

ST ANTHONY'S COLLEGE, SHILLONG

INTERNAL COMPLAINTS COMMITTEE (ICC)

Email: icc@anthonys.ac.in

Contact Nos: 9436333079 / 8798383644 / 6009735139

WORKING POLICY

St Anthony's College is committed to creating a healthy and safe working environment that enables students and staff to work without fear of discrimination, unwelcome and offensive behaviour, gender bias and sexual harassment. The institution condemns all kind of sexual harassment and aims at protecting the rights of women against sexual harassment and the right to work with dignity towards this end.

The Policy has been framed to effectively prevent/prohibit and redress any incident of sexual harassment against women and to enforce strong disciplinary action in the face of any such occurrences. Any form of sexual harassment whether overt or covert is therefore unacceptable and regarded as misconduct as per this Policy. This policy explicitly prohibits sexual harassment at work place or off site, either during or in connection with activities related to work. The Institution will take action consistent with its disciplinary and grievance procedures against any student/staff/employee found to have breached this Policy. The Institution will also take steps to comply with any specific domestic laws relating to this issue.

This policy is in line with the **University Grants Commission (Prevention, Prohibition and Redressal of sexual harassment of women employees and students in higher education institutions) Regulations, 2015**. Consequently, the complaint mechanism and reliefs as per this Policy are primarily focused on women. This Policy is non-statutory with respect to persons other than women. However, we are committed to provide a safe environment for every individual irrespective of their gender and sexual orientation and persons who do not fit in binary categories of woman and men (intersex) and will provide the same due process to all employees who experience sexual harassment at workplace.

Objectives of the ICC

The main objectives of the ICC are:

1. To foster a healthy working environment free from sexual harassment and gender discrimination for all female staff, employees, and students.
2. To address incidents of sexual harassment of women at workplace and recommend measures for promoting gender equality.
3. To ensure fair and timely resolution of sexual harassment complaints.

4. To enhance awareness of sexual harassment through educational programs and the creation of a safe environment.

Scope of the ICC

The policy applies to all those female staff both teaching and non teaching, contractual, regular, temporary and all female students.

Functions of the ICC

The functions of the ICC are primarily to:

1. provide a platform for filing complaints and to expedite the resolution.
2. provides an environment where the aggrieved person is given the confidence to air their grievances without fear of bias and criticism.
3. empower the female members of the college by making them aware of their rights and the different methods available under the legal system to redress their grievances.
4. conduct seminars and lectures by domain specialists to eliminate violence, harassment/ sexual abuse of women and students in the institutions, to provide equal opportunities for them, and to educate men to treat women with the dignity and respect they rightly deserve as co-equal partners in the Institution.

Any aggrieved party may submit their written complaints to the ICC. In order to quickly address complaints, the ICC holds meetings on a regular basis. Any complaint to the ICC filed by an individual/group of individuals which has been proven to be false or frivolous will result on a substantial fine which shall be imposed on the complainant or complainants and the quantum of the fine shall be recommended by the members of the ICC to the competent authority.

Definitions

For the purpose of the functioning of the ICC the followings definitions have been taken into consideration according to the **Regulation-2 of the University Grants Commission (Prevention, Prohibition and redressal of Sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.**

Sexual Harassment:

(i) An unwanted conduct with sexual undertones if it occurs or which is persistent and which demeans, humiliates or creates a hostile and intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and includes any one or more or all of the following unwelcome acts or behaviour (whether directly or by implications), namely:

- (a) Any unwelcome physical, verbal or non-verbal conduct of sexual nature
- (b) Demand or request for sexual favours
- (c) Making sexually coloured remarks
- (d) Physical contact and advance
- (e) Showing pornography.

(ii) Any one (or more than one or all) of the following circumstances, if it occurs or is present in relation or connected with any behaviour that has explicit or implicit sexual undertones-

- (a) implied or explicit promise of preferential treatment as quid pro quo for sexual favours
- (b) implied or explicit threat of detrimental treatment in the conduct of work
- (c) implied or explicit threat about the present or future status of the person concerned
- (d) creating an intimidating offensive or hostile learning environment
- (e) humiliating treatment likely to affect the health,safety dignity or physical integrity of the person concerned.

Students:

"**Students**" means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programmes in a HEI; Provided that a student who is in the process of taking admission in HEIs campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of that HEI, where any incident of sexual harassment takes place against such student;

Provided that a student who is a participant in any of the activities in a HEI other than the HEI where such student is enrolled shall be treated, for the purposes of these regulations, as a student of that HEI where any incident of sexual harassment takes place against such student;

Workplace:

"**workplace**" means the campus of a HEI including-

- (a) Any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate HEIs;
- (b) Any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for. Training, sports or other activities relating thereof in HEIs;
- (c) Any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the Executive Authority such journey for study in HEIs'.

Complaint Mechanism

An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of a series of incidents within a period of three months from the date of the last incident. Where the complaint cannot be made in writing, the Presiding Officer or the Members of the ICC shall render all reasonable assistance to the person for making the complaint in writing.

Composition of the ICC

The ICC shall include the following:

1. A Presiding Officer who shall be a woman faculty member employed at a senior level

nominated by the Executive Authority.

