

**PROCEDURE TO REGULATE THE CONDUCT OF AN ENQUIRY
UNDER THE PROVISIONS OF ACT NO. IV OF 2010 - PROTECTION
AGAINST HARRASSMENT OF WOMEN AT THE WORKPLACE.**

IQRA UNIVERSITY

Enquiry Committee constituted under Section 3(1) of Act No. IV of 2010

In pursuance of the powers conferred under Section 4(2) of Act IV of 2010, the Committee is pleased to frame the following procedures to deal with any complaints received under the aforesaid Act:-

1- Applicability

- (a) These rules shall apply to all Campuses of Iqra University.
- (b) The Committee shall be empowered to proceed under these rules only where the complainant and the accused are both serving employees of Iqra University.
- (c) The Committee shall entertain complaints only with regard to incidents occurring at the workplace.

2. The Complainant

In accordance with Section 2(e), a complainant can be a woman or man. The Enquiry Committee will consequently receive complaints both from women or men.

3- Confidentiality

- (a) All proceedings before the Enquiry Committee will be treated as confidential.
- (b) If either of the party violates the confidentiality clause and seeks to scandalize the complaint and to make it public either verbally, in writing or through the media, the Enquiry Committee after satisfying itself shall refer a complaint to the competent authority for taking action against either of the parties responsible for violating the confidentiality.

4. Ex-parte proceedings.

- (a) Where the accused person fails to turn up before the Enquiry Committee or fails to put in his defence, the Enquiry Committee will proceed ex-parte against the accused.
- (b) Where the accused joins in the proceedings at any subsequent stage, the Enquiry Committee will continue with its proceedings.
- (c) Where the complainant fails to bring in evidence or fails to assist the Enquiry Committee in finding out the facts, the Enquiry Committee may submit its recommendation to the competent authority that the complaint may be dismissed in accordance with Section 4(4).

5. False complaints made with mala fide intentions.

- (a) In accordance with Section 5(3), if after due proceedings, the Enquiry Committee comes to the conclusion that the allegations leveled are false, exaggerated or made with mala fide intentions, the Enquiry Committee will recommend to the Ombudsman the imposition of a similar penalty as could have been imposed on the accused if the allegations had been true.
- (b) The Enquiry Committee will route all correspondence with the Ombudsman through the competent authority.
- (c) Where the Ombudsman accepts the recommendations of the Enquiry Committee in case of false, exaggerated or mala fide allegations, the competent authority will take appropriate steps to restore the damage done to the reputation and standing of the accused.

6. Delayed filing of the report by the complainant.

- (a) If the complainant has filed the report after a delay of 30 days, the Enquiry Committee would first ask the complainant to satisfy the Committee regarding the delay in the filing of the complaint.
- (b) If the Enquiry Committee finds that the reasons for the delay are cogent and plausible, it will proceed with the enquiry.
- (c) If the Enquiry Committee comes to the conclusion that the delay has been deliberate, mala fide or with the object of fabricating evidence, the Enquiry Committee shall dismiss the complaint and inform the competent authority.

7. Informal Complaint.

- (a) Under para 1(iii) of the Code of conduct, the complainant may lodge an informal complaint. An informal complaint must also be filed in the prescribed form (Annex-II).
- (b) The complainant must specify that she would like the Enquiry Committee to take up the matter informally.
- (c) The Enquiry Committee would then settle the complaint through mediation, advice and counseling.
- (d) If the complainant is satisfied then no further action would be necessary.
- (e) As a part of the informal procedure, the Enquiry Committee may recommend to the competent authority that the workplace and timings of the complainant and the accused should be so changed that there is minimum future interaction between them.
- (f) The Enquiry Committee may also recommend to the competent authority that if the accused is the supervisory or reporting officer of the complainant then the complainant should be put under some other supervisory officer
- (g) The record, if any, of the informal complaint should be preserved as a confidential record by the Enquiry Committee for a period of six months and thereafter if there is no recurrence of a complaint against the same accused, the record should be destroyed.

8. Formal procedure in case of formal complaint.

In case a complainant wishes to take recourse to the formal procedure then the Enquiry Committee will ask for the following:-

- (a) A written application on prescribed form (Annex-I) stating the facts.
- (b) An affidavit in the light of Section 5(c) giving the gist of the evidence on which the complainant wishes to rely.
- (c) If the evidence is oral evidence, it should be reduced in writing and duly signed by the person giving the evidence.
- (d) The Enquiry Committee would summon the accused and provide him with the copies of the written allegations and the evidence available.
- (e) The accused would be required to put in his written reply within seven days.
- (f) The Enquiry Committee would then bring the complainant and the accused together to see if any mediation can be done between the parties to the satisfaction of the complainant.
- (g) If the complainant is not satisfied at this stage, the Enquiry Committee will proceed to record evidence first from the complainant and then from the accused.
- (h) The Enquiry Committee would then come to its conclusions and submit their recommendations to the competent authority for taking appropriate action.
- (i) The record in the case of a formal complaint will be maintained by the Enquiry Committee for a period of one year after the appellate procedure has been exhausted. Thereafter, it should be destroyed.

9. The Workplace.

Section 2(h) defines harassment and Section 2(n) defines the workplace. The Enquiry Committee, therefore, defines the workplace in respect of Iqra University as the premises of each Campus.

10. Place and Timing of sittings.

The place and timings of the sittings will be decided by the Chairman of the Committee so as to maintain confidentiality of the proceedings