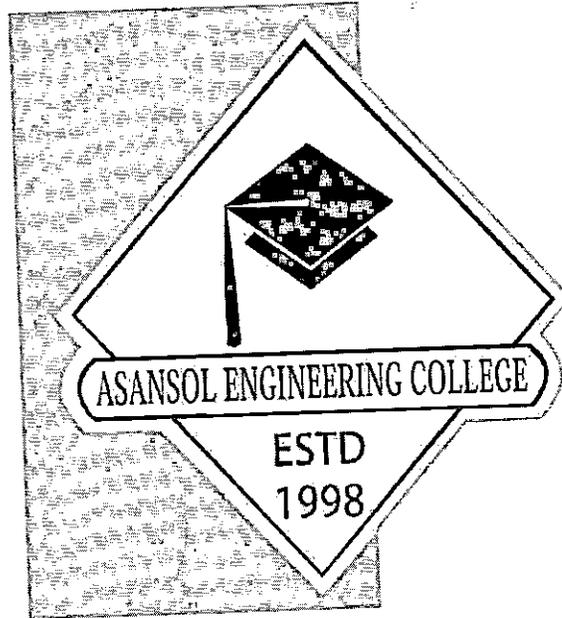


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AFFILIATED BY MAULANA ABUL KALAM AZAD UNIVERSITY, KOLKATA
APPROVED BY AICTE
KANYAPUR, ASANSOL - 713 305

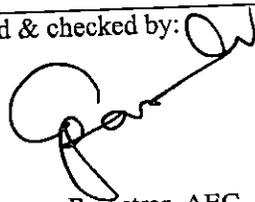


**Policy for Redressal of Internal
Complaints (W.e.f Session 2019-20)**

Approved By BOG

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POLICY FOR THE REDRESSAL OF INTERNAL COMPLAINTS ASANSOL ENGINEERING COLLEGE ASANSOL

The Institution Internal Complaint Committee (ICC) is constituted as per the UGC Regulations Accordingly, the function of the Committee is to deal with any issues of gender based violence as per UGC Norms laid down and Conduct gender based sensitization programmes.

1. Objective:

- 1.1 According to Section 4 of the All India Council for Technical Education (Gender Sensitization, Prevention and Prohibition of Sexual Harassment of Women Employees and Students and Redressal of Grievances in Technical Institutions) Regulations, 2016, the Internal Complaint Committee (ICC) was reconstituted on April 18, 2019. This regulation is an extension of the Vishaka Guidelines, which were issued by the Supreme Court in 1997. Furthermore, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, as notified in the Gazette of India on April 23, 2013, is also applicable.
- 1.2 This policy aims to create awareness among employees about their fundamental right to a safe and healthy workplace environment. It provides information on what constitutes sexual harassment, the preventive measures being implemented, and the fair procedures in place to address any incidents. AEC has established an ICC, which serves as a dedicated task force responsible for continuously monitoring existing security arrangements and recommending additional measures to enhance safety.



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2. Scope

The Prevention of Sexual Harassment Policy is applicable: -

2.1 According to the Act's definition in Section 2(f), this policy applies to all employees, students, visitors and vendors of AEC. This includes direct employees, those employed through agents or contractors (with or without the knowledge of the principal employer), and individuals working voluntarily or without remuneration. It encompasses contract workers, probationers, apprentices, executive trainees, management trainees, etc. Hereafter referred to as "Employees/Consultants."

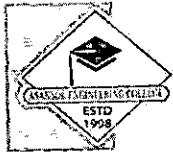
2.2 The policy covers all areas within the office premises and any other areas that can be considered an extension of the employer's premises. It also includes any location visited by an employee during the course of their employment, including transportation provided by the employer for such journeys. The policy covers incidents that occur during or after office hours.

3. Policy Guidelines

All students, employees and visitors of AEC are required to comply with this policy and the formulated guidelines. Sexual harassment in the workplace is considered a violation of employment terms, a criminal offense, and a breach of gender equality as guaranteed by the constitution.

4. Definition of Sexual Harassment:

Sexual harassment refers to unwelcome sexually inclined behavior, whether direct or indirect, including physical contact, requests for sexual favors, sexually suggestive remarks, displaying pornography, or any other unwelcome sexual conduct that can be humiliating or pose a health and safety issue for the complainant, regardless of gender.



