


**Babu Banarasi Das Institute of Technology and Management**
Sector-1, Dr. Akhilesh Das Nagar, Faizabad Road, Lucknow

# INTERNAL COMPLAINT COMMITTEE POLICY

Managed By : Babu Banarasi Das Institute of Technology & Mgmt., Lucknow
Approved By : All India Council for Technical Education, New Delhi
Affiliated To : Dr. A. P. J. Abdul Kalam Technical University, Lucknow

# INTERNAL COMPLAINT COMMITTEE

## 1. Introduction

Under the Sexual Harassment of Women at Workplace Act, 2013, the University Grants Commission has notified the UGC (Prevention, Prohibition and Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015, making the constitution and functioning of the Internal Complaints Committee (ICC) mandatory.

As per the guidelines of the All India Council for Technical Education and the Approval Process Handbook, all AICTE-approved institutions are required to constitute an Internal Complaints Committee (ICC) in compliance with the POSH Act, 2013.

This policy is formulated in accordance with the AICTE (Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Institutions) Regulations, 2016 (vide No. F. AICTE/ WH/ 2016/ 01 dated 10th June, 2016) governing the constitution of the Internal Complaint Committee.

## 2. Objectives of the Policy

In pursuance of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the Rules framed there under, the Institute has constituted an Internal Complaints Committee (ICC) with a view to preventing and addressing sexual harassment against women employees and students. The role of the ICC is to act as an Inquiry Authority on complaints of sexual harassment, examine cases, and upon completion of the inquiry, submit a report with recommendations to the Head of the Institute.

The objective of this policy is to fulfill statutory obligations under UGC and AICTE regulations, provide a mechanism for prevention and redressal of complaints, and ensure gender equality and safety within the campus. The Institute is committed to creating awareness, encouraging reporting of complaints, and ensuring that victims receive timely support and justice.

## 3. Definition of Sexual Harassment

Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or verbal, non-verbal, or physical conduct of a sexual nature. It also includes sexually colored remarks, jokes, messages, and gestures, staring, stalking, or showing inappropriate content that creates an uncomfortable environment. Any behavior that interferes with work or academic performance or creates an intimidating, hostile, or offensive environment is considered sexual harassment.

Sexual assault or physical contact without consent also falls under sexual harassment. Discriminatory or derogatory comments based on gender identity or sexual orientations are also considered sexual harassment. Such acts are strictly prohibited and punishable under Institute policy and law.

## 4. Jurisdiction

**The rules under this policy shall apply to the following cases of sexual harassment:**

- Complaints made by a member of the Institute against another member, whether the incident occurred within or outside the campus.
- Complaints made by an outsider against a member or by a member against an outsider, if the incident occurred within the campus.

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- Complaints made by a member against an outsider for incidents outside the campus; in such cases, the ICC will recommend appropriate legal action and assist the complainant.

**In the above the following definitions will apply:**

- **Members of the Institute:** Students, teaching staff, and non-teaching staff.
- **Students:** Regular and ex-students of the Institute.
- **Teachers:** Full-time, part-time, ad-hoc, visiting, or research staff.
- **Non-Teaching Staff:** Administrative staff, contract workers, and daily wagers.
- **Resident:** Any person residing in Institute accommodation.
- **Outsider:** Any person who is not a member or resident of the Institute.
- **Campus:** Includes classrooms, offices, hostels, labs, sports grounds, canteens, and all Institute premises.

## 5. Constitution of ICC

- The Chairperson of the Committee shall be a senior woman faculty member of the Institute.
- The Committee shall include at least two teaching members and two non-teaching members, preferably committed to the cause of women or having experience in social work or legal knowledge.
- The Committee shall include at least three student members representing Undergraduate, Postgraduate, and Research levels.
- One external member shall be included from a non-governmental organization (NGO) or an association committed to the cause of women or a person familiar with issues relating to sexual harassment.
- Senior administrative officers (such as Director, Registrar, etc.) shall not be members of the ICC in order to ensure the autonomy and impartial functioning of the Committee.
- The term of office of ICC members (except student members) shall be three years. Student members shall serve for a period of one year.
- Complaints of sexual harassment may be submitted to any ICC member, and the member receiving the complaint shall forward it to the ICC for necessary action.

## 6. Guiding Principles of ICC

- **Confidentiality:** All complaints, identities of the complainant, respondent, witnesses, and inquiry proceedings shall be kept strictly confidential.
- **Non-Coercion & Interim Relief:** The respondent shall be prohibited from contacting the complainant or witnesses after the complaint are filed. Any violation shall be treated as a serious offence and may lead to disciplinary action.
- **Fair Policy:** All ICC inquiries shall follow a fair, impartial, and transparent procedure, including complaint filing, examination of witnesses, and submission of the final report.
- **Education & Redressal:** The Institute follows a zero-tolerance policy against sexual harassment. The primary objective of the ICC is to ensure immediate action, prevention of harassment, and proper redressal of complaints.
- **Ethics for Research Supervision:** Professional boundaries shall be maintained between students and supervisors. Meetings shall be held during office hours in official spaces only. Any complaint against a supervisor shall be reported to the ICC for appropriate action.

