Constitution of Internal Complaints Committee 1.1.2025(Amended)

From,

Dean

To,

AIMSR Family

Sub: Constitution of Internal Complaints Committee

Dear All,

Apollo Institute of Medical Sciences & Research fosters equal opportunity to all employees / students and is committed to create a healthy working environment that enables employees / students to work without fear of prejudice, gender bias and sexual harassment.

All employees / students of this institute have the right to be treated with equality, honour and dignity.

Sexual harassment at the workplace or other than work place involving employees / students is a grave offence as well as serious misconduct and is therefore punishable.

Scope & Effective Date

- This Policy extends to all classes of employees/students of the organization and is deemed to be incorporated in the service conditions of all employees / students and comes into effect immediately.
- "Sexual harassment" includes one or more of the following unwelcoming acts or behavior;
  - Physical contacts or advances or
  - A demand or request for sexual favors or
  - Making sexually colored remarks or
  - Showing pornography or
  - Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

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:-

- Implied or explicit promise of preferential treatment in her employment; or
- Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect her health or safety

This Policy will be applicable to all allegations of Sexual Harassment by an Employee / Student against another Employee / Student, irrespective of whether Sexual Harassment is alleged to have taken place within or outside AIMSR premises.

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- "Employee / Student" means any person on the rolls of the Organization including those on deputation, contract, temporary, part time or working as Advisors/Consultants.
- "Complainant"/ "Aggrieved Employee / Student" means any person who has lodged sexual harassment complaint against respondent.

  In case, Complainant/Aggrieved Employee / Student is a woman, the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Act") shall be applicable.

- "Respondent" means any person against whom a complaint of sexual harassment has been lodged.

Constitution of Internal Complaints Committee

- An Internal Complaints Committee ("ICC") has been constituted by the Management to take cognizance and redress/inquire complaints of Sexual Harassment. The composition of the Committee is as follows:

Committee	Name
Presiding Officer	K.Aparna Reddy, COO
Representative from NGO	Ms,Shravya Mandadi
Legal Advisor	Mr.Prashanth
Member	Dr.Lingam Sridhar, HOD Surgery
Member	Dr.G.Man Mohan, HOD Dermatology
Member	Dr.Neetha Kundoor, Associate Dean Academics,
Member	Dr.RadhaKishan, Assistant Professor, Biochemistry
Member	K.Kranthi Sree, DGM-HR

The Committee is authorized to name the replacements in the ICC.

- A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Presiding Officer, at least two members; one of them shall be a lady.
- The Presiding Officer and every member of the ICC shall have maximum term of 3 years.

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Power of Internal Complaints Committee

The ICC shall have the same powers as are vested in civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:-

- summoning and enforcing the attendance of any person and examining him on oath;
- requiring the discovery and production of documents; and
- Any other matter which may be prescribed.

Removal of Internal Complaints Committee

Presiding Officer / Member of Internal Complaints Committee shall be removed in case he / she;

- Contravenes the provision of section 16 of the Act i.e an absolute obligation of 'confidentiality' on the employer about the identity and address of the aggrieved woman, respondents, witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the ICC, and the action taken by the employer.
- Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; o
- Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
- Has so abused his/her position as to render his continuance in office prejudicial to the public interest;

Where ever a member has been removed from the ICC, a fresh nomination shall be made in accordance with provision of section to fill up the vacancy.

Redressal Process

- Any Aggrieved Employee / Student may mail a complaint of sexual harassment at workplace to the icc@apolloimsr.edu.in or call to **96526 38245**, within a period of three months from the date of incident .
- Where such complaint cannot be made in writing, the Presiding Officer or the member shall render all reasonable assistance to the Aggrieved Employee / Student for making the complaint in writing. The ICC may, for the reasons recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within such period.
- Where the Aggrieved Employee / Student is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise, his/her legal heir or such other person as may be prescribed may make a complaint under this provision.
- The Committee upon receipt of Complaint shall try to settle the issue / case between complainant and respondent through conciliation before the enquiry of the case. In case, the Aggrieved Employee / Student is a woman, such conciliation will be in accordance with the provisions of Section 10 of the Act i.e conciliation can happen only at the request of the aggrieved woman. From an organizational perspective, conciliation could be a high-risk

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proposition as there could be allegations at a later stage that the aggrieved woman was coerced to enter into conciliation. Hence, it is advisable to ensure proper documentation to record the consent of the aggrieved woman.

