



Dr. Farooq Ahmed
PRINCIPAL

OFFICE OF THE PRINCIPAL GOVERNMENT DEGREE COLLEGE NOWSHERA, RAJOURI-185151

NAAC Accredited Grade “B+”

Website: www.gdcnowshera.co.in

E-Mail: prl.gdcnowshera@jk.gov.in

Phone/Fax: +91-01960-230323 (O)

Mobile No.: 9419256701 (O)

INTERNAL COMPLAINTS COMMITTEE AGAINST SEXUAL HARASSMENT (ICCASH)

ICCASH POLICY DOCUMENT OF GDC NOWSHERA:

The Government of India has enacted the Protection of Women from Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act (the POSH Act), 2013. For further details, see: <http://www.shebox.nic.in> (SHe-Box- Ministry of Women & Child Development)

ICCASH POLICY

GDC Nowshera is committed to provide to all women a place of work and study free of sexual harassment or exploitation.

It is expected that all students, faculty, staff, karamcharis and officials shall treat one another and visitors to the Institution with respect. All members of the College, including those who are in temporary or short-term positions are subject to this Policy.

Anyone violating this Policy is liable to disciplinary action. The Internal Complaint Committee Against Sexual Harassment (ICCASH) shall deal with the complaints of sexual harassment seriously and promptly. The specific action taken in any particular case depends upon the nature and gravity of the conduct reported.

The Internal Complaint Committee Against Sexual Harassment shall respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent reasonably

possible. However, providing false information with malicious intentions will attract appropriate disciplinary action.

What is Sexual Harassment?

A. "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.

B. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour 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 her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

What to do if you feel you are being sexually harassed

- Know your rights- Sexual Harassment is illegal, but the Protection of Women from Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act (the POSH Act), 2013 prohibits sexual harassment.
- Speak up- If you can, tell the person to stop. State clearly and firmly that you want a particular behaviour to cease.
- Get information and support- If you feel you cannot speak up, ask your friends to help you and bring it to the notice of the college. Keep records that might be useful for pursuing the case.
- Lodge your complaint to Internal Complaint Committee Against Sexual Harassment (ICCASH): - Any of the members of ICCASH may be contacted verbally or in writing, at any time, for lodging complaints. The details of the members of the committee and their contact numbers are available on college website (gdcnowshera.co.in) and also displayed at prominent sites inside the college campus.

What not to do

- Do not blame yourself-Sexual harassment is not something one brings on oneself. It is not a consequence of certain ways of dressing or acting. It is a violation of an individual's right to work and live with dignity.
- Do not ignore-Ignoring sexual harassment does not make it go away. The harasser may misinterpret a lack of response as approval of the behaviour.
- Do not delay- Delay in action increases the probability that unwanted behaviour shall continue or escalate.
- Do not hesitate to ask for help- Speaking up may prevent others from being harmed as well.

I. Process of making complaint of Sexual Harassment & Mechanism of Enquiry and Redressal

In pursuance of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and the Rules framed there under, the ICCASH of GDC Nowshera hereby adopts the following procedure for addressing complaints filed to the Internal Complaints Committee (ICC) constituted under the Act.

1. Any aggrieved woman may make, in writing, a complaint of sexual harassment at work place to the ICCASH, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. (Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the ICCASH shall render all reasonable assistance to the woman for making the complaint in writing. Where the aggrieved woman is unable to file a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint). The written complaint should be submitted to the Presiding officer/Convener, ICCASH or any of its members along with list of witnesses and supporting documents.
2. Any complaint received by the members should be immediately forwarded to the Presiding Officer/Convener and this must be notified to other committee members at the earliest and not later than 3 days and a meeting should be called for discussing the matter.
3. The Committee shall discuss and decide on its jurisdiction to deal with the case or reject the complaint prima facie and recommend to the Head of Institution that no action is required to be taken in the matter.
4. Notice shall be issued to the respondent within 7 working days of receipt of the complaint and 10 working days shall be given for submission of reply (along with the list of witnesses and documents.)
5. The Committee may, before initiating an inquiry, at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation. No monetary settlement shall be made as the basis of conciliation. Where a settlement has been arrived at, the ICCASH shall record the settlement so arrived and forward the same to the employer for necessary compliance. The Committee shall provide the copies of the settlement as to the aggrieved woman and the respondent. Where a settlement is arrived at, no further inquiry shall be conducted by the ICC.
6. If conciliation is found to be not feasible, notice will be issued to both parties for hearing.

7. The ICC follows the principles of natural justice during the proceedings which include: a. Right of hearing to the parties b. Examination and cross examination of parties and witnesses.

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

9. The Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice.

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

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

12. The Committee shall have the right to terminate the enquiry proceedings and to give an ex-party decision on the complaint, if the respondent fails to be present, without valid ground, for three consecutive hearings convened by the Presiding Officer/Convener.

