



Policy on Internal Complaint Committee

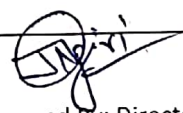
MANGALMAY INSTITUTE OF MANAGEMENT & TECHNOLOGY

(Approved by AICTE, New Delhi & Affiliated to AKTU, Lucknow)

Knowledge Park-II, Greater Noida (U.P.)

Issued By: HoD

Date of Issue: 27.06.2016


Approved By: Director

Director
Mangalmay Institute of
Management & Technology
Greater Noida

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POLICY ON INTERNAL COMPLAINT COMMITTEE

1.0 DEFINITIONS

Sexual harassment includes

- I. Loaded comments having sexually offensive connotations.
- II. Remarks or jokes having sexually offensive connotations;
- III. Obscene, e-mails or phone calls having sexually offensive connotations
- IV. Sexual physical gestures, lewd stares;
- V. Physical contact having sexually offensive connotations and stalking;
- VI. Exhibition of pornography;
- VII. Making of sounds having sexually offensive connotations;
- VIII. Playing of music or songs having sexually offensive connotations.
- IX. Relating sexually explicit anecdotes;
- X. Threat to take vindictive action for denial of sexual favours;
- XI. Singing lewd songs;
- XII. Any act or behavior that is sexual, based on sex or on sexual orientation, towards a person, that has the aim or affect of compromising that person's right to dignity, equality in employment, and to working conditions that are respectful of that person's dignity, their moral or physical integrity, their right to receive ordinary services offered to the public in full equality.
- XIII. The act or behavior can notably take the form of: pressure (oppressions), insults, remarks, jokes based on sex, touching, assault, all sexual exhibitionism, all unwelcome implicit or explicit sexual solicitations, all threats or all sexual blackmail.
- XIV. Any pressure, constraint of sexual nature carried out through words, gestures, threats, promises, writing, drawings, sending of objects, all sexually discriminatory remarks, targeting a person during a hire or while conducting his professional activity.
- XV. Any behavior is unacceptable if
 - a) Such conduct is unwanted, unreasonable and offensive to the recipient
 - b) A person's rejection of, or submission to, such conduct on the part of employers or workers (including superiors or colleagues) is used explicitly or implicitly as a basis for a decision which affects that person's access to vocational training, access to employment, continued employment, promotion, salary or any other employment decisions; and /or
 - c) Such conduct creates an intimidating, hostile or humiliating work environment for the recipient; and that such conduct may, in certain circumstances, be contrary to the principles of equal treatment within the meaning of Articles 14, 15, 16 and 21 of the Constitution of India.
- XVI. Act or conduct creating sexually hostile and intimidating environment.
 - a) A person who is –
 - (i) A student of this Institute;
 - (ii) Seeking to be an employee or employed in this Institute;
 - (iii) A member of the staff of this Institute or is a member of any committee, board, management, academic council or holds an administrative or consultative position in the Institute.
 - (iv) An applicant for admission into MBA course offered by this Institute.

2.0 JURISDICTION

The rules and regulations outlined in this policy shall be applicable to all members of staff; teaching or non-teaching and all students whether studying in the Institute Campus are subject to the jurisdiction of this ordinance.

3.0 THE COMPLAINT COMMITTEE

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Implementation of the policy will be achieved through the following structures:

STRUCTURE:

- (1) (a) A Presiding Officer who shall be a woman faculty member employed at a senior level (not below an Associate Professor)
- (b) Two 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
- (c) Three students (comprising of at least one girl student) of Pre-Final/Final year
- (d) 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
- (2) At least one-half of the total members of the ICC shall be women.
- (3) Persons in senior positions such as Chairman, Secretary of the Society & Principal / Director etc. shall not be the members of ICC in order to ensure autonomy of their functioning.

4.0 POWER AND DUTIES OF COMPLAINT COMMITTEE

4.1.1 PREVENTIVE

- To create and ensure a safe environment that is free of sexual harassment.
- To create an atmosphere promoting equality and gender justice.
- To publicize the policy widely.
- To publicize in English and in Hindi the names and phone numbers of members of the committees.
- To plan and carry out programmes for gender sensitization.

4.1.2 REMEDIAL

- The mechanism for registering complaints should be safe, accessible and sensitive.
- To take cognizance of complaints about sexual harassment, conduct enquiries, provide assistance and Redressal to the victims, recommend penalties and take action against the harasser, if necessary.
- To recommend to the concerned authorities follow-up action and monitor the same.
- To advise the disciplinary authority concerned to issue warnings or take the help of the law to stop the harasser, if the complainant consents.
- To seek medical, police and legal intervention with the consent of the complainant.
- To make arrangements for appropriate psychological, emotional and physical support (in the form of counseling, security and other assistance) to the victim if s/he so desires.

