

Sexual Harassment Complain Procedure

Members of sexual harassment committee of female employee in school.

The present members of the complaints committee to deal with the complaints of sexual harassment in accordance with the guidelines laid down by the supreme court of India relating to sexual harassment of women workers at work places and students are as follows.

SCHOOL MANAGEMENT COMMITTEE shall constitute Vice-Chairman, Principal, Member of NGO/ Competent authority, Office Superintendent, In-charge/Coordinator of the school. Details of the members shall be mentioned in the Register in the following format and is subject to change.

Members Detail

S.NO	NAME	DESIGNATION	NUMBER
1.	Ms. Yashi Bala	Vice Chairman	9810970602
2.	Ms. Anju Gaur	Principal	9910870001
3.	Ms. Rozy Sareen	President – Saravmitree Foundation	09876403366
4.	Ms. Renu Tyagi	NGO Member- Saravmitree Foundation	08371952849
5.	Mr. Narender Singh	Office Suptd.-Staff Member	9871191704
6.	Ms. Ranjna Maheswari	Sr. Incharge	9654994452
7.	Ms. Shikha Singh	Jr. Incharge	9718229993

Definition of Sexual Harassment : as laid down by the Hon'ble Supreme Court in Vishaka and others Vs. State of Rajasthan and others (JT 1997) (7) SC 384

Definition: For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

- Physical contact and advances;
- A demand or request for sexual favours;
- Sexually coloured remarks;
- Showing pornography;
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

Where any of these acts is committed in circumstances where-under the victim of such conduct has a reasonable apprehension that in relation to the victim's employment or work whether she is drawing salary, or honorarium or voluntary, whether in government, public or private enterprise such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory for instance when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment or work including recruiting or promotion or when it creates a hostile work environment. Adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto.

Committee Against Sexual Harassment

With regard to the Supreme Court Judgment and guidelines issued in 1997 to provide for the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly against sexual harassment at work places, the University Grants Commis

sion (UGC) has issued circulars since 1998,, to all the institutions, advising them to establish a permanent

cell and a committee and to develop guidelines to combat sexual harassment, violence against women and ragging at the universities and colleges. It has further advised the institutions to be proactive by developing a conducive atmosphere on the campus, where the status of woman is respected and they are treated with.

Objective

The objectives of the Committee are:

- Prevent discrimination and sexual harassment against women, by promoting gender amity among students and employees;
- Make recommendations to the chairperson for changes/elaboration in the Rules for students and employees in the Prospectus and the Bye –Laws to make them gender just and to lay down procedure for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment against women, by the students and the employees.
- Deal with cases of discrimination and sexual harassment against women, in a time bound manner, aiming at ensuring support services to the victimized & termination of the harassment;
- Recommend appropriate punitive action against the guilty party to the Chairperson.

Procedure for Approaching Committee

- The Committee deals with issues relating to sexual harassment at the J.K.G Sr. Sec. School. It is applicable to all students, staff and faculty. A complaint of discrimination or sexual harassment may be lodged by the victim or a third party. A written complaint may be addressed to the Convener of the Committee. If the complaint is made to any of the Committee members, they may forward it to the Convener of the Committee Against Sexual Harassment.

Here it should be noted that according to the Supreme Court guideline Sexual harassment can be defined as "unwelcome" sexually determined behaviour (whether directly or by implication) as mentioned in the definition above.

The following is also sexual harassment and is covered by the committee:

- Eve-teasing,
- Unsavoury remarks,
- Jokes causing or likely to cause awkwardness or embarrassment,
- Innuendos and taunts,
- Gender based insults or sexist remarks,

- Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) & the like,
- Touching or brushing against any part of the body and the like,
- Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings,
- Forcible physical touch or molestation and
- Physical confinement against one's will and any other act likely to violate one's privacy.

Procedure for dealing with complaints

1. Filing of a complaint:

If any associate believes that she/he has been subjected to sexual harassment, such person may file a complaint with any member of the committee.

The committee member on receiving a complaint will intimate the committee head. The committee head would arrange for a meeting within a week of receipt of the complaint for discussing the complaint raised. Complaints must be brought within 30 working days of the incident of sexual harassment. Complaints brought after that time period will not be pursued absent extraordinary circumstances. The determination of whether the complaint was timely or whether extraordinary circumstances exist to extend the complaint period must be made in conjunction with the Legal team.

Every attempt will be made to get the complainant to provide the complaint in writing. The complaint shall include the circumstances giving rise to the complaint, the dates of the alleged occurrences and names of witnesses, if any. The complaint shall be signed by the complainant.

2. Process of Enquiry

- The committee will ask the complainant to prepare a detailed statement of incidents/ allegations. The statement of allegation will be shared with the accused.
- The accused will be asked to prepare a response to the statement of allegations and submit to the committee within the given time.
- The statement and other evidence obtained in the inquiry process will be considered confidential.
- The committee will organize verbal hearings with the complainant and the accused.
- The committee will take testimonies of other relevant persons, review the evidence if necessary. The committee should ensure that sufficient care is taken to avoid any retaliation against the witnesses.
- During the enquiry process, the complainant and the accused would be expected to refrain from any form of threat, intimidation or influencing of witnesses.
- The committee will arrive at a decision after carefully and fairly reviewing the circumstances, evidences and relevant statements.
- The committee will ensure confidentiality during the inquiry process and will ensure that in the course of investigation a complainant:
 - (i) Both parties will be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents.
 - (ii) Upon completion of the investigation, both parties will be informed of the results of the investigation.
- The committee will be empowered to do all things necessary to ensure a fair hearing of the com

plaint including all things necessary to ensure that victims or witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment. In this regard the committee will also have the discretion to make appropriate interim recommendations in relation to an accused person pending the outcome of a complaint) including suspension, transfer, leave, change of work location etc.

- The investigation into a complaint will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.
- The committee will investigate and prepare an enquiry report with recommendation within 4 weeks of the complaint being filed.
- Once the investigation is completed, a determination will be made regarding the validity of the harassment allegation. If it is determined that harassment has occurred; prompt, remedial action will be taken. The committee will share the investigation details and the findings and agree on the applicable disciplinary action. This may include some or all of the following
 - (i) Restore any lost terms, conditions or benefits of employment to the complainant.
 - (ii) Committee will take appropriate disciplinary action, up to, including termination against the accused. All related documents will be maintained in the associate's folder, ensuring confidentiality.

This anti sexual harassment policy shall not, however, be used to raise malicious complaints. If a complaint has been made in bad faith, as demonstrated by clear and convincing evidence, disciplinary action which may include, termination will be taken against the person raising the complaint.

Decision and Action

Once the investigation is completed, a determination will be made regarding the validity of the harassment allegation. If it is determined that harassment has occurred; prompt, remedial action will be taken. The committee members will share the investigation details and the findings thereof with the appropriate functional head and agree on the applicable disciplinary action. This may include some of all of the following:

- (i) Restore any lost terms, conditions and benefits of employment to the complainant.
- (ii) Discipline the accused. This discipline can include demotion, suspension and termination.

The disciplinary action will be carried out by the concerned department. Such disciplinary action may include transfer, demotion or termination. All related documents will be maintained ensuring confidentiality.

Policy Implementation and Review

The policy will be implemented and reviewed by the committee. The school reserves the right to amend, abrogate, modify, rescind / reinstate the entire policy or any part of it at any time.

