



LEAD COLLEGE OF MANAGEMENT

# Internal Complaints Committee

Version 2003: Oct: 2022 Next revision: May 2023

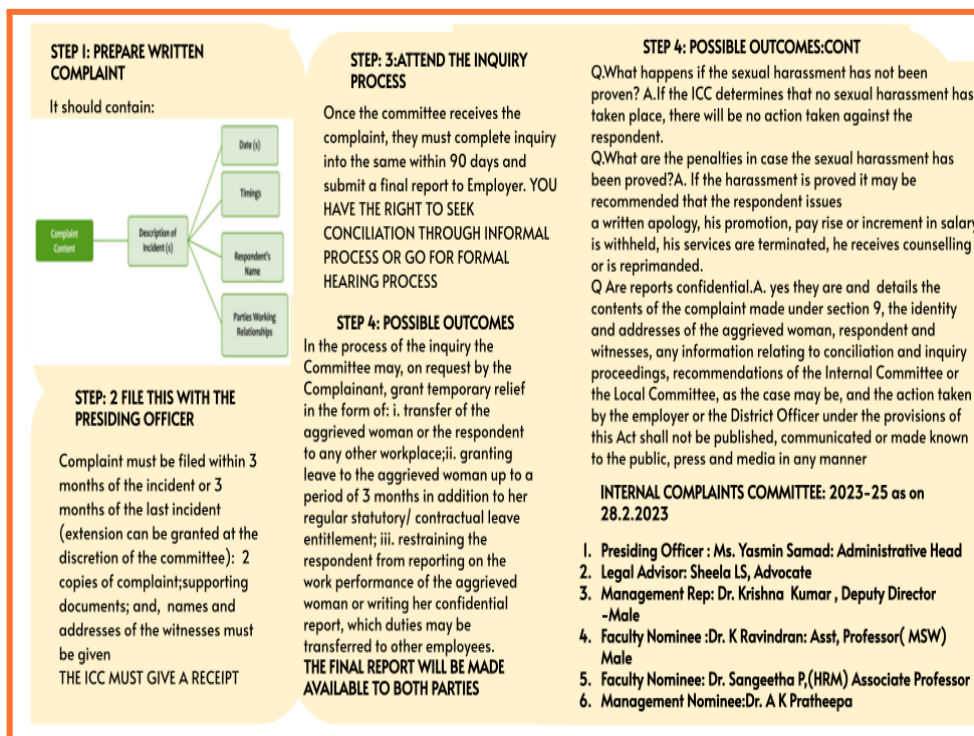
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**This document is to provide a quick overview of the processes and procedures and is not intended to be a comprehensive legal document. For a fuller understanding of the relevant act, please refer to: Indian Code Digital Repository ([hyperlinked here](#))**

**Prepared by IQAC cell. Approved on January 2023( names revised)**

## Quick Summary of POSH Complaint Process:

(The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 Harassment)



## Overview

LEAD college of Management is a campus where we are guided by LEAD Chakra in what we do:



Some enshrined principles are sacrosanct to us: For example

- Unity in Diversity
- Gender equality
- Equal share of voice
- Individual Empowerment
- Transparency
- Fair Play
- Ethics

Whilst there is a culture of trust and openness, there also needs to be a robust system to address any challenges we come across in the above principles.

## Statutory Committees in Place:

To ensure legal and ethical compliance, we have established an easy to follow grievance addressing processes at LEAD. These also provide a compass for ethical behavior and provide advice on what to do if you are faced with an ethical question.

Statutory committee means that these address concerns which are deemed “criminal” and can lead to severe legal action. In the context of a management education context, all stakeholders are above the age of 18 and hence the full force of the legal process can be used against any misdemeanors.

Some key areas identified are:

- 1) Ragging: Whether physical, visual or on social media
  - a) THE KERALA PROHIBITION OF RAGGING ACT, 1998. An Act to prohibit ragging in educational institutions in the State of Kerala
- 2) Drugs and Alcohol abuse on the campus.
  - a) The Kerala Government has launched a widespread campaign aimed at arresting the rising prevalence of substance abuse and other inappropriate social behavior among students named 'Clean Campus, Safe Campus'
- 3) Violence /acts of violence or threats of violence in the campus:
- 4) Sexual Harassment: Physical, virtual or implied.
  - a) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 Harassment: Physical, virtual or implied.
  - b) Workplace ; any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service

Whilst 1, 2 and 3 are dealt through a disciplinary processes mechanism, there is a mandate to handle 4 differently.

## Handling Sexual Harassment in Campus:

### Defining Sexual Harassment

(1) No woman shall be subjected to sexual harassment at any workplace.

(2) The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behavior 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.

## POSH COMMITTEE

(1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the “Internal Complaints Committee”:

(2) The Internal Committees shall consist of the following members to be nominated by the employer, namely:—

(a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section(1):

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization;

(b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

(c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment: Provided that at least one-half of the total Members so nominated shall be women.

(3) The Presiding Officer and every Member of the Internal Committee shall hold office for such a period, not exceeding three years, from the date of their nomination as may be specified by the employer.