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5. Definitions for reference

- Complainant: The person who has experienced sexual harassment or reports an incident. A third party can also be a complainant, but a written complaint from the person subjected to sexual harassment is mandatory.
- Respondent: The person alleged to have committed an act of sexual harassment.

6. Preventive Measures

- 6.1. Sensitization workshops on sexual harassment have been conducted, and regular committee meetings are held. Meeting minutes will be submitted to the employer as required.
- 6.2. An annual report will be prepared with details of complaints filed, their stage, and the number of resolved complaints.
- 6.3. Sensitization programs and workshops will be organized for all employees, with special meetings for women employees. The aim is to create awareness, discuss challenges, and provide support for filing complaints.
- 6.4. A system will be introduced to record employees staying late in the office after 8 PM, along with reasons. Regular workplace visits by security personnel will be conducted.
- 6.5. Records of all sexual harassment cases and their outcomes will be maintained. Penalties for sexual harassment will be displayed.

7. Reporting Sexual Harassment Complaints

Any person who believes they have experienced sexual harassment should promptly report the incident to the Internal Complaints Committee (ICC) within three months. The ICC will assist in filing a written complaint if necessary.

8. Possible Actions against the Respondent

Various actions may be taken against the respondent, including warnings, written apologies, bonds of good behavior, adverse remarks in confidential reports, withholding increments or promotions, suspension, dismissal, or any other relevant actions.

9. Complaint Mechanism

Complainants must submit a written complaint within three months. The ICC may extend the time limit if satisfied with the reasons for the delay.

10. Confidentiality

The Institute will protect the privacy of individuals involved and ensure fair treatment. Complaint details will be kept confidential on a need-to-know basis. After resolution, general information about the complaint will be shared with employees without revealing names.



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11. Conciliation and Settlement

At the request of the aggrieved person, the ICC may attempt to reach a settlement between the parties, but no monetary settlement can be made based on conciliation.

12. Inquiry process (Internal Complaints Redressal mechanism shown in **Annexure-I**)

12.1. Promptly addressing complaints of sexual harassment is crucial. Generally, the inquiry should be completed and acted upon as soon as possible after receiving a written complaint.

12.2. The Internal Complaints Committee (ICC) will conduct an inquiry and allow both the complainant and the respondent to present their cases and provide explanations.

12.3. When a complaint is received, the ICC should follow the following procedure:

a) The ICC, as advised by the Chairperson, initiates an inquiry promptly after receiving the written/email complaint.

b) The ICC conducts separate inquiries with the complainant and the respondent, seeking detailed information and explanations.

c) The proceedings of the inquiry should be documented, either through minutes or video recordings, and saved by the ICC. The witness's submissions should be recorded on camera.

d) After receiving the inquiry report, the ICC reviews it and may order a full investigation into the complaint if deemed necessary.

e) Upon receiving a complaint, the ICC should ask the complainant about their expectations from the ICC and inform them about the option of conciliation with the respondent. However, once the inquiry is initiated, conciliation is no longer an option.



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f) The ICC studies the findings and addresses the complaint according to the policy and the law, aiming to resolve it within ninety (90) days of receiving the complaint. The ICC submits detailed findings and recommendations to the respective employer.

g) If the complainant fails to appear before the ICC or respond to their queries for three consecutive events, the ICC may close the inquiry, stating the reasons for closure. If the respondent deliberately avoids appearing before the ICC, the employer or their appointee should instruct them to appear.

h) Subsequently, the ICC presents its decision, including all collected evidence (such as signed statements from the complainant, respondent, witnesses, and any relevant objects), along with a recommendation to the HR head of the business.

i) If there are no eyewitnesses, the ICC may make a determination on a sexual harassment claim based on the credibility of at least nine committee members. Circumstantial evidence also plays a significant role in the committee's decision-making process.

j) The employer may seek clarification from the ICC regarding the recommendation and must implement it.

k) The final decision is communicated to both the complainant and the respondent.

l) An inquiry into a complaint may proceed or continue even if police proceedings are initiated in connection with the same complaint.

12.4 However, no monetary settlement shall be made as a basis of conciliation.

13. Procedure for Submission



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The inquiry committee or its members should be prepared to handle the complainant's feelings of embarrassment and anger by patiently and firmly explaining the necessary details and documentation required for an accurate inquiry.