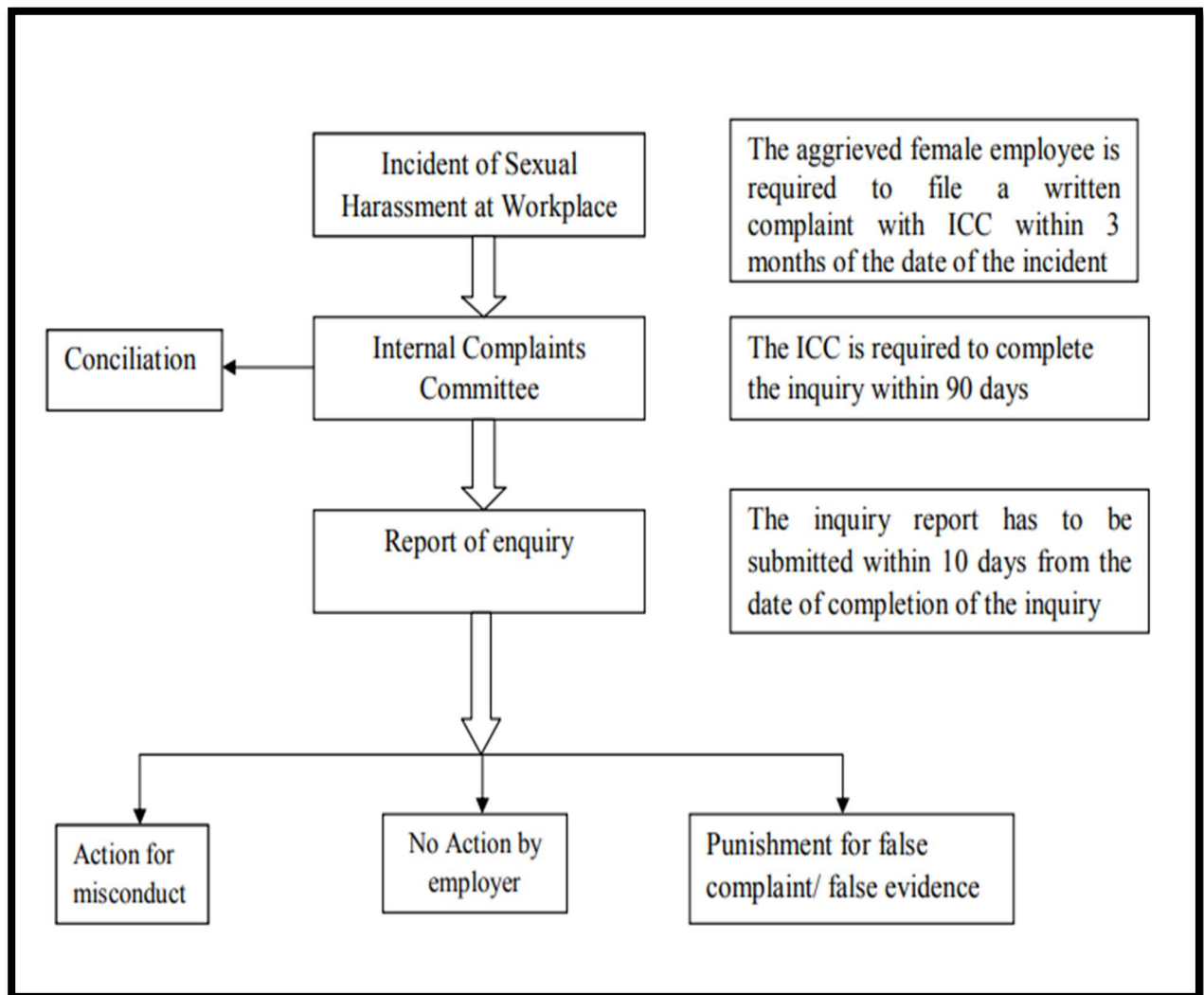
13. All proceedings of the ICC shall be recorded in writing.

14. After concluding its investigation, the Committee shall submit a detailed report to the Head of the Institution (Principal).

15. In the event the Committee finds that the allegation(s) against the respondent have been proved, it shall recommend the nature of action to be taken by the Head of the Institution.

16. When the Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the Head of the Institution to take action against such falsification.

PROCEDURE FOR FILING THE COMPLAINT AND CONDUCTING ENQUIRY



II. VARIOUS TIMELINES AS PER THE ACT

Submission of Complaint	Within 3 months of the last incident
Notice to the Respondent	Within 7 days of receiving copy of the complaint
Completion of Inquiry	Within 90 days
Submission of Report by ICC/LCC to employer/DO	Within 10 days of completion of the inquiry
Implementation of Recommendations	Within 60 days
Appeal	Within 90 days of the recommendations

III. Punishment and compensation

1) If the respondent is an employee, he/she shall be punished in accordance with the service rules of the institution, if found guilty of sexual harassment. The act of sexual harassment shall be treated as misconduct under the service rules.

2) Where the respondent is a student, depending upon the severity of the act, the institution may:

- i. withhold privileges of the student such as access to the library, auditorium, hostel, transportation, scholarships, allowances, and identity card;**
- ii. suspend or restrict entry into the campus for a specific period;**
- iii. expel and strike off name from the rolls of the institution, including denial of readmission, if the act so warrants;**
- iv. award reformatory punishment.**

3) The institution may issue direction for payment of the sums recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the respondent. In case of employees, such sums shall be deducted from the wages or salary of the employee; in case of scholars or students, such sums shall be deducted from the scholarship or fine imposed as the case may be.

The sums payable shall be determined on the basis of: -

- a) mental trauma, pain, suffering and distress caused to the aggrieved person;**
- 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 lumpsum or in installments.**