It shall be composed of a total of **six** members drawn from the following categories:-

- The Chairperson/ Presiding Officer, a woman employed at a senior level at workplace from amongst the employees.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

- Two Members from amongst employees of Academic staff/Teachers preferably committed to the cause of women or who have had experience in social work or have legal knowledge. Chancellor
- Two Non teaching staff members of which one shall be from the “officers” category and one from “other staff” category.
- One external member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment to be co-opted by the Committee.

b) Procedure for constitution of RSDCASH:

A panel of names (*at least twice the required number for each of the above categories*) for RSDCASH will be recommended by outgoing RSDCASH and the required number of persons for each of the above categories will be nominated by the Vice-Chancellor.

(iii) The IGNOU Committee Against Sexual Harassment (ICASH)

(a) Composition- It shall be composed of a total of **twelve** members drawn from the following categories:-

- The Chairperson/ Presiding Officer, a woman employed at a senior level at workplace from amongst the employees.
- Four Members from amongst employees: Teacher /Academic staff preferably committed to the cause of women or who have had experience in social work or have legal knowledge
- Four Non teaching staff members of whom two shall be from the “officers” category and two from “other staff” category.
- One Research Student – preferably from women's studies/ social work/gender studies/ law disciplines.
- Two external members from amongst non-governmental organizations or associations, committed to the cause of women or a person familiar with the issues relating to sexual harassment to be co-opted by the Committee (preferably one member should have legal knowledge).



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

b) Procedure for constitution of ICASH:

The Chairperson/ Presiding Officer: The outgoing ICASH committee shall recommend at least two names for the Chairperson/ Presiding Officer out of which the VC shall nominate one person to ICASH.

Teacher /Academic staff members: The outgoing ICASH committee shall recommend a panel of at least six members, three names from the Academic staff category and three names from the Teacher staff category out of which the VC shall nominate four persons to ICASH, two from each of the category.

Non Teaching Officer members: The outgoing ICASH committee shall recommend at least two names for the non teaching officer category out of which the VC shall nominate one person to ICASH.

The Officers Association shall recommend a panel of at least two names for the Officers category from which the VC shall nominate one person to ICASH.

Non teaching, other staff members: The outgoing ICASH committee shall recommend at least two names for the Non Teaching Other Staff category out of which the VC shall nominate one person to ICASH.

The Staff Association shall recommend a panel of at least two names for the Other Staff category from which the VC shall nominate one person to ICASH.

Student member: The outgoing ICASH shall recommend a panel of at least two names for the student category from which the VC shall nominate one person to ICASH.

External expert: The outgoing ICASH shall recommend a panel of at least four names for the external expert category from which the VC shall nominate two persons to ICASH.

(iv) APEX Committee Against Sexual Harassment (ACASH)

- (a) Composition-** It shall be composed of a total of five members drawn from the following categories:-



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

- The Chairperson/ Presiding Officer, a woman employed at a senior level at the workplace from amongst the employees.
- One Teacher/Academic staff member preferably committed to the cause of women or who have had experience in social work or has legal knowledge.
- One non teaching staff member
- Two external members from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with issues relating to sexual harassment (preferably one member should have legal knowledge) to be co-opted by the Committee from outside the University.

b) Procedure for Constitution of ACASH: The outgoing ACASH shall recommend a panel of two names for the first three above mentioned member categories from which the VC shall nominate one person for each of the category to ACASH.

For external expert: The outgoing ACASH shall recommend a panel of at least four names for the external expert category from which the VC shall nominate two persons to ACASH.

6. Procedure for filing of Complaint Against Sexual Harassment

- (1.) **Any aggrieved woman** may make, in writing, a complaint of sexual harassment at **workplace** to the Internal Complaints Committee concerned, if so constituted, within a period of three months from the date of incident and in case of series of incidents, within a period of three months from the date of last incident (Form 1).
- (2.) In cases where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing.
- (3.) **The following exceptions will be admitted:**
 - i. Where the aggrieved woman is unable to make complaint on account of her physical or mental incapacity or death or otherwise, her legal heir may do so under this policy.
 - ii. The aggrieved woman can also file complaint through **email/ online grievance portal** on account of her physical incapacity.
 - iii. In cases of forced confinement of the person. If complaint is brought by another person on behalf of the complainant, the committee will examine whether an enquiry, intervention or some other assistance is needed. In cases of appeals where it is difficult for the complainant to travel in person to the location of the appellate body.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