## 7. Powers and Duties of ICC (Preventive & Remedial)

**Preventive:**

- To ensure a safe and harassment-free environment in the institute.
- To promote equality and gender justice.

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- To widely publicize the sexual harassment policy, ICC member details, and contact numbers through the website and notice boards.
- To organize gender sensitization programs such as workshops, seminars, posters, film shows, debates, and awareness activities.

**Remedial:**

- To provide a safe and accessible mechanism for registering complaints.
- To receive complaints, conduct inquiries, and provide necessary assistance and redressal to the complainant.
- To recommend appropriate disciplinary action and ensure follow-up action is taken.
- To advise authorities to issue warnings or take legal action if required, with the complainant's consent.
- To arrange medical, legal, police, and psychological support for the complainant if needed.

**8. Procedure for Registering Complaints**

- Complaints should normally be submitted by the complainant in person to the ICC. In exceptional cases, complaints may be submitted by a third party or witness in writing, via email, or through the Institute website. In such cases, the ICC shall verify whether the complainant wishes to file a formal complaint before proceeding further.
- The complainant may be accompanied by a representative while submitting the complaint or during the proceedings.
- The Director or any competent authority may also refer any complaint to the ICC for appropriate action.

**9. Enquiry Procedures**

- All complaints received by any ICC member shall be recorded and reported to the Chairperson, who shall convene a meeting of the ICC to initiate the enquiry process.
- The ICC shall maintain strict confidentiality during and after the enquiry proceedings, as per the provisions of the policy.
- Upon receipt of a complaint, the ICC shall first establish a prima facie case. If the complaint is not pursued, the reasons shall be recorded in writing and communicated to the complainant.
- If a complaint is filed by another person on behalf of the complainant, the ICC shall investigate the matter to determine whether intervention or assistance is required.
- During the enquiry, the complainant and the respondent shall be called separately to ensure a fair, impartial, and intimidation-free environment. The complainant may be accompanied by one representative.
- The ICC shall submit its report along with recommendations to the competent authority within one month from the completion of the enquiry, and the entire enquiry process shall normally be completed within three months.
- In special circumstances, the matter may be referred to higher authorities for appropriate action.
- The Institute shall follow the guidelines of the All India Council for Technical Education, the University Grants Commission, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and related rules.

**10. Punishment / Disciplinary Action**

- If the allegations of sexual harassment are proved, the ICC shall recommend appropriate disciplinary action to the competent authority based on the severity and nature of the offence. The disciplinary action may include one or more of the following:
- Written warning or apology from the respondent.

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- Reprimand or censure.
- Withholding of promotion, increment, or scholarship/fellowship.
- Suspension from duties or classes.
- Transfer to another department/hostel/campus.
- Debarment from holding any administrative position.
- Termination of employment or expulsion from the Institute.
- Any other action as per the service rules, student conduct rules, and provisions of the Sexual Harassment of Women at Workplace Act, 2013.
- The Institute may also recommend counseling, gender sensitization training, or community service as corrective measures in appropriate cases.

**11. False Complaint Clause**

If the ICC concludes that the complaint was made with malicious intent or false evidence was provided, appropriate disciplinary action may be taken against the complainant in accordance with the rules of the Institute and the provisions of the Act. However, inability to substantiate a complaint or provide adequate proof shall not be treated as a false complaint.

**12. Appeal Process**

- Any person aggrieved by the recommendations or decision of the ICC may file an appeal to the Appellate Authority of the Institute within **90 days** from the date of the recommendation/report.
- The Appellate Authority may review the findings and recommendations of the ICC and pass appropriate orders in accordance with the rules and applicable laws.
- The decision of the Appellate Authority shall be final and binding on all parties.
- The appeal process shall be conducted in a fair, impartial, and confidential manner.

**13. Conclusion / Commitment Statement**

The Institute is committed to providing a safe, secure, and gender-sensitive environment for all employees and students. The Internal Complaints Committee (ICC) shall work towards the prevention, prohibition, and redressal of sexual harassment in accordance with the Sexual Harassment of Women at Workplace Act, 2013, UGC Regulations, and AICTE guidelines. The Institute shall organize awareness programs, ensure timely redressal of complaints, and maintain confidentiality and fairness in all proceedings. This policy reflects the Institute's commitment to gender equality, dignity, and a safe academic and working environment.

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