

Sample Inquiry Report

1. Details of the parties

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|-------------------------|-----------------------------------|
| Name of the complainant | Name: Designation: Address: |
| Respondent | Name: Designation: Address: |

2. Date of the complaint

(In case the Complaint has been filed after a period of 3 months from the alleged incident(s) of sexual harassment, then the reasons for the delay to be recorded here)

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3. Copy of the complaint provided to the respondent

(The fact that the copy of the complaint was served on the Respondent and acknowledged by the Respondent to be recorded here)

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4. Conciliation

Did the Complainant suggest conciliation of the case with the Respondent? Please tick the appropriate box below

Yes

No

If yes, then please provide brief of the conciliations as follows

Brief of the conciliation

Declaration: The ICC hereby declares that there was no monetary settlement on part of this conciliation.

If no, then leave the above space blank.

5. Details of the complaint

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| Date of Filing of the complaint | |
| Incident(s) as described by the Complainant | |
| Dates of the alleged incident(s) | |
| Place of the incidents(s) | |
| Details of the document submitted by the complainant (if any) | 1. 2. 3. |
| Details of the witnesses (if any) | 1. 2. 3. |
| Any other details contained in the complaint | |
| Specific allegations made by the Complainant against the Respondent | |
| Any relief asked for during the pendency of the complaint | |
| Any police complaint filed | |

6. Reply filed by the Respondent

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| Date of Filing of Reply | |
| Response to specific allegations | |
| Description of incidents by the Respondent | |
| Details of the documents submitted (if any) | 1. 2. 3. |
| Details of the witnesses (if any) | 1. 2. 3. |
| Any other details contained in the reply | |

7. Inquiry by ICC

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| Dates on which meetings were held/cancelled |
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| Any other details related to meetings |
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| List of witnesses |
| 1. |
| 2. |
| 3. |

**Please note that the Act or the Rules do not state that the ICC must specifically provide for such details. However, considering the fact that the Act and Rules provide that the ICC may conduct the inquiry if a minimum of three members of the ICC including the Presiding officer/Chairperson are present, it is recommended that the ICC record such details for avoiding any doubts in the future.*

**Please note that the Act or the Rules do not state that the ICC must specifically provide for such details. However, considering the fact that the Act and Rules provide that the ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or the respondent fails to present herself or himself for 3 consecutive hearings convened, it is recommended that the ICC record such details for avoiding any complications in the future.*

**Since the act does not provide for a detailed procedure, it is recommended that the ICC record details of the procedure of hearing a complaint adopted by it. For example, the ICC can record that it sent one week advance notice to each party to appear for hearings on the said dates or that a Party A had requested on (date) to be heard privately, in absence of B and the ICC owing to the seriousness of the matter had granted such request for that particular day*

Key statements by witnesses* and any other relevant details*

Documentary Evidence Examined

8. Conclusion

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9. Recommendations to the Employer

Penalties for the respondent

- 1.
- 2.
- 3.

Rehabilitation for the Complainant

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(In case of malicious complaint, the recommendation to be provided as follows)

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| Penalties for the complainant |
| General Observations/Recommendations (if any)* |

**Transcripts of relevant depositions made by witnesses may be attached to this report if required.*

**Any other relevant detail may be added by the ICC. For example, in a case where the ICC dispenses with cross examination of a witness or dispenses with the enquiry, it may provide reasons for doing the same such as “This is a situation where it is not expedient to hold a regular enquiry as it will cause serious embarrassment to the students and parents and would also vitiate the atmosphere of the school. Hence the procedure for holding is dispensed with.*

**The ICC can also make any general observations about the parties, on case to case basis. For example – B’s conduct before the ICC was discourteous and he also tried to intimidate the members of the ICC. The tone and tenor of the letters written by B to the ICC was also rude, offensive and undesirable.*

10. Declaration by the ICC

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| Copy of this report is being sent to the respective parties, and the employer. This report shall be treated as confidential at all times and shall not be available for viewing unless required by the law. |
| The undersigned have strictly adhered to the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and the guidelines laid down by the Supreme court in the case of Vishaka and Ors Vs. State of Rajasthan and Ors...(1997) 6 SCC 24 and the ICC has provided reasons for taking all its action. |

Signed by the ICC Members:

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| Presiding officer/Chairperson | |
| Other member of the ICC | |
| External Consultant | |

Disclaimers

- This report has been prepared with respect to Complaint no. (...) on (dd/mm/yy) in the presence of all the members of the ICC as appointed by the Policy and has been signed by all the members
- None of the ICC members have any personal interest in the matter
- There was no direct evidence of the said incident available (if applicable)

The ICC members to note the following:

- ✓ ICC has to ensure that the report is prepared within 10 days of the completion of inquiry
- ✓ ICC has to ensure that this complaint has to be sent to the respondent within 7 working days of the receipt of the complaint.
- ✓ ICC has to ensure that the reply from the respondent is received within 10 working days of the date on which the complaint was filed. Also, if the respondent fails to file his reply within the stipulated period, the ICC is free to carry on the enquiry ex-parte.
- ✓ ICC has to ensure that the inquiry is completed within max of 90 days (please target internal process timelines which would be 60 days to 90 days but ensure it does not cross 90 days). If there is a delay, ICC has to provide reason for the delay.
- ✓ The Act has not provided for the exact manner in which and ICC must conduct its inquiry. It has given ICCs the liberty to take their own decisions based on circumstances of each case. Therefore, if the ICC does anything which is not clearly as per the provisions of the Act or has not been specifically provided for under the Act, it is recommended that it make a mention of the same in the report and also provide reasons for such approach, in order to avoid any probe later. Therefore the ICC may record other details as well, on a case to case basis. For example, B made frequent calls at the residence of A on (date) and (date) and had consequently harassed her unnecessarily. B had sent 2 emails to A on (date) and (date) which carried vulgar and filthy content and were graphic in nature and were explicitly sexual asking for sexual favours etc. But the same were delayed by A and B had followed and stalked A during her evening walks and thereby had created an overbearing and intimidating situation for her and on one day while crossing her had touched himself in an obscene manner and such actions of passive intimidation had seriously hampered A's routine

- ✓ The ICC may also state any special behaviour on a case to case basis, for example,“ the ICC recorded statement of A and examined 3 witnesses. The evidences of the 3 witnesses were also provided to B, although their identities were not disclosed. Although, B was given full opportunity to submit questions for cross examination of the witnesses, B did not avail of the opportunity and did not submit any questions for any of A’s witnesses. However, B submitted questions for A and answers with respect to them were duly recorded.
- ✓ With respect to inquiry of the witnesses, the Act does not prescribe for a detailed procedure to be followed by the ICC. However in certain cases, where witnesses are co-employees in the same workplace where the matter is being heard, sometimes they may wish to keep their name confidential in the report(as several witnesses may not speak freely if they believe that their employment may get affected or jeopardized due to such speech). In such situations, the ICC may wish to confirm this with the witnesses and keep their names anonymous. For fear of losing their job, a witness may also wish to be called separately, in the absence of the respondent so that they may not be identified. The law does not provide for any particular procedure, but if the ICC deems fit, it may allow such request of the witness.
- ✓ Please note that as per the Act, ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or the respondent fails, without sufficient cause, to present herself or himself for three consecutive hearings convened by the Presiding officer, as the case may be. Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in purpose of conducting any hearing, a minimum of 3 members of the ICC including Presiding Officer is required to be present.

Metis POSH provides training to committee members on conducting inquiries, related documentation and reporting. Please email: Jayaprada@posh.metisindia.com or call

9880711690 for more details.