- iv. In exceptional cases, third party/witness complaints may be entertained. In such cases, the committee will ascertain whether the woman alleged to have been sexually harassed wishes to lodge a formal complaint. Once such a complaint is received the committee shall proceed to enquire into it as per the procedure specified.
- (4.) The ICC concerned, as the case may be, for the reasons to be recorded in writing, 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.
- (5.) In the case of third party/ outsider harassment, with the consent of the aggrieved woman, the University can take immediate steps and initiate action by making a complaint with the appropriate authority having jurisdiction over the offence. Further the University and the committee will actively assist and provide available resources to the complainant woman in pursuing the complaint.
- (6.) Complaints can be lodged directly with any member of the relevant Committee against sexual harassment, or through existing channels for lodging grievances, such as the University authorities, teachers, academic and non-academic staff association etc. If the complaint is made through any such channel, the person to whom the complaint is made should bring it to the notice of the Committee within two working days of its receipt.
- (7.) A complaint can be directly referred by the Vice-Chancellor to the ACASH. However, in such cases, which will be exceptional, the Vice Chancellor will record reasons for the same.
- (8.) All complaints made to any Committee member must be received and recorded by the member, who shall then inform the Chairperson about the complaint, who in turn shall call a meeting of the Committee.
- (9.) All meetings of the committee will be called by the Chairperson and a notice of at least 2 to 5 working days must be given for the meeting.

7. Conciliation before initiating an inquiry

(1) The Internal Complaints Committees as the case may be before initiating an inquiry under clause 8 below and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation. Monetary settlement cannot be made as a basis of conciliation.

Where such settlement has been arrived at, the Internal Committee concerned shall record the settlement so arrived and forward the same to the competent authority to take action as specified



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

in the recommendation. In such a case no further inquiry shall be conducted by the Internal Committee.

(2) The Internal Committee as the case may be, shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.

8. Inquiry into complaints

Subject to the provisions of clause 7 above

1) The Internal Committee, as the case may be, shall where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed or in case of a domestic worker, the Committee shall, if prima facie case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the India Penal Code, and any other relevant provisions of the said Code where applicable.

2. In cases where the aggrieved woman informs the concerned Internal Committee that any term or condition of the settlement arrived at under clause 7 above has not been complied with by the respondent, the Internal Committee concerned shall proceed to make an inquiry into the complaint or, as the case may be forward the complaint to the police.

9. Inquiry Process: Action, Procedure and Report

1. The Internal Committee against Sexual Harassment concerned must determine whether a prima facie case of sexual harassment is made out. It shall carefully consider the complaint and may hear the complainant and the defendant and/or any other relevant person to determine whether an enquiry by the Committee is to be instituted. If the Committee considers it necessary to hear the defendant at this preliminary stage it shall issue a notice to him.
2. In case, the complaint does not fall under the purview of sexual harassment or the complaint does not mean an offence of sexual harassment and the Internal Committee against Sexual Harassment concerned 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. In case the complaint is found to be false **or malicious the same will be dealt as per clause 12.**



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

3. If the Internal Committee concerned as the case may be determines that the allegation constitutes an act of sexual harassment it would proceed to enquire into the allegation and if a prima facie case is established, **an "Inquiry" shall be conducted and concluded.**
4. The Internal Committee concerned shall immediately proceed with the inquiry and communicate the same to the complainant and the respondent.
5. In cases where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.
6. No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of an Inquiry Committee.
7. Any committee member charged with sexual harassment in a written complaint must step down as member during the inquiry into that complaint.

(A) Action to be taken during pendency of inquiry (Interim measures)

(1) During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee as the case may be, may recommend to the employer/university to:

- (a) transfer the aggrieved woman or the respondent to any other workplace; or
- (b) grant leave to the aggrieved woman up to a period of three months; or
- (c) grant such other relief to the aggrieved woman as may be prescribed.

(2) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

The University/Competent authority shall implement the recommendations made by such Internal committee and send the report of such implementation to the Internal Committee.