2. Two teaching faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Executive Authority.
3. Three students who are enrolled at the Undergraduate and Post-graduate courses of the college and elected through transparent democratic procedure.
4. One member from amongst non-government organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, nominated by the Executive Authority.

A quorum of 5 members is required in the committee for the proceedings to take place.

Procedure for Complaints

The aggrieved person is required to submit a written complaint to the ICC about the incident that indicates the person indulging in the sexually offensive behaviour, that the behaviour is unwelcomed, and specifically ask the respondent to stop the behaviour. Where the aggrieved person feels that they cannot ask the respondent to stop the offensive behaviour, or in spite of having done the same, the behaviour continues, they may ask for the behaviour to be dealt with under the grievance procedure. The aggrieved person shall keep a written record of dates, time, details of the conduct and witness if any. Each complaint should at the minimum be specific with regards to following points:

- (i) Nature of sexual harassment.
- (ii) Identity of the person/s who is/are involved in the act/s of sexual harassment.
- (iii) Facts and circumstances in support of the complaint.

The aggrieved person can inform and approach any member of the ICC with a written complaint, supporting documents and the list of witnesses within a period of 3 months from the date of the incident/s.

When the complaint is received, the ICC will promptly investigate the matter in a fair and expeditious manner. In the event of a written complaint received by the ICC, it shall look into it within 10 working days of receipt of the complaint. In case of the complaint received by the management/ department/ or any other person in the college; it shall be immediately handed over to the ICC. Irrespective of whether the aggrieved person opts to initiate criminal proceedings under the IPC, the ICC shall be bound to initiate and conduct proceedings as laid out under the guidelines of the **University Grants Commission (Prevention, Prohibition and redressal of Sexual harassment of women employees and students in higher educational institutions) Regulations, 2015.**

The ICC shall hand over the written statement of charges to the person against whom complaint is made and give the respondent an opportunity to submit a written explanation within 7 working days of receipt of the same.

At the commencement of the inquiry, the ICC members shall explain to both the aggrieved person and the respondent the procedure which will be followed in the inquiry. The inquiry shall be conducted in line with the principles of natural justice.

The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, within sufficient cause/time to present themselves for three consecutive hearings convened by the ICC. Such decision can be taken by the ICC by giving notice of 15 days in advance.

The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.

Conciliation

The first step by the ICC will be to make attempts to resolve the raised issue through mutual discussion between the aggrieved person and the respondent. The mutual discussion will be considered based on the gravity of misconduct as construed by the aggrieved person and their consent to adopt the conciliation process.

On the request of the aggrieved person, within 30 working days after the 1st meeting, the ICC after making sure that the aggrieved person is not opting for conciliation under any force / threat will take steps towards settling the matter between the aggrieved person and the respondent. This will be done through the process of separate and joint meetings. Conciliation will be completed within 50 days of initiation of the conciliation process. During the process of conciliation the ICC will endeavour to resolve the matter and reach amicable resolution by means of meetings and discussions. No monetary settlement shall be made on the basis of the conciliation.

The ICC will record the terms of settlement acceptable to the aggrieved person and the respondent and file a closure report. Copies of the settlement shall be provided to the aggrieved person and the respondent. All persons involved in the conciliation will maintain the dignity and confidentiality of the persons involved. The aggrieved person will have the right to withdraw from the conciliation process by stating the reasons for withdrawal to the ICC. (Withdrawal is not allowed after commencement of inquiry, as we are operating under law - respondent's credibility/image/ is at stake and they need to get an opportunity to prove their innocence).

Post the conciliation process, after the settlement is arrived, the ICC will not do further enquiry on the complaint.

If the conciliation does not stop the behaviour and / or if any of the terms mentioned in the settlement are not complied with, the ICC shall proceed to impose such disciplinary action as it deems fit.

Recommendations

During the course of the inquiry the ICC for that period may recommend to the Management on its own and / or at the written request of the aggrieved person to grant the interim recommendations:

1. Transfer either the aggrieved person or the respondent.

2. Suspension of the respondent/witness or any other party involved from work.
3. Grant leave to the aggrieved person (this leave would be in addition to the one they are already entitled).
4. Restrain the respondent from reporting on the work performance or confidential report of the aggrieved person and assign the same to another officer.
5. Person charged with sexual harassment to be kept away from work/ or sent on transfer till the time such enquiry is completed to avoid tampering of documents, pressure on the witnesses and the aggrieved person.
6. Any other disciplinary action as the ICC and Management of the Institutions thinks fit.

The ICC on charges proved against the respondent shall make following recommendations to the management:

- (i) Initiate disciplinary action against the respondent in accordance with the policy and guidelines.
- (ii) Initiate any other disciplinary action against the respondent as the ICC and Management of the Institution deem fit.

Disciplinary Action

The disciplinary action shall be recommended by the ICC and will be imposed by the Management based on severity of harassment and its impact on the aggrieved person. It could be either one or combined actions as given below:

- a) Verbal Warning
- b) Verbal Apology
- c) Written Apology
- d) Written Caution
- e) Written Warning
- f) Warning and taking a written bond of good conduct
- g) Reprimand or censure
- h) Withhold promotion till such period mentioned
- i) Withhold pay rise or increments of pay till such period mentioned
- j) Termination from service
- k) Undergo counselling session
- l) Perform Community service.

