

## **ANNUAL REPORT- INTERNAL COMPLAINT COMMITTEE (ICC) - 2021**

In pursuance to Supreme Court and AICTE Directive, the Institute has constituted an Internal Complaints Committee (ICC) for Gender Sensitization and Complaints against Sexual Harassment. The committee shall address discriminatory behavior including Sexual Harassment that they observe or of which they become aware of. The committee will also advise remedial actions including punishment to the offender. Committee composition consists of representatives from faculty, staff, students and external NGO representative.

The ICC comprises of the following members:

1. Dr. Roma Puri – Presiding Officer
2. Professor Rachana Chattopadhyay – Member
3. Professor Tirthankar Nag – Member
4. Dr. Soni Agarwal – Member
5. Mr. Surendra Poddar – Member
6. Ms. Solanki Sengupta – Member
7. Ms. Abhisikta Chakraborty – Member
8. Student Representative
9. Mr. Arijit Dutta – Student Representative
10. Mr. Arjun Dutta – President, Calcutta Social Project, External Member from NGO
11. Ms. Karabi Bhattacharya Rao - Member

Details of the meetings of the committees held are as follows:

The meeting of ICC was held on August 16, 2021, at IMI Kolkata

### **Points discussed**

1. The Presiding Officer welcomed the members and briefed them about the background, composition, scope and objectives of the committee.
2. A copy of the AICTE Regulations applicable to all Institutes was circulated amongst the members and the Presiding Officer read out and discussed the important clauses relevant for the Institute.
3. It was decided that the earlier document compiled on Policy Against Sexual Harassment for IMI Kolkata needs to be re-drafted. After incorporating all suggestions from the committee members the below policy has been finalized.

## **Policy and Guidelines for the Internal Complaints Committee - IMI Kolkata**

### **1. Objective:**

- 1.1 As per Section 4 All India Council for Technical Education (Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Institutions) Regulations, 2016, ICC consisting of the following is reconstituted on April 18, 2019. The Act is an extension of the Vishaka Guidelines issued by the Supreme Court in 1997 and as per the Gazette of India notification Vaisakha 3, 1935 (SAKA), dated April 23, 2013, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.
- 1.2 This policy is meant to sensitize the employees about their fundamental right to have safe and healthy environment at their workplace and what conduct constitutes sexual harassment, the ways and means which we are adopting to prevent occurrence of any such event, and in the chance of an occurrence, to enable a fair mechanism for dealing with such conduct IMI Kolkata has constituted an Internal Complaint Committee (“ICC”). The Committee will act as a dedicated task force that can constantly monitor the existing (security) arrangements and suggest additional security measures to be put in place.

### **2. Scope**

The Prevention of Sexual Harassment Policy is applicable: -

- 2.1 To all employees of IMI Kolkata, which as per section 2 (f) of the Act, means any person who has been employed as regular, temporary, ad hoc or on daily wages basis either directly / through an agent / contractor (with/ without the knowledge of the principal employer, with or without remuneration / voluntary under express / implied terms of employment and shall include contract worker / probationer / apprentice / Executive Trainees / Management Trainees, etc. hereinafter defined as “Employees /Consultants”
- 2.2 On office premises and all areas which can be termed as notional extension of employer’s premises. It also includes 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. The incident is covered during / after office hours.
- 2.3 All the visitors & vendors associated with us & visiting any premises of the company, or whose premises our employees visit during the course of business. The ICC is required to enquire all Complaint made under the provisions of the Act and as per this Policy / guideline in just and fair manner and submit their report to the respective Employer (s), as the case may be. It is pertinent to mention that the Employer only has the right to punish any accused hereunder and ICC is an advisory body to meet the ends of justice. Any act of sexual behavior is included if such an act is perceived to be detrimental to a healthy and congenial work environment. This act is only applicable when both or either the alleged harasser i.e the Respondent (defined hereinafter) & a Person who has been subject to Sexual Harassment i.e the Complainant

(defined hereinafter) are employees / consultants of the company. In the event any employee experiences any act of sexual harassment at any place other than its workplace and / or extended workplace, the Employer is obligated to provide all the assistance, support and help to the said employee for redressal of his / her Complaint.

### **3. Guidelines**

It is mandatory on all employees / consultants to follow this policy and the guidelines formulated herein. Sexual Harassment at the work place will be deemed to be a violation/breach of terms of employment, and a criminal offence in addition to violation of gender equality guaranteed under the constitution.

### **4. Definition of Sexual Harassment:**

"Sexual harassment" includes any unwelcome sexually inclined behaviour, whether directly or indirectly, such as:

- Physical contact and advances
- Demand or request for sexual favours
- Sexually coloured remarks
- Showing any pornography, or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature where any of these acts is committed in circumstances where the Complainant has a reasonable apprehension that in relation to the Complainant's employment or work whether drawing salary, or honorarium or voluntary, whether in public or private enterprise such conducts can be humiliating and may constitute a health and safety problem. This list is illustrative and not exhaustive and applicable irrespective of gender.