(B) Powers of the Internal Complaints Committees

- 1) All these Committees shall have statutory status and be empowered to carry out the mandate of this policy including conducting an inquiry into complaints of sexual harassment.
- 2) The Internal Complaints Committees against Sexual Harassment envisaged and constituted under this Policy will be deemed to be an **Inquiry Authority** for the purposes



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

of CCS Rules and the Report of the Committee against Sexual Harassment shall be deemed to be an inquiry report under the CCS rules. The disciplinary authority will act on the report of the Internal Complaint Committee concerned, as the case may be, in accordance with the Rules.

- 3) For the purpose of making an inquiry into complaint of sexual harassment, the Internal Committee as the case may be, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) namely:
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents: and
 - (c) any other matter which may be prescribed.
- 4) The Internal Committee as the case may be shall have right to terminate the Inquiry proceedings and to give an ex parte decision on the complaint, if the aggrieved party or the respondent fails, without valid /reasonable ground, to present him for three consecutive hearings convened by the Internal Committee. Provided that such termination or ex parte order may not be passed without giving a notice in writing, 15 days in advance, to the party concerned.

(C) Procedure to be followed by the inquiry authority:

- i) During the inquiry proceedings, the complainant and/or their witnesses and the defendant shall be called separately so as to ensure freedom of expression and an atmosphere free of intimidation.
- ii) The parties shall not be allowed to bring in any legal practitioner to represent them at any stage of proceeding before Internal Complaints Committees, as the case may be. If the complainant wishes she can be accompanied by a representative.
- iii) Within one week of the institution of inquiry proceedings by the Complaints Committee, the Internal Complaint Committee shall prepare a document containing a summary of the complaint such as the location, date and time on which the incident is alleged to have occurred and shall hand over the same to the complainant and the defendant along with a copy of the Rules and Procedures of this Policy. The Internal Complaints Committee (ICC) concerned shall also make available to the defendant a true copy of the complaint(s) lodged by the complainant(s).



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

- iv. The Internal Complaints Committee must inform the defendant in writing about the material particulars of the charges made against him and he should be given a period of 10 days to respond to the same.
- v) The Internal Complaints Committee shall provide reasonable opportunity to the complainant and the defendant for presenting and defending her/his case.
- vi) Within not more than 10 days of receipt of the first intimation of the inquiry, the complainant and the defendant shall submit, to the Convenor of the Internal Complaints Committee in writing, a list of witnesses, together with their contact details, that she/he desires the Internal Complaints Committee to examine.
- vii) The complainant and the respondent shall be responsible for presenting their witnesses before the Internal Complaints Committee. However, if the Internal Complaints Committee believes that the absence of either of the parties to the disputes is on valid grounds, the Internal Complaints 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.
- viii) The Internal Complaints Committee may consider as relevant any earlier complaints against the defendant. However, the past sexual history of the complainant shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
- ix) The Internal Complaints Committee shall have the right to summon, as many times as required, the defendant, complainant and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
- x) 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.
- xi) The venue of the Inquiry should take into consideration the convenience and security of the complainant.
- xi) If the complainant, defendant or witness desire to appear before the Internal Complaints Committee accompanied by one person of their choice, they shall communicate to the Convenor of the Internal Complaints Committee the name of that person. Such a person



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

shall have only observer status and her/his presence during the proceedings shall be restricted to the testimony of the individual she/he is accompanying.

- xii) The identities of the complainant and all witnesses shall throughout be protected and kept confidential by the concerned Internal Complaints Committee.
- xiii) The complainant(s) and the defendant, 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 complainant and/or the defendant on her/his behalf has to be only a member of the University. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The complainant(s)/defendant should inform the Internal Complaint committee specifically if they wish to exercise this right. The Internal Complaints Committee may 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 parties concerned take these documents outside the office of the Committee Against Sexual Harassment.
- xiv) The complainant and the defendant 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 Internal Complaints Committee only. The defendant shall have no right to directly cross examine the complainant or her witnesses.
- xv) The defendant/complainant may submit to the Inquiry Committee, a written list of questions that he/she desires to pose to the complainant/witness. The Internal Complaint Committee shall retain the right to disallow any questions that it has reason to believe to be offensive , indecent, irrelevant, mischievous/ annoying, slanderous, derogatory or gender-insensitive. Any behaviour, verbal or otherwise, on the part of the defendant or his nominee, that is designed to intimidate or subject the complainant or her witnesses to mental and physical trauma, can lead the Committee to recommend disciplinary action against the defendant.
- xvi) All proceedings of the Internal Complaint 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.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