5.0 RESPONSIBILITIES

The Internal Complaints Committee shall:

- a. Provide assistance if an employee or a student chooses to file a complaint with the police;
- b. provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights, and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence;
- c. protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint. or also provide for the transfer of the offender;
- d. Ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment; and
- e. Ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.

6.0 PROCEDURE FOR MAKING COMPLAINTS & CONDUCTING ENQUIRY

- a. The ICC shall comply with the procedure for making a complaint and inquiring into the complaint in a

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- time bound manner.
- The Institute shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.
 - An aggrieved person is required to submit a written complaint along with supporting documents and names and addresses of the witnesses if any 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.
 - Friends, relatives, colleagues, co-students, psychologist or any other associate of the victim may file the complaint in situations where the aggrieved person is unable to make a complaint on account of physical or mental incapacity or death.

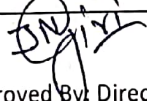
7.0 CONDUCTING ENQUIRY BY THE COMPLAINT COMMITTEE

- The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven days of such receipt.
- Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of ten days.
- The inquiry has to be completed within a period of ninety days from the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten days from the completion of the inquiry to the Director of the Institute. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- The Director of the Institute shall act on the recommendations of the committee within a period of thirty days from the receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- An appeal against the findings or /recommendations of the ICC may be filed by either party before the Director of the Institute within a period of thirty days from the date of the recommendations.
- If the Director of the Institute decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. If on the other hand it is decided to act as per the recommendations of the ICC, then a show cause notice, answerable within ten days, shall be served on the party against whom action is decided to be taken. The Director of the Institute shall proceed only after considering the reply or hearing the aggrieved person.
- The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The Institute shall facilitate a conciliation process through ICC or GRC, as the case may be, once it is sought. The resolution of the conflict to the full satisfaction of the aggrieved party wherever possible, is preferred to purely punitive intervention.
- The identities of the aggrieved party or victim or the offender shall not be made public or kept in the public domain especially during the process of the inquiry.

8.0 INTERIM REDRESSAL-

The Institute may,

- transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction, if such a recommendation is made by the ICC;
- grant leave to the aggrieved with full protection of status and benefits for a period up to three months;
- restrain the respondent from reporting on or evaluating the work or performance or tests or examinations of the complainant;
- ensure that offenders are warned to keep a distance from the aggrieved, and wherever necessary, if there is a definite threat, restrain their entry into the campus;
- take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

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9.0 Punishment And Compensation-

(A) Anyone found guilty of sexual harassment shall be punished in accordance with the service rules of the Institute, if the offender is an employee.

Depending upon the severity of the offence, the punishments may include anyone or more such as a written apology, warning, reprimand, censure, undergoing counselling or carrying out community service, withholding of promotion, withholding of pay rise or increments and terminating the respondent from service.

(B) Where the respondent is a student, depending upon the severity of the offence, the Institute may,-

- withhold privileges of the student such as access to the library, auditorium, hostel, transportation, scholarships, and identity card;
- suspend or restrict entry into the campus for a specific period;
- expel and strike off name from the rolls of the institution, including denial of readmission, if the offence so warrants;
- Award reformatory punishments like mandatory counselling and, or, performance of community services.

(C) The aggrieved person is entitled to the payment of compensation. The Institute shall issue direction for payment of the compensation recommended by the ICC and accepted by the Director, which shall be recovered from the offender. The compensation payable shall be determined on the basis of-

- Mental trauma, pain, suffering and distress caused to the aggrieved person;
- The loss of career opportunity due to the incident of sexual harassment;
- The medical expenses incurred by the victim for physical, psychiatric treatment;
- The income and status of the alleged perpetrator and victim; and
- The feasibility of such payment in lump sum or in installments.

10.0 ACTION AGAINST FRIVOLOUS COMPLAINT-

To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be made and publicised within the Institute. If the ICC or GRC concludes that the allegations made were false, malicious or the complaint was made knowing it to be untrue, or forged or misleading information has been provided during the inquiry, the complainant shall be liable to be punished as per the provisions of sub-regulations (A) of regulations 9.0, if the complainant happens to be an employee and as per sub-regulation (B) of that regulation, if the complainant happens to be a student.

11.0 MINUTES OF MEETING

The Complaint Committee shall prepare a MoM giving full account of its activities twice a year and forward a copy thereof to the Director who shall report to the Governing Body of the Institute.

12.0 MONITORING AND REVIEW

- I. The Institute Complaint Committee will send MoM to the Board of Governors through Director.
- II. In the above-mentioned MoM, confidentiality of the complainants will be maintained.

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