### **5. Definitions for reference:**

**Complainant:** can be a person who has been subject to Sexual Harassment and / or any Person reporting an incident of Sexual Harassment. A third party can also be a Complainant, however, a written Complaint from the Person who has been subject to Sexual Harassment is mandatory to be filed with the ICC as the case may be.

**Respondent:** The person who is alleged/reported to have committed an act of Sexual Harassment.

### **6. Preventive Measures**

6.1 IMI Kolkata had conducted a few workshops on Sensitization on Sexual Harassment of Women at Workplace on December 1, 2016, and on November 18, 2020. The Committees had decided to meet regularly. Minutes of the Meeting ("MoM") of the same will be prepared and submitted on a by-yearly basis / as decided by the Committee to the Employer. The quorum for the meeting of the Committee would constitute at least three members present in person or at least fifty percent of the total members of the Committee whichever is higher.

6.2 At the end of every calendar year an annual report containing all the details like the number of complaints filed, the stage of each Complaint and the number of Complaints redressed will be prepared and furnished by the respective Employer, should be reported in their annual report.

6.3 Sensitization programmes / workshops would be organized, meetings would be convened for all employees as well as special meetings to be conducted with only the women employees by the ICC on a regular basis in order to do the following:

- a) To sensitize employees about their right to have safe and healthy work environment
- b) To spread awareness about same either by way of publication, advertisement or by convening meetings
- c) To discuss with women employees on general issues involving challenges faced by them at workplace, if any and workshops on various aspects of the Act
- d) Increase awareness amongst employees and overcome the hesitation and discomfort in discussing issues involving Sexual Harassment at work place by convening meetings so that employees can come up in open and share their views and ideas;
- e) The Committee would also assist Complainants if required to file a Complaint

6.4 Introduce a system to record names of employees who have to stay late (beyond 8PM) in office with reasons. Security on duty needs to visit the workplaces every half an hour post 8 PM.

6.5 Maintain records of all sexual harassment cases and findings

6.6 Display penal provisions of sexual harassment

## **7. Reporting of Sexual Harassment Complaints**

Any aggrieved person who feels / presumes that he / she has been subject to sexual harassment by a person, including a supervisor, manager, employee of other organisation or vendor by way of any action or words should immediately report or complain the incident to the ICC as set forth below as the case may be or to any member of ICC within three months from the date of occurrence of the said incident and in case of a series of incidents within a period of three months from the date of the last incident. Delay in reporting makes it more difficult to establish the facts of a case and may contribute to the repetition of offensive behavior. If a Complaint cannot be made in writing, any member of the ICC as the case may be shall render all reasonable assistance to the aggrieved person for making the Complaint in writing.

## **8. What are the possible actions that can be taken against the respondent?**

- Warning
- Written apology
- Bond of good behaviour
- Adverse remark in the Confidential Report
- Stopping of increments/promotion
- Suspension
- Dismissal
- Any other relevant actions

## **9. Complaint Mechanism**

- 9.1 A person who has been subject to Sexual Harassment may make in writing a Complaint email to [chairperson.icc@imi-k.edu.in](mailto:chairperson.icc@imi-k.edu.in) of sexual harassment at the workplace to the Committee within a period of three months from the date of incidence and in case of series of incidences within a period of three months from the date of the last incidence. Provided that where such Complaint cannot be made in writing, the presiding Chairperson or any member of the ICC or the chairperson shall render all reasonable assistance to the Complainant for making the Complaint in writing.
- 9.2 If the Committee is satisfied that the circumstances were such that prevented the Complainant from filing the Complaint within the said period they can extend the time limit not exceeding three months.

## **10. Confidentiality**

The company will do everything consistent with the enforcement of this policy and with the law to protect the privacy of the individuals involved and to ensure that the Complainant and the Respondent are treated fairly. Information about individual Complaints and their disposition is considered confidential and will be shared only on a “need to know” basis. However, the ICC members and / or Employer shall not be held responsible under the present confidentiality clause in the event the Complaint is filed by a third party and / or material facts with regard to Complaint are already known to other persons / individuals. Further, once the Complaint is redressed by the ICC, as the case may be the Employee should share the information with all employees with regard to the filing, redressal and disposal of the Complaint in a fair and timely manner without disclosing name of the Complainant and Respondent.

## **11. Conciliation and Settlement**

Before initiating an inquiry, the ICC may, at the request of the aggrieved person, take steps to arrive at a settlement between the parties. However, no monetary settlement can be made as the basis of such conciliation (Sec. 10(1))

## **12. Inquiry process:**

- 12.1 A timely enquiry of Complaints of sexual harassment is of utmost importance. Normally, the enquiry shall be concluded and acted upon at the earliest from the date of the Complaint being made in writing.
- 12.2 The ICC, as the case may be will conduct an enquiry and provide an opportunity to the Complainant as well as the Respondent to represent their case and explanations/ reasoning thereto.
- 12.3 In the event any Complaint is received, the following procedure shall be followed by the ICC:
- a) An enquiry is initiated through the members of ICC, as the case may be as advised by the Chairperson at the earliest after receiving the Complaint in writing / email.