- xvii) All persons heard by the Internal Complaints 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.
- xviii) If the complainant goes public before filing the complaint with the internal complaint Committee Against Sexual Harassment; the same shall not prejudice the committee members. Once a complaint has been given to the Committee, the complainant should preferably not go public till the inquiry is completed, unless there are compelling reasons for her to do the same.
- xix) The members of the Internal Complaints Committee shall maintain confidentiality about the contents of complaint and inquiry proceedings.
- xx) If the complainant desires to tender any documents by way of evidence, the Internal Complaint Committee shall supply true copies of such documents to the defendant. Similarly, if the defendant desires to tender any documents in evidence, the Internal Complaints Committee shall supply true copies of such documents to the complainant.
- xxi) In the event that the Internal Complaints Committee thinks that supplementary testimony is required, the Convenor of the Internal Complaint committee shall forward to the persons concerned a summary of the proceedings and allow a time period of seven days to submit such testimony, in person or in writing, to the Inquiry Committee.
- xxii) Nothing precludes the Complaints Committee from taking cognizance of any new fact or evidence which may arise or be brought before it during the pendency of the Inquiry proceedings. If a new fact or evidence is brought to the notice of the Committee against sexual harassment after submission of the Inquiry Report to the appropriate disciplinary authority, then in the event of the constitution of the reconvened Inquiry Committee, at least half of the members of the Internal Complaints Committee shall be those who originally enquired into the said complaint.
- xxiii) The Internal Complaints Committee shall be sensitive to the covert, private and insidious nature of sexual harassment and shall take into account that often the aggrieved woman may not be able to submit/ present direct or corroborative evidence.
- xxiv) The Internal Complaints Committee shall not permit any evidence or examination based on the aggrieved woman's character, personal life, conduct, personal and sexual history.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

- xxv) The Internal Complaints Committee shall take note of the respective socio-economic positions of the parties, their hierarchy in the respective organisation / workplace, the employer-employee equations and other power differences while appreciating the evidence.
- xxvi) The Internal Complaints Committee shall, inform the complainant/s, that she may give her evidence in writing provided that she makes herself available for examination by the defendant on the same, unless the alleged victim of sexual harassment opts to give her evidence orally.
- xxvii) The Internal Complaints Committee shall inform the complainant/s that she may give her answers to questions of a sensitive nature in writing at the inquiry proceedings during cross examination.

(D) Inquiry Report

Period for Completion of “Inquiry”

The Inquiry shall be completed within reasonable period not beyond the period of 90 days from the date on which the Inquiry is commenced. In the event of any delay in completion of the inquiry the reasons for the same shall be recorded in writing.

Submission of “Inquiry Report”

On the completion of an inquiry, the Internal Committee as the case may be shall provide a report of its findings to the University/Competent authority within a **period of ten days from the date of completion of the inquiry and such report be made available to the parties concerned.**

The report of the Internal Complaints Committee shall be deemed to be an **inquiry report** under the Central Civil Services (Conduct) Rules, 1964 or any other rules governing the educational institution concerned.

The inquiry report shall specify the details of the charge(s) against the defendant, the statements made and evidence presented in the inquiry and a discussion of the reasons upon which the findings have been arrived at by the Inquiry Committee.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

No observations regarding the work and behaviour of either the complainant or defendant shall be made which are not related to the alleged act of sexual harassment. However, the Committee may consider as relevant any earlier complaints of sexual harassment against the defendant.

(E) Recommendations by Internal Complaints Committees

1. In case the Internal Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer/Competent authority that no action is required to be taken.
2. Where the Internal Committee, as the case may be, arrives at the conclusion that the allegation against the respondent has been proved, it shall make following recommendations to the Competent authority :

- (i) to take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, in such manner as may be prescribed;
- (ii) to deduct notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine.

For the purpose of determining the sum to be paid to the aggrieved woman, following shall be the basis:

- (a) the mental trauma, pain suffering and emotional distress caused to the aggrieved woman;
 - (b) the loss in the career opportunity due to the incident of sexual harassment;
 - (c) medical expenses incurred by the victim for physical or psychiatric treatment;
 - (d) the income and financial status of the respondent;
 - (e) feasibility of such payment in lump sum or in installments
- (iii) In case, where the University is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct the respondent to pay such sum to the aggrieved woman.
 - (iv) In case the respondent fails to pay the sum as determined, the University may forward, the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

3. The University/Competent authority has to act upon the recommendation within **sixty days** of the receipt of the same.

