

How does the IC conduct an inquiry?

The procedure outlined below will be followed in general. However, because establishing what constitutes sexual harassment relies on the individual facts of each case, the IC may make changes to the procedure in accordance with the policy and natural justice principles. In an inquiry, the 'preponderance of probability' is the standard of proof.

Receipt of complaint

1. A formal complaint with available evidence and a list of witnesses is received.
2. The IC decides if there is a prima facie case of sexual harassment.
3. If the response is yes, the responder is notified and given the complaint, and he or she has 10 days to respond with proof and a list of witnesses.
4. The respondent's response is conveyed to the complainant.

Inquiry procedure

5. The IC hears the complainant and witnesses once or more or more times.
6. The IC hears the respondent and witnesses once or more times.
7. The parties read and sign their deposition transcriptions/statements.
8. The statements/depositions of the complainant/witnesses [identities of these witnesses may be concealed upon request] and of the respondent/witnesses are delivered to the complainant.
9. During the course of the investigation, copies of all evidence submitted by the complainant and witnesses are delivered to the respondent, and copies of the respondent and witnesses are handed to the complainant.
10. During the course of the investigation, the IC may summon anyone else it believes may be able to assist the investigation, as well as any papers or materials from the Institute that may be relevant - such as CCTV footage or mail server evidence.
11. Cross-examination occurs; however, it may not be face-to-face. Each side may submit questions for the other party and witnesses to the IC. The IC will pose these questions to the party in question.
12. Normally, the IC will allow any questions except those that it believes are irrelevant, malicious, defamatory, or disparaging.
13. The cross-examination replies are given to the party in question.
14. The IC will write its report after deliberating on the statements, evidence, cross-examination, and any other information presented before it.
15. Inquiry and final report writing period = 90 + 10 days from complaint receipt.
16. In each case involving an employee, the preliminary report of the IC is provided to them, along with a time limit for response.
17. The IC will issue its final report after considering the complainant's/respondent's response.

Action on the IC report

18. The final report is tabled before the principal, who is the disciplinary authority for students and employees.
19. In the case of students, the principal will decide what action to take on the basis of the IC recommendations in its report.
20. An office order will be issued to the respondent, who may appeal to the college management, and management will take a final decision in the case of an appeal.
21. In the case of employees, the principal, as the head of the institute, will decide what action is to be taken on the basis of the IC recommendations in its report.
22. The action to be taken will be communicated to the respondent, and time will be given for appeal or response.
23. The Institute will take into consideration the respondent's response and issue a final order on action.