False and Malicious Complaints

The Institution is strongly opposed to misuse of this Policy. Therefore, both the aggrieved person and the respondent must be prepared to go through a fair process of inquiry by the Complaints Committee.

In case the ICC comes to a conclusion that the complaint is found to be done and supported with malicious intent by the aggrieved person and witnesses respectively, done and supported knowing that it is false or if the aggrieved person and/or witnesses produced forged or misleading document/s, the ICC will recommend suitable action to the Management to prevent recurrence so that others are deterred from raising complaints in bad faith. The aggrieved person and/or witnesses will be liable for appropriate disciplinary action by the college Management.

However, mere inability to substantiate a complaint or provide adequate proof will not mean that the complaint is false. Malicious intent on the part of the complainant and witnesses shall be established after an enquiry by the Management as per the code of conduct of the Company before any action is recommended against them.

Confidentiality

Publication, communication or information to public and media in any manner about contents of the complaint, identity and addresses of the aggrieved person, respondent and witnesses, information related to conciliation or enquiry proceedings, recommendations by the ICC, and action taken by the employer shall not be done and shall be treated as confidential. Information may be disseminated regarding justice to aggrieved persons under this Policy without disclosing name, address, identity, or any other particulars leading to identification of the persons involved.

The college shall take appropriate disciplinary actions on any person who violates the confidentiality obligation under this policy.

Conclusion

The Institution is committed to the implementation of the objectives of the guidelines and the directive of the UGC regulation as per the policy against sexual harassment in the institutions.

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SOP FOR HANDLING COMPLAINTS

The Internal Complaints Committee (ICC) of St. Anthony's College, Shillong, Meghalaya was constituted in August 2024 as per the **University Grants Commission (Prevention, Prohibition and redressal of Sexual harassment of women employees and students in higher educational institutions) Regulations, 2015**, to prevent and address issues related to sexual harassment, discrimination, and other workplace misconduct for women in the institute.

According to the UGC Regulation 2(k), “**sexual harassment**” includes anyone or more of the following unwelcome acts or behaviour (whether directly or by implication), namely:

- (a) Physical contacts or advances
- (b) Demand or request for sexual favours
- (c) Making sexually coloured remarks
- (d) Verbal or non-verbal conduct of sexual nature
- (e) Showing pornography.

The Standard Operation Procedures (SOP) of the ICC are aligned with the provisions outlined in Sections 5,6,7 and 8 of the UGC Regulations. The ICC conducts its procedures in strict adherence to the applicable Regulations.

Steps involved in handling complaints are as follows:-

1. **Registration:** Complaints can be lodged in writing to the ICC through email or hard copy within 3 months from the date of the incident.
2. **Preliminary Inquiry:** Upon receipt of a complaint, the ICC shall conduct a preliminary inquiry to determine the prima facie (based on the first impression) validity of the complaint.
3. **Mediation/Conciliation:** When appropriate and with the consent of both parties, the ICC may facilitate mediation or conciliation to resolve the matter amicably.
4. **Investigation:** If negotiation is not feasible or if the complaint warrants further investigation, the ICC shall initiate a formal investigation following the principles of natural justice.

5. **Report and Recommendations:** The ICC shall prepare a report of its findings and recommendations for action, which may include disciplinary measures, counseling, or other interventions.
6. **Follow-up:** The ICC shall monitor the implementation of its recommendations and provide support to the complainant as needed.

Confidentiality:

All information related to the complaints including the identity of the complainant and respondent, shall be kept confidential to the fullest extent possible.

Review and Evaluation:

- The effectiveness of the ICC shall be periodically reviewed by the Institution's Authority, and necessary modifications or enhancements shall be made on feedback and evaluation.
- The ICC shall maintain annual reports detailing the activities, complaints received and outcomes.

This SOP framework is designed to align with the UGC guidelines and ensure a transparent, fair, and effective mechanism for addressing complaints of harassment and discrimination against women within the institution.

Members of the ICC

Sl. No.	Name	Designation under ICC
1	Dr. Bashida Massar	Presiding Officer
2	Mrs. Arlene Kharnongrum	Faculty Member
3	Dr. Thywill Susngi	Faculty Member
4	Mrs. Carolyne Joyce Thabah	Member, Non-Teaching Staff
5	Mr. Stadsing Khongrymmai	Member, Non-Teaching Staff
6	Mrs. Felicia Pariat	NGO Representative
7	Mrs. Lydia Bang	NGO Representative
8	Ms. Elizabeth Lyndem, Female Student Co-ordinator, UG	Student Representative
9	Mr. Lurshai Marboh, Male Student Co-ordinator, UG	Student Representative
10	As elected, Student Female PG Scholar	Student Representative

Dr. Bashida Massar
Presiding Officer

Fr. Arcadius Puwein, SDB, Ph.D
Principal

Principal
St. Anthony's College
Shillong - 793001
Meghalaya - India