- b) The enquiry seeking detailed information / explanation/ reasoning will be conducted with the complainant as well as Respondent independently by the ICC.
- c) The enquiry proceedings convened by ICC should always be minuted and / or video recorded and same to be saved and maintained for records by the ICC as the case may be. The proceedings of the enquiry (while the witness makes his/ her submission) should be recorded on camera.
- d) On submission of report the ICC shall consider the report at the earliest and, on being satisfied with the need, may order full enquiry into the Complaint.
- e) It is important to mention herein that the ICC on receipt of any Complaint from the Complainant should upfront seek his / her expectation from the ICC with regard to Complaint and the ICC should also brief the Complainant about the option of conciliation available to him / her with the Respondent, if so desired by the Complainant. However, once the enquiry is initiated the option of conciliation cease to exist.
- f) The ICC will study the findings and shall then proceed to deal with the Complaint by the Policy and the Act and redress the Complaint within ninety (90) days from the date of receipt of the Complaint and accordingly submit its detailed finding and advise in connection with the Complaint to the respective Employer, as the case may be.
- g) However, the ICC may close the enquiry and / or is not required to initiate same in the event the Complainant fails to appear before the ICC and / or fails to revert to the query(s) raised by the ICC for three consecutive events. The ICC shall record the reasons for the closure of the Complaint accordingly. Further, in the event, the Respondent deliberately avoids his / her appearance before the ICC, the employer or any person so appointed by the employer should direct / instruct the Respondent to appear before the ICC.
- h) Thereafter, the ICC will present the decision including the handover of all the collected material i.e. the duly signed statement of the Complainant, Respondent, witnesses, involved parties and material objects if any along with a recommendation to the HR head of the respective business.
- i) In the event that there are no eyewitnesses, the ICC may have to resolve a sexual harassment claim based on the credibility of a minimum of 9 members of the committee. Circumstantial evidence also would play an important role during the decision-making process by the Committee.
- j) The employer may seek clarification from the ICC on the recommendation and will implement the same.
- k) The final decision shall be communicated to the Complainant and the Respondent.
- l) An enquiry in connection with any Complaint may be initiated / continued irrespective of the fact that police proceeding has also been initiated in connection with the said Complaint.

12.4 However, no monetary settlement shall be made as a basis of conciliation.

### **13. Procedure of Submission**

The enquiry Committee / Member/s of the Committee should be prepared to deal with the Complainant's embarrassment and anger by patiently, but firmly, explaining the detail and documentation that are needed for an accurate enquiry.

- 13.1 The Complainant should be interviewed first, to ensure that all-important details and witnesses are identified promptly and if any material object is provided the same should be received, numbered and preserved.
- 13.2 It is important for the ICC to be objective and non-judgmental and allow the Respondent to respond to each allegation. The ICC should inform the Respondent of the type of disciplinary action that may be taken if the Complaints are found to be true.
- 13.3 Both parties should be told to avoid contact with one another, and ways to minimize contact should be implemented.
- 13.4 In the event the Complainant has filed a Complaint against his / her reporting manager or any person placed high on hierarchy then during the course of enquiry the Complainant may:
- a) Either seek a transfer;
- OR
- b) Take leave from employment for a maximum period of 3 months.
- 13.5 The Complainant should report any further incidents of harassment or retaliation during the continuance of enquiry.
- 13.6 Witnesses should be told as little as possible about the details of the Complaint in order to maintain confidentiality under the Policy.

#### **14. Professional Consequences of Violation of the Policy**

- 14.1 Any employee, supervisor or manager who is found to have violated the harassment policy (whether sexually harassing another employee of opposite sex or the same sex or if any person falsely accuses another person of sexual harassment) shall be subject to appropriate disciplinary action.
- 14.2 In the event any criminal proceedings are to be initiated the matter may be referred to Group Head Legal or such other person as may be authorized by the Employer. The organization shall not tolerate any form of retaliation against employees for bringing bonafide Complaints or providing information about harassment.
- 14.4 However, as per the findings of the enquiry of a Complaint it is found out that the Complaint was false or was made with a mala fide intent, the Complainant may be subject to disciplinary actions, up to and including termination.
- 14.5 If any act of sexual harassment occurs as a result of an act or omission by any third party or outsider, the respective Employer will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

#### **15. Conclusion**

At IMI Kolkata, we endeavor to provide a conducive and healthy work environment where the relationship amongst the employees as well as with the Employer are cordial and supporting in all aspects, so that each employee shall have an enriching experience. The objective of this policy is to ensure our employees that IMI Kolkata is determined to provide them excellent, comfortable, safe and healthy work environment, so that they can come out with their best in all facets.

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