

### **How the ICC conducts an inquiry**

The procedure below will be generally followed. However, given that determining what constitutes sexual harassment depends upon the specific facts of each case, the ICC may make modifications in the procedure in accordance with the policy and the principles of natural justice. The standard of proof in an inquiry is 'preponderance of probability'.

### **Receipt of complaint**

1. A formal complaint is received, with available evidence and list of witnesses.
2. ICC determines if there is *prima facie* a case of sexual harassment.
3. If the answer is yes, respondent is informed and provided with the complaint and has to respond in 10 days time with evidence and list of witnesses.
4. The respondent's response is given to complainant.

### **Inquiry process**

5. ICC hears the complainant and witnesses once or more than once.
6. ICC hears respondent and witnesses once or more than once.
7. The parties read and sign the transcriptions/statements of their depositions.
8. The statements/depositions of complainant/witnesses [identities of these witnesses may be withheld on request] are provided to respondent and of respondent/witnesses to complainant.
9. During the course of inquiry, copies of all evidence provided by complainant & witnesses are provided to respondent and of respondent & witnesses to complainant.
10. In the course of inquiry, ICC may call anyone else it thinks may be able to help the inquiry and may also call for any documents, material from the Institute which may be relevant – such as CCTV footage, mail server evidence in case of e-mails and so on.
11. Cross-examination is conducted but may not be face-to-face. Each party may send to ICC questions for the other party and witnesses. These questions will be put to the party concerned by the ICC.
12. ICC will normally allow all questions except those that it has reason to believe are irrelevant, mischievous, slanderous or derogatory.
13. The cross-examination answers are provided to the party concerned.
14. The ICC will deliberate on the statements, evidence, cross-examination and any other material placed before it and will write its report.
15. Period of inquiry and final report writing = 90 + 10 days from receipt of complaint.
16. In any case concerning an employee, the preliminary report of the ICC is given to them and a time period is given for response.
17. The ICC will take into consideration the response of complainant/respondent and prepare its final report.

### **Action on ICC report**

18. The final report is tabled before the Director who is the disciplinary authority for students and before the BoG, which is the disciplinary authority for employees.
19. In case of students, Director will decide action to be taken on the basis of ICC recommendations in its report.
20. Office order will be issued to respondent, who may appeal to Director and Director will take a final decision in case of appeal.
21. In case of employees, BoG will decide action to be taken on the basis of ICC recommendations in its report.
22. The action to be taken will be communicated to respondent and time will be given for appeal/response.
23. BoG will take into consideration respondent's response and will issue final order on action.