- 13.1. The complainant should be interviewed first to promptly identify crucial details, witnesses, and any provided material objects, which should be received, numbered, and preserved.
- 13.2. It is essential for the ICC to maintain objectivity and avoid judgment while allowing the respondent to respond to each allegation. The ICC should inform the respondent about the potential disciplinary actions that may be taken if the complaints are found to be true.
- 13.3. Both parties should be instructed to refrain from contacting each other, and measures to minimize contact should be implemented.
- 13.4. If the complainant has filed a complaint against their reporting manager or someone in a higher position, during the inquiry process, the complainant may choose to: a) Request a transfer; OR b) Take a maximum of three months of leave from employment.
- 13.5. The complainant should report any further incidents of harassment or retaliation that occur during the inquiry.
- 13.6. To maintain confidentiality as per the policy, witnesses should be provided with minimal information about the details of the complaint.
14. Professional Consequences of Violation Violations of the harassment policy will result in appropriate disciplinary action. False complaints or malicious intent may lead to disciplinary actions against the complainant. Retaliation for reporting harassment is strictly prohibited.
15. Conclusion
AEC aims to provide a supportive and healthy work environment where employees and students can excel. This policy ensures a safe and comfortable workplace, fostering employee well-being and optimal performance.



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5.1.4 Internal Complaint Committee Mechanism (Annexure-I)

Supporting Documents

Working Procedure of Internal Complaint Committee

Redressal Process

1. Conciliation:

Procedure for Conciliation:

- Before initiating an inquiry, the Internal Complaints Committee may, at the written request of the Complainant, take steps to settle the matter between the Complainant and the Respondent through conciliation.
- Monetary settlement cannot be made on the basis of such conciliation. In case a settlement has been arrived at, the ICC shall record it and forward it to the Company to take action as specified in the recommendation of the ICC.
- The Internal Complaints Committee will also provide copies of the settlement as recorded to the Complainant and the Respondent.
- If conciliation has been reached, the IC will not be required to conduct any further inquiry.
- If Complainant feels that the terms of Settlement are not being complied with by the Respondent or action has not been taken by the Company, Complainant can make a written complaint to the ICC to conduct an inquiry into the complaint.

2. Inquiry:

- The procedure of inquiry begins when a settlement is not feasible or could not be arrived at through conciliation and the Internal Complaints Committee is then bound to conduct an inquiry into the complaint.
- An inquiry may also be initiated if the aggrieved person informs the IC that any terms of the settlement have not been complied with by the respondent.

- The Internal Complaints Committee within 7 working days of receiving the complaint shall forward one copy to the respondent and seek a response.
- The respondent shall file his/her reply to the complaint along with a list of supporting documents, names, and addresses of witnesses, within 10 working days of receiving the complaint.
- The complainant or the respondent to the complaint shall not be allowed to bring any legal practitioner to represent them
- At any stage of the proceedings before the IC, neither the complainant nor the respondent shall be allowed to bring any legal practitioner to represent them.
- The Internal Complaints Committee shall hear both the complainant and the respondent on the date(s) intimated to them in advance and the principles of natural justice will be followed accordingly.
- If the complainant or the respondent fails to attend a personal hearing before the IC on three consecutive dates without sufficient cause, the IC shall have the right to terminate the inquiry proceedings or give an ex-parte decision.

However, before such termination or the ex-parte order, the ICC shall serve a notice in writing to the party/parties, 15 days in advance.

- The process of inquiry shall be completed by the Internal Complaints Committee within 90 days from the date of receipt of the complaint.
- From the date of completion of the inquiry, the IC shall provide a report of its findings and recommendation(s) within 10 days to the concerned authorities as well as complainant(s) and respondent(s).

3. Interim Relief

As per the Internal Complaints Committee Policy, during the period of pendency of the inquiry, if a written request is made by the complainant, the Internal Complaints Committee may recommend to the employer:

- To transfer either the aggrieved or the respondent to some other workplace.
- To grant leave to the aggrieved individual for a period of a maximum of 3 months, but this should be in addition to the leave she would be otherwise entitled to.
- To accord any other relief to the aggrieved as may be found to be appropriate.
- To restrain the respondent from reporting on the performance of the complainant.

4. Compensation

Internal Complaints Committee Policy mandates that the compensation by IC shall be determined based on:

- The mental trauma, pain, suffering, and emotional distress caused to the aggrieved employee;
- The loss in career opportunity due to the incident of sexual harassment;
- Medical expenses incurred by the victim for physical/ psychiatric treatment;
- The income and status of the alleged perpetrator; and
- Feasibility of such payment in a lump sum or instalments.