In case the Internal Complaints Committee, as the case may be, finds the degree of offence is coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the University for making a Police Complaint.

10. Action to be taken by Disciplinary Authority

- i) Upon receipt of the inquiry report the disciplinary authority will promptly act on the inquiry report. If the disciplinary authority disagrees with or wishes to modify the recommendations made by the Internal Complaints Committee it may do so by recording the reasons in writing. The same shall also be communicated in writing to the Internal Complaints Committee concerned.
- ii) A copy of the Inquiry Report shall be given by the disciplinary authority to the complainant and the defendant.
- iii) The disciplinary authority shall however take disciplinary action only after giving the defendant an opportunity to reply to the findings of the Internal Complaints Committee through an oral or written representation in accordance with the service rules and principles of natural justice.
- iv) The disciplinary authority **shall take disciplinary action within one month of receipt of the report from the** Internal Complaints Committee concerned.
- v) No person accused of an act of sexual harassment under this policy shall be part of the decision making process referred to in this section.

11. Prohibition on publication or making known contents of complaint and inquiry proceedings and the penalty for the same.

1. Notwithstanding anything contained in the Right to Information Act, 2005, (22 of 2005) the contents of the complaint made, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

2. proceedings, recommendations of the Internal Committee as the case may be, and the action taken by the University pursuant to the complaint of sexual harassment shall not be published, communicated or made known to the public, press and media in any manner.
3. However, information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.
4. Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of the policy, contravenes the above provisions he/ she shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

12. Punishment for false or malicious complaint and false evidence

1. Where the Internal Committee, as the case may be, arrives at a 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 University to take action against the woman or the person who has made the complaint of sexual harassment, as the case may be, in accordance with provisions of the service rules applicable to her or him or if no such service rules exist in such manner as may be prescribed.

It is to be noted here that a mere inability to prove the complaint or provide adequate proof need not attract action against the complainant under this clause. Further, it is necessary that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

2. Where the Internal Committee, as the case may be, arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document it may recommend to the employer of the witness, as the case may be, to take action in accordance with provisions of the service rules applicable to the said witness or where, no such service rules exist, in such manner as may be prescribed.



13. Duties of all Committees Against Sexual Harassment (CASH)

A. Preventive

Gender Sensitisation and Orientation

1. To work towards creating an atmosphere promoting equality, non discrimination and gender justice.
2. To promote and facilitate measures to create a work and study environment that is free of sexual harassment of women.
3. To publicise widely the policy against sexual harassment in Hindi, English and the language of the region where the Centre is located, especially through the prospectus, programme guide or other appropriate document and display the same on notice boards, website, offices and residential areas etc.
4. The ACASH shall publicise the phone numbers of the Security Office at the headquarters and create a 24 hour helpline from where calls can be forwarded to persons designated by ICASH.
5. Every recruitment/admission announcement must state: the University has a policy against sexual harassment and is committed to providing an environment free from sexual harassment of women at the workplace.
6. To regularly organize and carry out programmes for gender sensitization of the University members through workshops, seminars, posters, film shows, debates etc. It may enlist the help of specialized NGOs to carry out these programmes.
7. All new service /employment/consultancy or any other contract for work with any member of the University at all centres shall include the policy against sexual harassment as part of the contract.
8. Those already in service shall be asked to sign this Policy.
9. The Complaints Committee shall take **Suo Moto notice** of grave violations of the basic principles of gender sensitivity and gender justice on the campus.

B. Remedial

Inquiry

1. To receive and take cognizance of complaints made about sexual harassment of women at the workplace.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

2. To conduct inquiries into these complaints, place its findings before the disciplinary authority concerned and recommend penalties against the harasser in accordance with the rules and procedures as laid down.
3. To ensure the safety of the complainant and witnesses during the pendency of the inquiry and till the final determination of the complaint, by advising the authorities concerned to issue warnings, suspension or any other order, if the harasser harasses or intimidates the complainant or witnesses.
4. To make efforts to ensure that the complainants and the witnesses are not further victimised or discriminated against while it is dealing with the complaint. The Committee shall take action against anyone who threatens or intimidates the complainant or members of the committee. This may be in the nature of issuing a restraining order against the defendant or any other person/s.
5. To seek medical, police and legal intervention with the consent of the complainant.
6. To make arrangements for appropriate legal, psychological / emotional and physical support for the complainant if she so desires.
7. In the case of third party/ outsider harassment, with the consent of the aggrieved woman the University shall initiate action by making a complaint with the appropriate authority having jurisdiction over the offence. Further, the University and the Committee will actively assist and provide available resources to the complainant woman in pursuing the complaint.

