

SEXUAL HARASSMENT COMMITTEE

COMPLAINTS & REDRESSAL CELL

DETAILS OF SEXUAL HARASSMENT COMMITTEE

Swami Vivekanand Academy is running under the aegis of *Neha Bal Vikash Seva Samiti*. It is co-education institute affiliated to MPBSE, Bhopal (M.P.). As per the provisions of Sexual Harassment of women at workplace (Prevention, Prohibition and Redressal) Act 2013, it is obligatory for the school to constitute a Sexual Harassment Committee for female employees/girls (students) in the school. The present members of the complaints and redressal Cell committee to deal with the complaints of sexual harassment in accordance with the guidelines laid down by the supreme court of India and the Act mentioned at Para 1 above relating to sexual harassment of women workers at work places and girls (students).

Composition of the Committee is as under:-

- (1) Chairperson : ***Mrs. NEHA GUPTA (DIRECTOR)***
- (2) Member No 1 : ***Mrs. Sushma Soni (Counsellor)***
- (3) Member No 2 : ***Miss Nidhi Mishra***
- (4) Member No 3 : ***Miss Neelam Tiwari***
- (5) Member No 4 : ***Miss Manasi Sunaniya***

Committee against Sexual Harassment with regard to the Supreme Court Judgment in 1977 and guidelines issued in the Act passed by Parliament in 2013 in this regard to provide for the effective enforcement of the basic human right of gender equality and guarantee against sexual harassment and abuse, more particularly 2 against sexual harassment at work places, the University Grants Commission (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 dignity.

The objectives of the Committee are:-

- (a) Prevent discrimination and sexual harassment against women employees and girl students by promoting gender amity among them.
- (b) Make recommendations to the Chairperson for changes/ elaborations in the Rules for students and employees in the Prospectus and the Bye-Laws, to make them gender just and to lay down procedures for the prohibition, resolution, settlement and prosecution of acts of discrimination and sexual harassment against women, by the students and the employees.
- (c) Deal with cases of discrimination and sexual harassment against women, in a time bound manner, aiming at ensuring support services to the victimized and termination of the harassment.
- (d) Recommend appropriate punitive action against the guilty party to the Chairperson.
- (e) Org. orientation program for women employees and girl students to sensitize to be proactive to deal with such discrimination if any.

PROCEDURE FOR FILING COMPLAINTS

Complaint may be oral, by email (svachhuhi2022@gmail.com) or in writing. If the complaint is oral, it will be converted into a written form by the Sexual Harassment Committee member who received the complaint and authenticated by the complainant under his / her signature as soon as possible.

Upon receipt of complaint by any member of committee, the member should forward it to svachhuhi2022@gmail.com. The grieved one may also lodge her complaint directly on the given e-mail. Moreover, the complaint can also be lodged telephonically to the mobile numbers which are available on our website.

PROCEDURE FOR FILING A COMPLAINT / GRIEVANCE WITHOUT REVEALING IDENTITY

If the complainant does not like to reveal her name for any grievance, she can drop the grievance(s) in the drop box placed outside the Counseling room. 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:-

- (a) Physical contact and advances.
- (b) Demand or request for sexual favours.
- (c) Sexually coloured remarks.
- (d) Showing pornography.
- (e) Other unwelcome physical, verbal or non-verbal conduct of a sexual nature (Vishaka judgment by Supreme Court) and the Act passed by the Parliament in this regard.

The following will also be treated as sexual harassment and are covered by the committee:-

- (a) Eve-teasing.
- (b) Unsavory remarks.
- (c) Jokes causing or likely to cause awkwardness or embarrassment.
- (d) Innuendos and taunts.
- (e) Gender based insults or sexist remarks.
- (f) Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like.
- (g) Touching or brushing against any part of the body and the like
- (h) Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings.
- (i) Forcible physical touch or molestation.
- (j) Physical confinement against one's will and any other act likely to violate one's privacy.

PROCEDURE FOR DEALING WITH COMPLAINTS

a) 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 15 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.

b) Process of Enquiry:

1. The committee will ask the complainant to prepare a detailed statement of incidents/ allegations. The statement of allegation will be shared with the accused.
2. The accused will be asked to prepare a response to the statement of allegations and submit to the committee within the given time.
3. The statement and other evidence obtained in the inquiry process will be treated as strictly confidential. The committee will organize verbal hearings with the complainant and the accused.
4. The committee will take against the witnesses testimonies of other relevant persons and review the evidence if necessary. The committee should ensure that sufficient care is taken to avoid any retaliation.
5. During the enquiry process, the complainant and the accused would be expected to refrain from any form of threat, intimidation or influencing of witnesses.
6. The committee will arrive at a decision after carefully and fairly reviewing the circumstances, evidences and relevant statements.
7. The committee will ensure confidentiality during the inquiry process and will ensure that in the course of investigation a complaint:-
 - (a) Both parties will be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents.
 - (b) 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 complaint 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:-
 - (a) Restore any lost terms, conditions or benefits of employment to the complainant.
 - (b) Committee will take appropriate disciplinary action, including termination of the accused. All related documents will be maintained in the associate's folder, ensuring strict confidentiality.
 - (c) This anti sexual harassment policy shall not, however, be used to raise malicious complaints. If the complaint has been made in bad faith, 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:-

(a) In the case of academic/administrative/ technical/ non-teaching staff/ management, disciplinary action could be in the form of one or more of the following:-

- (i) Warning.
- (ii) Written apology.
- (iii) Adverse remarks in the Confidential Report
- (iv) Debarring from supervisory duties.
- (v) Denial of re-employment.
- (vi) Stopping of increments/promotion.
- (vii) Reverting, demotion.
- (viii) Transfer if applicable.
- (ix) Dismissal.
- (x) Any other relevant mechanism.

(b) In case of students, disciplinary action could be in the form of:-

- (i) Warning.
- (ii) Written apology.
- (iii) Withholding results.
- (iv) Debarring from exams.
- (v) Debarring from holding posts
- (vi) Expulsion.
- (vii) Denial of admission.
- (viii) Any other relevant mechanism.

(NOTE: The reasons for the action have to be provided in writing. Action will be taken against person(s) who try to pressurize the complainant in any way).

CONCLUSION

The school will ensure that all women employees and girl students will feel safe and secure in the premises. The policy will be implemented and reviewed by the Committee from time to time as per the need. The school reserves the right to amend, abrogate, modify, and rescind/reinstate the entire policy or any part of it any time.