(4) The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed.

(5) Where the Presiding Officer or any Member of the Internal Committee,—

(a) contravenes the provisions of section 16; or

(b) has been convicted for an offense or an inquiry into an offense under any law for the time being in force is pending against him; or

(c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(d) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.



Approved: Director



## Annexures

### Sexual Harassment: The Indian Penal Code extract:

Q. Under which provisions of the Indian Penal Code can one lodge a complaint regarding sexual harassment?

A. IPC provisions under which the FIR can be filed:

1. Section 354 : Outraging the modesty of a woman

Assault or use of criminal force to any woman, intending to outrage or knowing it to be likely that modesty would be outraged.

2. Section 354-A: Sexual harassment by a man

i. Physical contact and advances involving unwelcome and explicit sexual overtures;

ii. Demand or request for sexual favors;

iii. Showing pornography against the will of a woman; or

iv. making sexually coloured remarks.

3. Section 354-B : Assault or use of criminal force to woman with intent to disrobe

4. Section 354-C: Voyeurism: Watching, or capturing the image of a woman engaging in a private act in

circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such an image.

5. Section 354-D: Stalking: Following a woman and contacting or attempting to contact such woman to foster

personal interaction repeatedly despite a clear indication of disinterest by such woman; or Monitoring the use by a woman of the internet, email or any other form of electronic communication.

6. Section 503. Criminal intimidation: Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

7. Section 509: Uttering any word, making any sound or gesture, or exhibiting any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by a woman, with an intention to insult her modesty, or

intruding upon the privacy of such a woman.

8. Section 376C. Sexual intercourse by a person in authority.

Abuse of such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him.

## Duties of Employer

Every employer shall—

- (a) provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace;
- (b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee under sub-section (1) of section 4;
- (c) organise workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;
- (d) provide necessary facilities to the Internal Committee or the Local Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- (e) assist in securing the attendance of respondent and witnesses before the Internal Committee or the Local Committee, as the case may be;
- (f) make available such information to the Internal Committee or the Local Committee, as the case be, as it may require having regard to the complaint made under sub-section (1) of section 9;
- (g) provide assistance to the woman if she so chooses to file a complaint in relation to the offense under the Indian Penal Code (45 of 1860) or any other law for the time being in force;
- (h) cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved



woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;

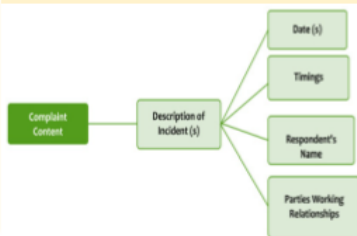
(i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;

(j) monitor the timely submission of reports by the Internal Committee

## POSH PROCESS MAP

### STEP 1: PREPARE WRITTEN COMPLAINT

It should contain:



### STEP: 2 FILE THIS WITH THE PRESIDING OFFICER

Complaint must be filed within 3 months of the incident or 3 months of the last incident (extension can be granted at the discretion of the committee): 2 copies of complaint; supporting documents; and, names and addresses of the witnesses must be given  
**THE ICC MUST GIVE A RECEIPT**

### STEP: 3: ATTEND THE INQUIRY PROCESS

Once the committee receives the complaint, they must complete inquiry into the same within 90 days and submit a final report to Employer. **YOU HAVE THE RIGHT TO SEEK CONCILIATION THROUGH INFORMAL PROCESS OR GO FOR FORMAL HEARING PROCESS**

### STEP 4: POSSIBLE OUTCOMES

In the process of the inquiry the Committee may, on request by the Complainant, grant temporary relief in the form of: i. transfer of the aggrieved woman or the respondent to any other workplace; ii. granting leave to the aggrieved woman up to a period of 3 months in addition to her regular statutory/ contractual leave entitlement; iii. restraining the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, which duties may be transferred to other employees. **THE FINAL REPORT WILL BE MADE AVAILABLE TO BOTH PARTIES**

### STEP 4: POSSIBLE OUTCOMES: CONT

Q. What happens if the sexual harassment has not been proven? A. If the ICC determines that no sexual harassment has taken place, there will be no action taken against the respondent.

Q. What are the penalties in case the sexual harassment has been proved? A. If the harassment is proved it may be recommended that the respondent issues a written apology, his promotion, pay rise or increment in salary is withheld, his services are terminated, he receives counselling or is reprimanded.

Q. Are reports confidential? A. Yes they are and details the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner

**INTERNAL COMPLAINTS COMMITTEE: 2023-25 as on 28.2.2023**

1. Presiding Officer : Ms. Yasmin Samad: Administrative Head
2. Legal Advisor: Sheela LS, Advocate
3. Management Rep: Dr. Krishna Kumar , Deputy Director -Male
4. Faculty Nominee :Dr. K Ravindran: Asst, Professor( MSW) Male
5. Faculty Nominee: Dr. Sangeetha P,(HRM) Associate Professor
6. Management Nominee: Dr. A K Pratheepa



Approved: Director



Cc. to All faculty members. Soft copy in website and also part of handbooks. Revision and training due July 1, 2023. QLEAD workshop and training