C. Redressal

- i) RCCASH/ RSDCASH/ ICASH/ ACASH can ask for the suspension/ transfer of the alleged harasser from his official position, during the pendency of the inquiry if his presence is likely to interfere with the inquiry.
- ii) The victim of sexual harassment will have the option to seek transfer of the perpetrator or their own transfer where applicable.
- iii) The Head of the Institution upon receipt of the inquiry report shall refer the same to the Governing Body or any other appropriate body and institute disciplinary action on the basis of the recommendations of the Internal Complaints Committee against Sexual Harassment concerned.
- iv) The disciplinary action will be commensurate with the nature and impact of the sexual harassment.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

14. Guidelines for Internal Complaint Committees

- a) The Chairperson (woman) and members of the committee to be approved by the VC from the panels recommended.
- b) At least 50% of the members in each of these categories should be women.
- c) The term of each Committee shall be three years.
- d) In the event of the expiry of the term of a Internal Complaints Committee as the case may be against Sexual Harassment during the pendency of an Inquiry then for purposes of that complaint the Internal Complaints Committee will be regarded as a valid Committee, under this Policy and Service Rules, till the submission of the Inquiry Report to the disciplinary authority.
- e) A person shall be disqualified from being appointed, elected, nominated or designated as Internal Complaints Committee member, if there is any complaint concerning sexual harassment pending against him, or if he has been found guilty of sexual harassment/serious misconduct.
- f) In any complaint where the defendant is the Head of the Institution, the said complaint shall be enquired into by the ACASH.

15. Removal of the Internal Complaints Committee Members

The Presiding Officer or any member of the Internal Complaints Committee, as the case may be, shall be removed from the Committee in the following circumstances:

- (a) contravenes the provisions of clause 11 of this policy/rules; 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 him; or
- (c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- (d) has so abused his position as to render his continuance in office prejudicial to the public interest.

16. Appeal

- i) The complainant and the defendant shall have the right to appeal within 90 days if they are dissatisfied with the decision of the concerned Internal Complaints Committee Against Sexual Harassment or the disciplinary authority.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

- ii) An appeal against a decision of RCCASH/RSDCASH and ICASH shall lie before the ACASH.

17. Penalties

- 1) Any member of the University including academic staff, non teaching staff, student, service provider and resident, found guilty of sexual harassment shall be liable for disciplinary action.
- 2) The penalties listed below are indicative, and shall not constrain the University authorities from considering others, in accordance with the rules governing the conduct of all members of the University.

A. In the case of teachers/academic/administrative/ technical/ non teaching staff/ management, disciplinary action could be in the form of one or more of the following:

- i. Warning
- ii. Written apology
- iii. Bond of good behaviour
- iv. Gender sensitization
- v. Counselling
- vi. Adverse remarks in the confidential report
- vii. Debarring from supervisory duties
- viii. Denial of membership of statutory bodies
- ix. Denial of re-employment
- x. Stopping of increments/promotion
- xi. Reverting, demotion
- xii. Transfer
- xiii. Dismissal
- xiv. Withdrawal of residential facilities and prohibition from entry on the campus etc.
- xv. Any other relevant mechanism.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

B. In case of students, disciplinary action could be in the form of:

- i. Warning
- ii. Written apology
- iii. Bond of good behaviour
- iv. Gender sensitization
- v. Counselling
- vi. Debarring entry into a hostel/ campus
- vii. Withholding results
- viii. Debarring from exams
- ix. Debarring from holding posts
- x. Expulsion
- xi. Denial of admission
- xii. Any other relevant mechanism

(NOTE: The reasons for the action have to be provided in writing. Action will be taken against person(s) who try to pressurize the complainant in any way).