- In case the settlement is arrived between the complainant and the respondent, the ICC shall record the settlement so arrived and forward the same to Presiding Officer to take action as specified in the recommendation.

The ICC shall provide the copies of the settlement recorded to the complainant and respondent. Where a settlement is arrived, no further inquiry shall be conducted by the ICC.

Inquiry Process

- In case the settlement is not arrived by conciliation, ICC shall immediately proceed with the Inquiry and communicate the same to the Complainant and respondent.
- The ICC shall prepare and hand over the Statement of Allegation to the respondent and give him / her opportunity to submit a written explanation if she / he so desires within 7 days of receipt of the same.
- The Complainant shall be provided with a copy of the written explanation submitted by the respondent.
- If the Complainant or the respondent desires any witnesses to be examined, they shall communicate in writing to the Committee the names of witnesses that they propose to call.
- If the Complainant desires to tender any documents by way of evidence before the Committee, she / he shall supply original copies of such documents. Similarly, if the respondent desires to tender any documents in evidence before the Committee he / she shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.
- The ICC shall call upon all witnesses mentioned by both the parties.
- The ICC shall provide every reasonable opportunity to the Complainant and respondent, for putting forward and defending their respective case.
- The ICC shall complete the "Inquiry" within a period of 60 days and communicate its findings and its recommendations for action to the Dean without any prejudice or biased within 10 days from completion of inquiry.

The report of the ICC shall be treated as an inquiry report on the basis of which an erring Employee / Student can be awarded appropriate punishment straightaway.

Decisions of ICC

- In case ICC arrives at the finding that allegations are not proved It shall recommend to the Presiding Officer that no action is required to be taken in the matter.
- In case ICC arrives at the finding that allegation against the respondent has been proved it shall recommend to Presiding Officer of the Organization for Suitable action as deemed fit for the matter leading to termination of the service of the Employee / Student.
- ICC may also propose to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the Aggrieved Employee / Student (if such Employee / Student is a

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woman) or to her legal heirs, as it may determine, in accordance with the provisions of Section 15 of the Act.

However, in case the organization is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment, it may direct to the respondent to pay such sum to the aggrieved woman. Further, in case the respondent fails to pay the sum referred in the foregoing clause, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

False Allegation / Evidences

Where the ICC arrives at a conclusion that the allegation against the respondent is malicious or the or any other person making the complaint has made the complaint knowing it to be false or the Aggrieved Employee / Student or any other person making the complaint has produced any forged or misleading document,

ICC may recommend to Dean of the Organization to take action against the complainant leading to termination of services.

However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant. Further, the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

OTHER POINTS TO BE CONSIDERED

- During the pendency of an inquiry, on a written request made by the Aggrieved Employee / Student, in case such aggrieved Employee / Student is a woman(aggrieved woman may be restored) the ICC may recommend the Presiding Officer to-
  - Transfer the aggrieved woman or the respondent to any other workplace; or
  - Grant leave to the aggrieved woman up to a period of three months; or
  - Grant such other relief to the aggrieved woman as may be prescribed.

The leave granted to the aggrieved woman under the foregoing provision shall be in addition to the leave she would be otherwise entitled.

- The ICC will analyze and put up report on all complaints of this nature at the end of the year for submission to Presiding Officer.
- In case the ICC finds the degree of offence coverable under the Indian Penal Code, then this fact will be mentioned in its report and appropriate action will be initiated by the Management, for making a Police Complaint.

Regards

Dr K Manohar
Dean

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