

VI. Reporting of Sexual Exploitation & Abuse Complaints

Any aggrieved person who feels / presumes that he / ^{they} she has been subject to sexual Exploitation & Abuse 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.

VII. Confidentiality

The college will do everything consistent with 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 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.

VIII. Assurance against Retaliation

This policy seeks to encourage all employees to express freely, responsibly, and in an orderly way opinions and feelings about any problem or Complaint of sexual harassment. Retaliation against persons who report or provide information about sexual Exploitation & Abuse or behaviour that might constitute sexual Exploitation & Abuse is also strictly prohibited. Any act of reprisal, including internal interference, coercion, and restraint, by an employee, violates this policy and will result in appropriate disciplinary actions. Such disciplinary action will be proposed by the Committee as per the provisions of the Act and as per this Policy / guideline and on the recommendation of the respective Committee, as the case may be would ensure implementation of same.

IX. Complaint Reporting Channel

Internal Complaints Committee ("ICC") Composition: As per the Scheduled hereunder:

- 1) A Complaint should be made in writing.
- 2) Each member of the Committee will hold office for not more than three years.
- 3) ICC Committee is mandatorily required to involve an external member (a senior member of an NGO or other body who is familiar with the issues of sexual Exploitation & Abuse) during the enquiry of Complaint(s) and formalization of the Report in connection therewith. Provided one-half of the total member so nominated shall be women.
- 4) In the ICC not less than two members from amongst employees preferably who have had experience in social work or have legal knowledge.

X. Complaint Mechanism

- 1) A Person who has been subject to Sexual Exploitation & Abuse may make in writing a Complaint of sexual Exploitation & Abuse 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 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.
- 2) If the Committee is satisfied that the circumstances were such that prevented the Complainant from filling the Complaint within said period they can extend the time limit not exceeding three months.
- 3) The Complainant is required to send the written Complaint to the ICC either by way of copies of the letter detailing Complaint. The Complainant may also email the Complaint to a Committee member. The Complaint may be made in the format provided in Schedule B, herein or in such manner containing all the information as provided in Schedule B.

- 4) It is pertinent to mention that the written Complaint is mandatorily required to be filed by the Complainant with full name and details for seeking any action under this Policy and / or the Act. Any anonymous Complaint shall not be entertained.
- 5) Where the Complainant is unable to file the Complaint of their own, their legal heirs or parents, spouse, children or sibling can file the Complaint.
- 6) A third party can also be a Complainant however, a written Complaint from the Person who has been subject to Sexual Exploitation & Abuse mandatory to be filed with the ICC as the case may be.
- 7) Both written / emailed Complaint must provide the details of the incident together with the name/s of the Respondent/s and the Complainant/s as available.

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))

XI. Enquiry Procedure

- 1) A timely enquiry of Complaints of sexual Exploitation & Abuse 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.
- 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.
- 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 for 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 in accordance with 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 Registrar & Secretary CoG, 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 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 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 recommendation to the Registrar/DG.
- i) In the event that there are no eyewitnesses, the ICC may have to resolve a sexual Exploitation & Abuse claim based on the credibility of the parties. Circumstantial evidence also would play important role during the decision making process by the Committee.
- j) The Registrar/DG 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.

XII. 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.

- 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.

- 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.
- 3) Both parties should be told to avoid contact with one another, and ways to minimize contact should be implemented.
- 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 department transfer;

OR

- b) Take LWOP from employment for a maximum period of 3 months.
- 5) The Complainant should report any further incidents of Exploitation & Abuse or retaliation during the continuance of enquiry.
- 6) Witnesses should be told as little as possible about the details of the Complaint in order to maintain confidentiality under the Policy.

XIII. Criminal Proceedings

- 1) Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the respective Employer (as the case may be) based on the findings and advice of the ICC may initiate appropriate action in accordance with law by making a Complaint with the appropriate authorities. Detailed list of penal section involving sexual Exploitation & Abuse is provided in Schedule C, herein.
- 2) The ICC would provide assistance to the aggrieved if they chose to file Complaint under the Indian Penal Code.
- 3) The ICC would ensure that Complainants or witnesses are not victimized or discriminated against while dealing with Complaints of sexual Exploitation & Abuse.

XIV. Mala Fide Complaints

- 1) If the enquiry reveals that the Complaint is unjustified or Complainant had raised the concern with ulterior motives, Employer or any person duly authorized by the Employer will counsel the Complainant and recommend suitable action to prevent recurrence.

- 2) However, the Employer or any person duly authorized by the Employer will ensure that the Complainant is not victimized.
- 3) Requisite penal actions, as mentioned in the act may be invoked against Mala Fide Complainant.

XV. Professional Consequences of Violation of the Policy

- 1) Any employee, supervisor or manager who is found to have violated the Exploitation & Abuse policy (whether sexually abusing another employee of opposite sex or the same sex or if any person falsely accuses another person of sexual Exploitation & Abuse) shall be subject to appropriate disciplinary action.
- 2) In the event any criminal proceedings are initiated the matter may be referred to Registrar/DG or such other person as may be authorized by the Management.
- 3) The organization shall not tolerate any form of retaliation against employees for bringing bonafide Complaints or providing information about Exploitation & Abuse.
- 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.
- 5) If any act of sexual Exploitation & Abuse 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.

XVI. Conclusion

At ASCI, we endeavor to provide 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 ASCI is determined to provide them excellent, comfortable, safe and healthy work environment, so that they can come out with their best in all facets.

* Notwithstanding anything contained in this Policy, the Schedules herein shall be an integral part of this Policy.