



**D Y P A T I L**  
AGRICULTURE  
& TECHNICAL  
UNIVERSITY  
TALSANDE

## **D. Y. Patil Agriculture & Technical University**

(Approved & Established by Govt. of Maharashtra Act No. XXXVI of 2020 and under section 2(f) of UGC Act 1956)

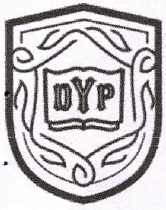
**Wathar – Warananager Road, Talsande Dist- Kolhapur. Maharashtra,  
India – 416112**

### **INTERNAL COMPLAINTS COMMITTEE**

#### **Procedure of Function**

##### **Procedure of Functioning**

- The Committee shall meet as and when any complaint is received by it. Complaint may be received by any member of the committee.
- The Committee may direct the complainant to prepare and submit a detailed statement of incidents if the written complaint lacks exactness and required particulars, within a period of 2 days from such direction or such other time period that the Committee may decide.
- The Committee shall direct the accused employees to prepare and submit a written response to the complaint & allegations within a period of 4 days from such direction or such other time period as the Committee may decide. . Each party shall be provided with a copy of the written statements submitted by the other.
- The Committee shall conduct the proceedings in accordance with the principles of natural justice. It shall allow both parties reasonable opportunity of presenting their case. However, should the accused choose not to participate in the proceedings, the Committee shall continue ex parte.
- The Committee shall allow both parties to produce relevant documents and witnesses to support their case. Documents produced by either party shall be affixed with that party's signature to certify the document as original & true copy.
- The party against whom the document / witness is produced shall be entitled to challenge / cross-examine the same.
- The Committee shall sit on a day-to-day basis to record and consider the evidence produced by both parties.
- As far as practicable, all proceedings of the Committee shall take place in the presence of both parties.
- Minutes of all proceedings of the Committee shall be prepared and duly signed by the members of the Committee.
- The Committee shall make all endeavour to complete its proceedings within a period of 15 days from the date of receipt of complaint.
- The Committee shall record its findings in writing supported with reasons and shall forward the same with its recommendations, to the Principal/Management, within a period of 5 days from completion of the proceedings before it. In case the Committee finds that the facts disclose the



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commission of a criminal offence by the accused person, this shall be specifically mentioned in the Committee's report.

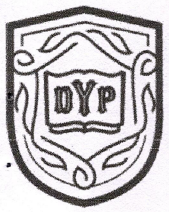
• If, in the course of the proceedings before it, the Committee is satisfied that a prima facie case of sexual harassment is made out against the accused employees/student and that there is any chance of the recurrence of any such action, or that it is required to do so in the interests of justice, it may, on the request of the complainant or otherwise, disciplinary action could be initiated in the form of:-

- 1) Warning
- 2) Written apology
- 3) Bond of good behaviour
- 4) Adverse remarks in the confidential report
- 5) Debarring from supervisory duties
- 6) Denial of membership of statutory bodies
- 7) Denial of re-employment/re — admission
- 8) Stopping of increments / promotion/denying admission ticket
- 9) Reverting, demotion
- 10) Suspension

11) Dismissal If, in the course of the proceedings before it, the Committee is satisfied that any person has retaliated against or victimized the complainant or any person assisting the complainant as a result of the complaint having been made or such assistance having been offered, the Committee shall report the same in writing, to the Principal/Management, with reasons and with recommendations of the action to be taken against such person. If, at the culmination of the proceedings before it, the Committee is satisfied that the complainant has knowingly brought false charges of sexual harassment against any person, it shall report the same in writing to the Principal/Management, with reasons and with recommendations of the action to be taken against such person.

Process after the Complaint is made & Action that can be taken against the offender

1. The Complaint Committee is deemed to be an Inquiry Authority for the purpose of CCS (Conduct) Rules, 1964 and the report of the Complaint Committee is deemed to be an Inquiry Report under the rules.
2. Conciliation:



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a. The Internal Complaint Committee (ICC) may before initiating an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the offender through conciliation, provided that no monetary settlement shall be made as a basis of conciliation.

b. Where a settlement has been arrived, the ICC, as the case may be, shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.

c. Where a settlement has been arrived, no further enquiry shall be conducted by the ICC.

### **3. Inquiry into Complaint:**

a. Provided that where the aggrieved woman informs the ICC, that any term or condition of the settlement arrived at under sub section (2) of section 10 has not been complied with by the offender, The ICC shall proceed to make an inquiry into complaint or, as the case be forward the complaint to the police.

b. Provided that where both the parties are employees, the parties shall during the course of inquiry be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make a representation against the findings before the committee.

3. The Internal Complaint Committee (ICC) is required to complete the inquiry within 90 days of receipt of a complaint.

4. Interim relief: As an interim relief the Sexual Harassment Act empowers the ICC to take interim measures such as transferring the aggrieved woman to another workplace or granting leave for a certain period in addition to her regular statutory /contractual leave entitlement.

5. On completion of the inquiry, a report will be sent to the management or the District Officer (for workplaces with fewer than 10 employees) who is then obligated to take action on the report within 60 days of receipt.

6. After it has been proved that the offender has indulged in sexual harassment at the work place, appropriate disciplinary action would be taken against him irrespective of his status in the organisation. If it finds ground to believe that the person accused of sexual harassment is guilty, the committee can recommend to the employer or district officer to take action including a written apology, warning, reprimand, censure, withholding of promotion, increments or terminating the person from service. The committee can also recommend deduction of an appropriate sum from the salary of the offender or ask offender to pay the sum. In case the offender fails to pay such sum, district officer may be asked to recover such sum as an arrear of land revenue. If it finds the complaint false, the committee can recommend action against the complainant.



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7. The ICC can take steps to settle the matter between the aggrieved woman and the offender, however this option will be used only at the request of the woman. The Act also provides that monetary settlement shall not be made a basis of conciliation. Further, if any of the conditions of the settlement is not complied with by the offender, the complainant can go back to the Committee who will proceed to make an inquiry.
8. Where the ICC arrives at a conclusion that the allegation against the offender has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
9. Care shall be taken by the committee to ensure that the victims of sexual harassment and the witnesses shall not be victimised while dealing with the complaint. The victims also have the option to seek transfer of the perpetrator or their own transfer.
10. In order to ensure that this important matter is not trivialized, any complaint, which, in the opinion of the committee is blatantly false or frivolous or has been motivated by reasons that are clearly unconnected with gender issues, would be viewed very seriously by the company and appropriate action will be taken against such complainants, up to termination of services.
11. The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom complaint is made, for putting forward and defending their respective case.