C. In the case of third party harassment/outsider harassment, or harassment by service provider the Centre/University authorities may issue:

- i) a warning, reprimand, or censure
- ii) a letter communicating his misconduct to his place of education, employment or residence
- iii) a declaration of the campus as out of bounds for him, and/or a bar on appearing for the entrance examination/ interview to any programme of study offered by the University
- iv) a letter for withdrawal of the right to run/manage/work in any commercial enterprise, or to provide services on the campus.

The person may be advised to undergo counselling and gender sensitisation, and to give a written and/or public apology to the complainant

Any other action as may be necessary.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

3). **Penalty in case of a second offence**

A second or repeated offence, may, on the recommendation of the Internal Complaints Committee Against Sexual Harassment concerned, attract an enhanced penalty.

4). Non-adversarial modes of redress and resolution could also be considered in appropriate cases. Examples of this may be verbal warning, verbal apology, promise of good behaviour, counselling etc.

18. Monitoring and Review

1. The RCCASH/ RSDCASH/ ICASH will send an Annual Report to the Apex Committee Against Sexual Harassment, detailing the work undertaken by them.
2. The ACASH will provide a brief annual report to the Vice Chancellor/Competent authority of all the complaints of sexual harassment monitored by it.
3. The annual report shall include:
 - i. the number of cases filed, if any and their disposal;
 - ii. number of cases pending for more than ninety days;
 - iii. number of workshops or awareness programme against sexual harassment carried out;
 - iv. Nature of action taken by the university.

These reports will be accessible to the University and its affiliated institutions only.

4. All records of complaints, complainants, witnesses, contents of the meetings, investigation, including reports, and other relevant information will be kept/maintained confidential except where disclosure is required under disciplinary or other remedial processes or under applicable laws.
5. The ACASH will organise a meeting once every year for all members of RCCASH/ RSDCASH/ ICASH to discuss their experiences on the functioning of the Committees.

19. Amendments to the Policy

On the basis of their experience of the working of the policy, the RCCASH/ RSDCASH/ ICASH will have the power to make recommendations to the ACASH about changes in the Policy/ Rules



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

and Procedure. The ACASH after adequate consultation with all committees, the RCCASH/ RSDCASH/ ICASH can make recommendations to the VC about changes in the Policy/Rules and Procedures, as and when required in keeping with the preamble and objectives of the policy.

20. Where sexual harassment amounts to criminal offence

Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code (45 of 1860) or under any other law; it shall be the duty of the Internal Complaints Committees as the case may be to immediately inform the complainant of her right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same.

Any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under this Policy.

21. Networking

- a) Internal Complaints Committees Against Sexual Harassment may liaison with School of Gender and Development Studies, School of Social Work and School of Law of the University particularly with respect to awareness, orientation, sensitization and other preventive work, as and when deemed necessary by the committees.
- b) If necessary, assistance may be sought from the VC, Pro VC, Directors of Schools and Divisions, Regional Directors and other similar persons in authority.
- c) Full time counsellors/social workers should be made available as support staff.
- d) Committees should also have the referral support of empathetic legal, psycho-therapy and health experts for ready first aid, consultation and guidance.
- e) They should establish networks with legal experts, legal aid centres, counselling centres, health centres, police stations, Crimes against Women Cells, Women's groups in the city and other organisations such as the National/State Commission for Women and National/State Human Rights Commission.



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

INDIRA GANDHI NATIONAL OPEN UNIVERSITY
INTERNAL COMPLAINTS COMMITTEE
(ACASH/ICASH/RSDCASH/RCCASH)

FORM 1

Proforma for Filing of Complaint(s) of Sexual Harassment

I COMPLAINANT

Name	
Age	
Sex	
Address	
Centre/ School/Division/Unit/Cell	
Phone Number	
Email	

II PERSON (S) AGAINST WHOM THE COMPLAINT IS BEING LODGED

Name	
Age	
Sex	
Address	
Centre/ School/Division/Unit/Cell	
Phone Number	
Email	

III PARTIES' WORKING RELATIONSHIP



INDIRA GANDHI NATIONAL OPEN UNIVERSITY

IV THE COMPLAINT

Description of the incident (should include date, day, timings and location of the incident(s))

V Additional details of the complaint may be attached

1. Enclosures
2. List of witnesses
3. Supporting documents , if any

Date:

Signature:

Place:

Name: