

SEXUAL HARASSMENT POLICY



Dr. RP Government Medical College
Kangra at Tanda, Himachal Pradesh

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Foreword

Sexual Harassment at work place is an extension of violence in everyday life and is discriminatory, exploitative, thriving in atmosphere of threat, terror and reprisal.

The college is committed to provide a safe and conducive work environment to its employees and expects them to combine "Expertise with responsibility". Towards this it is essential that each employee deals with their colleagues with full fairness and respect and realizes that his/her behaviour will be attributed to the college and can affect its inward and outward reputation.

Our quest for competitive excellence consists of our commitment to ethical conduct and adhering to our values. Integrity, honesty and respect for people remain some of our core values.

In our institution, harassment of any kind including sexual harassment is forbidden. Every employee has the right to be protected against harassment, regardless of whether the accused considers his or her own behaviour to be normal or acceptable and of whether the harassed person has the opportunity to avoid the harassment.

Dr. Rajindra Prasad Government Medical College Tanda is committed to providing a work environment free of sexual harassment. Sexual harassment is a form of workplace harassment of a sexual nature that affects the dignity of men and women at work.

The Sexual Harassment Policy has been formed to prohibit, prevent or deter the commission of acts of sexual harassment at workplace and to provide the procedure for the redressal of complaints pertaining to sexual harassment.

This Policy applies to all the employees, workers and students of the college and the hospital. Where sexual harassment occurs to an employee or student; the college will take all necessary and reasonable steps to assist the affected person in terms of support and preventive and redressal action.



Dr. Anil Chauhan
Principal

1. INTRODUCTION

Sexual Harassment affects all women in some form or the other. Lewd remarks, touching, wolf-whistles, staring looks are part of any woman's life, so much so that it is dismissed as normal. Working women are no exception. In fact, working women most commonly face the backlash to women taking new roles, which belong to male domains within patriarchy. Sexual Harassment is a form of violence in everyday life and is discriminatory and exploitative creating an atmosphere of threat and terror.

Sexual harassment is the expression of male power over women that sustain patriarchal relations in our male dominant society. It is practiced to remind women of their vulnerability and subjugated status. These patriarchal values and attitudes of both men and women pose the greatest challenge in resolution and prevention of sexual harassment.

Sexual harassment is also a form of human rights violation, and is an infringement on their life and liberty as defined in the Constitution of India. Such behavior is seen to transgress common dignity, gender equality, and fundamental rights. Sexual harassment is also contrary to anti discrimination laws of the land. [Article 15: "Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth" and Article 19(1) (g): Right to Freedom which upholds a woman's right "to practice any profession or to carry on any occupation, trade or business"].

Studies have found out that sexual harassment is still endemic, often hidden, and present in all kinds of institutions, organizations, government departments and private and corporate sector. Yet it is still not viewed as a problem always, which has to be systematically tackled. The issue is of concern for both women and the employers as studies show that sexual harassment touches lives of nearly 40-60% of working women.

Thus, combating sexual harassment involves developing understanding of what is sexual harassment and change of attitudes in all be it employees, colleagues, friends, administrators, employers or the law makers.

2. WHAT IS SEXUAL HARASSMENT

Sexual Harassment includes such unwelcome sexually determined behaviour, as physical contacts and advances, sexually coloured remarks, showing pornography and sexual demands whether by words, gestures or actions. Such conduct can be humiliating and may constitute a health and safety problem. It is discriminatory when the complainant has reasonable grounds to believe that his or her objection would disadvantage them in connection with employment, including recruiting or promotion or when it creates a hostile working environment.

Sexual harassment is emotionally abusive and creates an unhealthy, unproductive atmosphere at the workplace. Sexual harassment cases can be classified into two categories - quid pro quo and creation of a hostile working environment:

(a) Under the quid pro quo (meaning this for that) form of harassment, a person or authority, usually the superior of the victim, demands sexual favours for getting or keeping a job benefit and threatens to fire the employee if the conditions are not met.

(b) A hostile work environment arises when a co-worker or supervisor creates a work environment through verbal or physical conduct that interferes with another co-worker's job performance or creates the workplace atmosphere which is intimidating, hostile, offensive or humiliating and experienced as an attack on personal dignity. For example an employee tells offensive jokes. No person shall indulge or caused to be indulged under instructions from superior in sexual harassment of co-workers.

2.1 Sexual Harassment: The Law

Sexual harassment has been recognized globally as most intimidating, most violating forms of violence since long. Countries like UK, USA and many others have not only taken note of how degrading experiences of sexual harassment can be for women as well as employers but have adapted legislative measures to combat sexual harassment.

In India, it has been only more than ten years since sexual harassment was for the first time recognized by The Supreme Court as human rights violation and gender based systemic discrimination that affects women's Right to Life and Livelihood. The Court defined sexual harassment very clearly as well as provided guidelines for employers to redress and prevent sexual harassment at workplace.

While the Apex Court has given mandatory guidelines, known as Vishaka Guidelines, for resolution and prevention of sexual harassment enjoining employers by holding them responsible for providing safe work environment for women, the issue still remains under carpets for most women and employers.

Vishaka guidelines apply to all women whether working part time, on contract or in voluntary/honorary capacity. The guidelines are a broad framework which put a lot of emphasis on prevention and within which all appropriate preventive measures can be adapted.

One very important preventive measure is to adopt a sexual harassment policy, which expressly prohibits sexual harassment at work place and provides effective grievance procedure, which has provisions clearly laid down for prevention and for training the personnel at all levels of employment.

Hence the college has framed its own Sexual Harassment Policy in this regard. This Policy will be applicable to all those working in the college and hospital including students of the college.

3. SEXUAL HARASSMENT POLICY

3.1 Objectives of the Policy

Sexual Harassment policy of Dr. RPGMC Tanda has been framed keeping the following objectives in view:-

1. To fulfill the directives of the Hon'ble Supreme Court enjoining all employers to develop and implement a policy against sexual harassment at the work places.
2. To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the college.
3. To ensure the implementation of the policy in letter and spirit through proper reporting of complaints and their follow-up procedures.
4. To promote a social and psychological environment which will raise awareness about sexual harassment in its various forms.
5. To generate public opinion against sexual harassment and all forms of gender-based violence.
6. To make the commitment to ensure an environment without gender bias or gender based discrimination in the college campus.

Whereas Sexual Harassment infringes the Fundamental right of a woman to gender equality under Article 14 of the Constitution of India and her right to life and live with dignity under article 21 of the Constitution which includes a right to a safe environment free from Sexual Harassment.

And whereas the right to protection from Sexual Harassment and the right to work with dignity are recognized as universal human rights by international conventions and instruments such as convention on the elimination of all forms of discrimination against Women (CEDAW), which has been ratified by the Government of India.

And Whereas the Supreme Court has formulated guidelines to address Sexual Harassment at work place & educational institutions in the following judgments.

1. Vishaka & others Vs State of Rajasthan & other. Writ Pet (Criminal) No. 660-70 of 1992 [1997(7) SCC.323] Dt. 13.8.1997 and
2. Medha Kotwal Lele Vs Union of India, W.P. (Crl) No.173-177 of 1999.

3.2 Mandate of the Policy

To adopt Sexual harassment policy at DRPGMC Tanda will mean:

1. Commitment of the college to eradicate and prevent Sexual Harassment and to express absolute prohibition sexual harassment of female employees and students at work place and campus.
2. To make the college campus and work place free of sexual harassment for woman. The rules seek to create and maintain an academic and work environment free of sexual harassment for female students and employees in the campus.
3. Define sexual harassment both as quid pro quo and hostile work environment. An explanation of penalties for substantiated sexual harassment conduct.
4. A detailed outline of how and whom to complain in case of sexual harassment and grievance procedures to be used.
5. Clear understanding and strict rules regarding harassment by third party like, clients, visitors, patients, attendants, relatives etc.
6. Express commitment to keep all sexual harassment complaints and procedures confidential & time bound.
7. Clear statement that anyone found guilty of sexual harassment after investigation will be subject to immediate and appropriate disciplinary action.
8. Anti retaliation policy providing for protection against retaliation to complainants, witnesses, complaint committee members & other employees involved in prevention & complaint resolution.
9. To develop various promotional materials, organizing seminars and workshops.
10. Steps the authorities can take to prevent sexual harassment.
11. A policy/ procedure designed to deal with complaints of Sexual Harassment as one of the strategies to deal with the problem.

Overall mandate of the institution is to change behavior and attitudes that seek to ensure the prevention of Sexual Harassment at the workplace and campus.

4. DEFINITIONS

4.1 Sexual Harassment

For the purpose of this policy “Sexual Harassment” shall include, but will not be confined to the following:

- Unwelcome sexual advances, requests for sexual favours, and/ or verbal or physical conduct of a sexual nature made, either explicitly or implicitly, in return for a term or condition of teaching/ guidance, employment, participation or evaluation of a person’s engagement in any college activity;
- When unwelcome sexual advances and/or verbal, non-verbal, or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or through e-mail or any other communication mediums, gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, sounds or display of a derogatory nature, have the purpose or effect of interfering with an individual’s performance or of creating an intimidating, hostile or offensive environment;
- Forcible physical touch or molestation; Eve teasing, innuendos and taunts, physical confinement against one’s will and any other act to impinge upon one’s privacy;
- Any act or conduct by a person in authority and belonging to one sex which denies or would deny equal opportunity in pursuit of education or career development, or otherwise making the environment at the Institute hostile or intimidating to a person belonging to the other sex;
- Any such conduct committed by a third party or outsider in relation to a student, teacher or non-teaching employee, or vice versa during the course of a person’s engagement with the institution.

4.1.1 Sexual Harassment shall also include

- Stopping a vehicle and asking a female who is a stranger, if she wants a lift in the vehicle.
- Speaking to woman who is strangers and touching woman from passing vehicle.
- Cruising in vehicle looking for females to harass.
- Stopping and asking woman for directions with a view to harass her.
- Persuing and stalking former girl friends.
- Gossiping and spreading information about a woman’s private life.
- Ridiculing a woman on the basis of her colour, ethnicity, dress or physical appearance.

4.2 Teacher/Non-teaching employee

Teacher/Non-teaching employee will mean any person on the rolls of DRPGMC Tanda to whom this policy is applicable, including temporary, part time or honorary employees, by whatever name called, and would include persons engaged on a casual or a project basis and also those engaged through a contractor.

4.3 Resident

Resident shall mean any person who is a temporary or permanent resident of any of the accommodations or premises allotted to an employee or student.

4.4 Student

Students shall mean all students of DRPGMC Tanda including trainee Interns.

4.5 Third party

Third party shall mean any person who is not a student, employee or resident of DRPGMC Tanda. It will include private persons, visitors, patients, relatives, attendants etc.

4.6 Workplace

Workplace shall mean Dr. RP Government Medical College & Hospital, Kangra at Tanda controlled by the Government of Himachal Pradesh & affiliated to Himachal Pradesh University Shimla. It will include any place where an aggrieved woman or defendant or both is/are employed or work/s, or visits in connection with work during the course of or arising out of employment, and such other statutory and/or professional bodies, contractual and other services.

4.7 Educational institute & Hospital

Educational institute & Hospital shall mean Dr. RP Government Medical College & Hospital, Kangra at Tanda and Campus of Dr. RPGMC Tanda affiliated to HP University Shimla.

4.7 Campus

Campus shall mean the campus of Dr. RP Government Medical College & Hospital, Kangra at Tanda. Campus will include all places of work, teaching & training and residences including hostels & hospitals.

4.8 Appropriate disciplinary authority

Appropriate disciplinary authority shall mean:

- Vice Chancellor of HP University, Shimla
- Principal Secretary Health to the Govt. of Himachal Pradesh.
- Director Medical Education, Himachal Pradesh
- Principal, Dr. RP Government Medical College, Kangra at Tanda.
- Medical Council of India.

4.9 Vulnerable Locations

Vulnerable Locations for Sexual Harassment shall mean :

- Hospital & work place/ office
- Hostels & Mess
- Residences
- Class rooms / lecture theatres/ hall / stadium / play ground / canteen/ auditorium / student activity centre / bus stand / college & hospital campus.

4.10 Internal Complaints Committee

It means a complaint committee constituted by the Principal Dr. RP Government Medical College, Kangra at Tanda who will investigate complaints of alleged Sexual Harassment and make recommendations for resolution to the Competent Authority.

4.11 Aggrieved Woman /Women

Aggrieved Woman/ Women shall mean any female person/ persons, whether major or minor, who alleges that she/ they have been subjected to sexual harassment.

4.12 Defendant

Defendant shall mean a person against whom an allegation of sexual harassment is made under Sexual harassment of women at workplace

4.13 Appropriate Government

Appropriate Government shall mean the Government of Himachal Pradesh.

4.14 District officer

District officer shall mean an officer nominated by the Government. He can be the Deputy Commissioner, District Magistrate, the Addl. District Magistrate or addl. Deputy Commissioner and will deal with complaints of sexual harassment of women as and when referred to him/ her.

4.15 List of Third Parties

List of Third Parties shall mean The list of persons drawn up by the district Officer under the act of "THE SEXUAL HARASSMENT OF WOMEN AT WORK PLACE (PREVENTION, PROHIBITION AND REDRESSAL) BILL, 2006", consisting of persons from various fields who have worked for/ in the field of women's rights, including women's rights activists; social workers; activists from NGOs; counselors; lawyers; doctors; psychiatrists; trade unionists; representatives of peasant and agricultural organizations and journalists etc.

4.16 Misconduct

Misconduct shall mean as defined in the All India services (conduct) Rules 1968 rules, Central Civil Services (Conduct) Rules 1964, Indian Medical Council Act 1956, or in any other laws, rules, regulations for the time being in force governing misconduct.

4.17 Proceedings

Proceedings shall mean any proceedings carried out by any authority prescribed or persons authorized under this Act “THE SEXUAL HARASSMENT OF WOMEN AT WORK PLACE (PREVENTION, PROHIBITION AND REDRESSAL) BILL, 2006”.

4.18 Hostile Environment

A work environment is “hostile” when unwelcome verbal, non-verbal or physical behavior focusing on sexuality is severe and pervasive enough to interfere with the victim’s work performance or be intimidating or offensive to a reasonable person.

4.19 Services shall mean

Service of any description irrespective of whether it is provided for any consideration or not which is made available to potential users or the rendering of any service by a professional/ professional body or under a contract of personal service;

4.20 Unwelcome

It is the impact and effect the behavior has on the recipient that will define the behavior as Sexual Harassment.

Any reprimand during the administrative or routine working not with sexual intent will not constitute sexual harassment

5. PROHIBITION AGAINST SEXUAL HARASSMENT

5.1 Right to work in a free environment

Every woman shall have a right to be free from Sexual Harassment and the right to work in an environment free from any form of Sexual Harassment. Preventing the menace of sexual harassment and making the campus & work place free of sexual harassment will be the moral responsibility and accountability of the entire institute starting from the Principal to the lowest level employee and students. Such persons will be bound to take immediate action if any case of sexual harassment is noticed or reported by any female staff /student of the institution.

5.2 Responsibilities of Employer

It will be the legal responsibility of the head of institution to provide safe environment for woman free from sexual harassment and discrimination at workplace and campus; and to ensure that the atmosphere in the institution is in no way offensive to woman.

5.3 Prohibition against sexual harassment at work Place

- No employer or any person who is a part of the management or ownership, or a supervisor or a co-employee shall, sexually harass a female employee at the workplace, where she is employed or is seeking employment; whether the harassment occurs in / at the workplace, or at a place where the said person has gone in connection with the work or at any other workplace.
- Sexual Harassment will amount to misconduct in employment under all relevant Conduct and Service Rules and Regulations, the service rules / regulations governing employment and workplace shall govern such misconduct and the said Rules / Regulations shall stand amended accordingly.
- No employer or any person who is a part of the management or ownership, a supervisor or an employee shall sexually harass a woman who, for whatsoever reason is present in / at the workplace of the said persons, or who comes into contact with the employer, supervisor or employee in connection with her work or the work of the said persons.
- Every employer or management of the workplace shall take all necessary and reasonable steps to prevent and ensure that no woman employed in the establishment is subject to Sexual Harassment by any third party during the course of employment. Where any such Sexual Harassment occurs, the employer shall take all necessary steps to assist the aggrieved woman to redress the act of Sexual harassment.

5.4 Prohibition against sexual harassment in other cases

5.4.1 In cases where an employer-employee relationship does not exist:

- It shall be the duty of the head of the professional body or institution to ensure that- No student or any person seeking admission to any such institution / professional body or a client is subjected to sexual harassment.
- Take all necessary and reasonable steps to prevent and ensure that no woman is subject to Sexual Harassment by any person where any such Sexual Harassment occurs; the said professional body shall take all necessary steps to assist the aggrieved woman to redress the act of Sexual harassment.
- Without prejudice to the rights and remedies available under any other law for the time being in force and in addition thereto, an aggrieved woman shall have the right to claim compensation from the defendant for any Sexual Harassment to which she may have been subjected to in an appropriate Court of law.

5.4.2 In any claim under the preceding clause, the appropriate Court or forum, upon satisfaction that the defendant has committed Sexual Harassment, shall in addition to any order as may be deemed fit in the circumstances of the case award appropriate just and reasonable compensation to the person aggrieved. In determining the quantum of compensation, the Court shall take into account the following factors:

- The mental trauma, pain, suffering and emotional distress caused to the person aggrieved.
- The loss in career opportunities due to this particular incident.
- Medical expenses incurred by the victim for physical or psychiatric help.
- The income and financial status of the defendant.

5.5 Why the woman remain silent about Sexual harassment

Absence of complaints of Sexual Harassment does not mean absence of sexual harassment. It may mean that recipient of Sexual Harassment may feel that there is no point in complaining because of:

- Fear of social implications
- Nothing will be done about it
- It will be trivialized
- Complainant will be subjected to ridicule
- Fear of Reprisals

6. PREVENTION OF SEXUAL HARASSMENT

For the prevention of sexual harassment, a comprehensive Sexual Harassment Policy is required.

The institutions will evolve and adopt a comprehensive sexual harassment policy and amend its rules to bring them in conformity with the Hon'ble Supreme Court guidelines.

It will be widely distributed.

6.1 Duties of the workplace Authorities

Every workplace shall:

1. Ensure a safe environment free from Sexual Harassment including prevention and deterrence of Sexual Harassment .Every workplace shall lay down a clear policy on dealing with cases of sexual harassment and constitute a internal complaints committee or choose to be governed by the local complaints committee.
2. Undertake workshops and training programmes at regular intervals for sensitizing the members.
3. Prominently display notices in various places in the establishment spreading awareness about the issue of "Sexual Harassment at the Workplace" and giving information about the redressal mechanism that has been put in place and encouraging people to file their grievances.
4. Facilitate initiation of proceedings if an act/s of sexual harassment has been brought to his/her notice.
5. Prepare and prominently display a policy for the prevention and prohibition of Sexual Harassment.
6. After a complaint of sexual harassment has been made and pending its prosecution under this Act, not alter to the prejudice of the Complainant /Supporter /Witness concerned, the conditions of service of the Complainant/ Supporter/ Witness prevailing immediately prior to the complaint being lodged as a consequence to the filling and prosecuting of a complaint .
7. In establishments where an Internal Complaints Committee has been set up, bear the expenses of the committee members incurred in relation to a complaint such as travel allowance.

6.2 It shall be the duty of the appropriate government to ensure that the workplace under their administrative or supervisory control have taken all reasonable measures to comply with the duties cast upon the workplace under this Act.

6.3 Duties of the College Authorities

1. To constitute Joint Control Room.
2. To Constitute Internal Complaints Committee for complaints of sexual harassment of women.

6.3.1 Joint Control Room

The institution will start a JCR (Joint Control Room) involving female administrators, staff and students so that complaints of sexual harassment are received confidentially and action taken thereon. JCR will have its office in room No. 103. JCR will also provide for trauma and psychological counseling by the Psychiatrist, Legal aid by the Law Officer and Medical aid by doctors in various departments as and when required.

6.3.2 Internal Complaints Committee

It shall be mandatory for every workplace and every employer in charge of a work place to constitute an Internal Complaints Committee as prescribed under the Act. THE SEXUAL HARASSMENT OF WOMEN AT WORK PLACE (PREVENTION, PROHIBITION AND REDRESSAL) BILL, 2006 for dealing with cases of sexual harassment, in respect of its workplace. The complaint committee is an alternate procedure to be followed in case of sexual harassment.

6.4 Internal Complaints Committee

Internal Complaints Committee (Sexual harassment complaint committee) will be constituted in the college.

6.4.1 Criteria for the constitution of Committee

- a. The Internal Complaints Committee shall consist of not less than three members.
- b. The Committee shall be headed by a woman, who shall be its chairperson.
- c. There shall be at least one person selected from the list of third parties. A Third party either an NGO or other body who is familiar with the issue of Sexual Harassment or a nominee of the National/State Human Rights Commission or National/ State Commission for women familiar with the issue of Sexual Harassment.
- d. Not less than half of its members shall be women.
- e. All members of the Complaints Committee, whether internal or third parties should be neutral and unbiased.
- f. If a member of the Complaints Committee is junior in the hierarchy of the establishment concerned to the defendant, then for that particular case, that member shall be substituted on the Committee by another person senior to the defendant.

- g. Senior members will be included in the complaints committee because if the committee members are in subordinate position of power at workplace to the accused, those members shall find it very difficult to diligently carry out the responsibility bestowed on them as chairperson or members of the committee, against the superiors. If any such situation arises where the accused is senior to chairperson/ member of the existing committee, in that situation a senior female chair person/ member may be substituted for that case.
- h. An Internal Complaints Committee constituted shall be appointed for a period of three years, after which a new Committee shall be appointed, provided that the previous Committee or individual members of the previous committee may be reappointed, but not for more than two terms.
- i. A member appointed to the internal complaints committee from the list of third parties, shall be paid traveling allowance, at such rates as may be prescribed by the concerned workplace, for each day on which he/she is required to attend to the proceedings of the committee.

6.4.2 The names of the members of sexual harassment complaint committee and the Joint control room will be displayed on the notice board outside room No.103 (office of Joint Control Room) in addition to notice boards of the various Departments and Offices of the College Campus & Hospital, and also women and girls hostels.

6.4.3 Appointment of Adhoc Internal Complaint Committee

- Where the defendant is the person in charge of the workplace concerned, the appropriate Government shall appoint an adhoc committee headed by a chairperson who shall be senior in rank and status to the defendant.
- If a Chairperson/ member of the Complaints Committee is junior in the hierarchy of the establishment concerned to the defendant, then for that particular case, the chairperson/ that member shall be substituted on the Committee by another person senior in rank and status to the defendant or provide the option to the complainant to lodge the complaint with the local complaint committee.

6.4.4 Qualities of members of the Internal Complaints Committee

- Subjectivity: A sexual act when unwelcome is sexual harassment; the unwelcome is the woman's subjective reality. The Complaints Committee's first job is to believe in this reality (unless something on record completely negates her complaint).
- Empathy: It is critical that the Complaints Committee empathizes with the complainant and does not judge her by their moral standards. The most important question to be answered in the affirmative that the committee and all functionaries must ask themselves while providing redress to a particular case is 'Do we believe her?'

6.4.5 Duties of the Internal Complaints Committee

It shall be the duty of Internal Complaints Committees constituted, to promote and facilitate measures taken in the establishment concerned for the prevention of Sexual Harassment in that establishment and for sensitization regarding the same, and to carry out an enquiry into complaints of Sexual Harassment referred to it or brought to its notice.

6.4.6 The Complaints Committee must remember

- It needs extensive orientation for effective functioning.
- It cannot function like a criminal court.
- The complainant, when she complains, has at stake, her personal life and career.
- The impact sexual harassment has on a woman.
- It is difficult for a woman to talk about anything sexual. Hence there can be long time interval between the harassment and the actual complaint.
- It needs to handle complaints in a confidential manner and within a time-bound framework.
- It needs to submit an annual report on sexual harassment to the appropriate government authority.

6.4.7 Jurisdiction of Sexual Harassment Complaint Committee

1. Committee shall have the Jurisdiction to entertain the complaints of Sexual Harassment in the Campus and Hospital of Dr. RP Government Medical College Kangra at Tanda. More than half the members should be present in any meeting to be effective and valid.
2. If a member remains absent for more than three consecutive meetings, he/ she will be asked to give reasons in writing failing which, it will be reported to the higher authorities for appropriate action.
3. In respect of enquiries conducted by a complaint committee, Hon'ble Supreme Court has clarified as follows:
 - a. The personal life of the complainant is not relevant to any enquiry.
 - b. Questions of a delicate nature during cross examination may be directed to be put to committee or NGO who will in turn put it to complainant & record the answers.
 - c. Though it may be preferable to have corroboration, credible evidence given by the complainant alone may be sufficient to hold the accused guilty of offence. There is no such rule which says that corroboration is necessary to find the accused guilty. Given the personal nature of the offence of sexual harassment witness are rarely available to give evidence on behalf of victim.

- d. The mere fact that criminal proceedings have been instituted in respect of the complaint of Sexual Harassment is no reason to stay the proceeding before the complaint committee. Both may proceed simultaneously.
- e. Harassment and intimidation of the witnesses and the complainant will be met with severe disciplinary action.
- f. If the alleged harasser is found guilty, the complainant will not be forced to work with/under the alleged harasser. Where appropriate, the alleged harasser and not the complainant should be transferred.

7. PROCEDURE FOR LODGING A COMPLAINT

7.1 Dealing with the complaint

- Any woman complaining of sexual harassment shall prefer a complaint before the following authorities at the earliest point of time and in any case within 30 days from the occurrence of the alleged incident.
- The complaint shall contain all the material and relevant details concerning the alleged sexual harassment including the names of the contravener and the complaint shall be addressed to the complaint committee.
- If the complainant feels that she cannot disclose her identity for any particular reason, the complainant shall address the complaint to the head of the institution / Principal and hand over the same in person or in a sealed cover.
- Upon receipt of such complaint, the head of the institution shall retain the original complaint with him and send to the complaint committee a gist of the complaint containing all material & relevant details other than the name of the complainant & other details which might disclose the identity of the complainant.

7.2 Complaint Channel

Different routes that an aggrieved woman/ a female employee/ student shall take to file complaints i.e. contacting a responsible authority:

1. Responsible authority like Head of institution i. e. Principal of the College,
2. Sexual harassment complaint committee chairperson or members,
3. Any member of the Joint Control Room (JCR),
4. In cases where the allegation of sexual harassment is against the person in charge, she may lodge the complaint with the District Officer if she so chooses.

7.3 Place where a complaint may be preferred

1. In a workplace complaint may be lodged with any member of the Committee or any person designated to receive complaints.
2. If the aggrieved woman alleges that she has been subjected to an act of sexual harassment at a place she has visited in connection with her work, a complaint in this regard can be filed either with the Internal Complaints Committee of the college or with the Internal Complaints Committee in the branch or office in which the act of Sexual Harassment allegedly took place. However any enquiry or proceedings pursuant to the same shall be conducted at the DRPGM College Kangra at Tanda.
3. Save as provided otherwise, a complaint may be lodged with the District officer or the local complaints committee provided that; In cases where the allegation of Sexual Harassment is against the in charge of the workplace concerned, she may lodge the complaint with the District Officer if she so chooses.

7.4 Procedure for Oral Complaints

- Oral Complaints to be reproduced in Writing.
- It shall be duty of the Authority/ person before whom an oral complaint is made to reduce the said complaint in writing and read out the complaint to the complainant in the language requested by the complainant and obtain the signature of the complainant.

7.5 Where Sexual Harassment amounts to criminal offence

- Where the conduct of Sexual Harassment amounts to a specific offence under the Indian Penal Code (45 of 1860) or under any other law; it shall be the duty of the appropriate authority/ Member of the Committee/ Local Officer who receives such a complaint to immediately inform the complainant of her Right to initiate action in accordance with law with the appropriate authority, and to give advice and guidance regarding the same.
- Any such action or proceedings initiated shall be in addition to proceedings initiated and/ or any action taken. Irrespective of whether the complainant opts to initiate criminal proceedings under the Indian Penal Code (45 of 1860), the complaints committee shall be bound to initiate and conduct its proceedings simultaneously.

8. PROCEDURE IN DEALING WITH COMPLAINTS

8.1 Dispute Resolution prior to Enquiry

- Informal method of resolving complaints shall be the part of complaint mechanism to provide platform to resolve the complaint or to stop the harassing behaviour before the complaint escalate into full blown formal complaint.
- After a complaint of Sexual Harassment has been made, the aggrieved woman may request the Internal Complaints Committee to resolve the matter by conciliating between the parties before the commencement of the enquiry proceedings.
- First contact person/ authorized members of subcommittee, from within the committee or otherwise appointed, shall try to resolve the complaint informally first without the committee intervention, before the complaint goes to the formal channels of complaints committee.
- Any settlement brought about by such Dispute Resolution must be mutually acceptable to both the aggrieved woman and defendant.
- Where any settlement between the aggrieved woman and defendant is reached, the Internal Complaints Committee will record the Dispute Resolution process and the settlement reached; and will send it to the Principal, who shall implement the terms of the settlement, to the extent required therein. A copy of the same will be furnished to the aggrieved woman and the defendant.
- Notwithstanding the settlement reached in the dispute resolution process, the aggrieved woman shall have the right to withdraw from any dispute resolution process undertaken or to challenge any settlement on the ground that her consent for the settlement was obtained by force, fraud, coercion or undue influence or on the ground that the terms of settlement have been breached within a week.
- Any Dispute Resolution carried out by the Internal Complaints Committee shall be completed within a period of two weeks from the date of the receipt of the complaint.
- Where no mutually agreeable settlement can be reached during such above-mentioned Dispute Resolution process, the Internal Complaints Committee shall proceed to conduct the enquiry as per the procedure prescribed

8.2 Conducting of Enquiry

Where no Dispute Resolution process referred to above has been requested by the aggrieved woman, or if requested and carried out, has not been successful, these sexual harassment complaints, in whatever form or from whatever source these may emanate shall be dealt with immediately and appropriately. The Complaints Committee shall take immediate necessary action to cause an enquiry to be made discretely or hold an enquiry, if necessary.

1. The Internal Complaints Committee shall, within a period of two weeks of its receipt of the complaint or the conclusion of the dispute resolution process, proceed to conduct an enquiry into the allegation of Sexual Harassment.
2. Complaints may be entertained by the committee preferably within a short period from the day of the alleged event of sexual harassment.
3. Provisions relating to conducting of inquiry shall govern and prevail the procedures of existing Acts, Rules and governing procedures in dealing with conducting of an inquiry into cases of sexual harassment.
4. After considering the complaint, the committee shall follow the procedure as laid down for conducting of enquiries as per service rules, considered just and appropriate, to meet the ends of the Justice. No decision shall be taken by the committee against any one without giving the opportunity of hearing. In case the matter is not resolved in the Complaint committee, the complaints will be referred to higher authorities i.e. Head of Institution.
5. Whenever required local police will be informed and first information report (FIR) will be filed by the Complainant/ Principal of Dr. RP Government Medical College Kangra at Tanda with the local police authorities.

8.3 Rules of Evidence before Complaints Committee

- In conducting an enquiry, the enquiry committee may give directions relating to procedure that, in its opinion, will enable delay to be reduced and will help to achieve a prompt hearing in a manner which is appropriate to the matters at issue between the parties.
- The enquiry shall be conducted in Hindi, English or the local language, whichever is requested by the defendant and/ or complainant.
- The Committee shall ensure that every reasonable opportunity is extended to the complainant and to the defendant, for putting forward and defending their case.

8.4 Important Considerations

In particular, in conducting such an enquiry, the Enquiry Committee:

- Shall be sensitive to the covert, private and insidious nature of Sexual Harassment and shall take into account that often the aggrieved woman may not be able to lead direct or corroborative evidence.
- Shall not permit any evidence or examination based on the aggrieved woman's character, personal life, and conduct, personal and sexual history.
- Shall take note of the respective socio-economic positions of the parties, their hierarchy in the respective organization/ workplace, the employer-employee equations and other power differences while appreciating the evidence.
- May disallow any questions desired to be put by the defendant to the aggrieved woman which it feels are derogatory, irrelevant or slanderous to her.

8.5 Power of inquiry Committee to enforce attendance of witnesses and production of documents.

8.5.1 Every inquiry Committee shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:

- The summoning and enforcing the attendance of any witness and examining him on oath;
- Requiring the discovery and production of any document or other material which is producible as evidence;
- The requisitioning of any public or official record from any office.

8.6 Power to Issue Interim Orders

- The Committee shall have the power to issue appropriate Interim orders directing the Principal, on the demand of either the complainant or any witness giving evidence in her support, to implement such measures as transfer, changing shifts etc. of either the complainant, witness or defendant, granting of leave to the complainant, so as to protect the complainant and witnesses against victimization and discrimination and mental or physical distress and may issue such other interim orders as may be deemed necessary to ensure the safety of the complainant/ supporter/ witness.

8.7 Completion of Inquiry

- Enquiry to be completed within 90 days;
- Notwithstanding anything contained in any law for the time being in force an enquiry shall be completed, including the submission of the Enquiry Report, within a period of 90 days from the date on which the enquiry is commenced.
- Any delay in completion shall be done for reasons given in writing.

8.8 Findings and Directions

On the completion of an enquiry by Internal Complaints Committee, the said Committee may by a detailed and reasoned order:

1. Dismiss the complaint which was subject of the Inquiry.
2. Find the complaints proven on a balance of probabilities and give a finding to that effect and recommend to the Principal/ Disciplinary Authority that any action/ penalty be imposed upon the defendant, commensurate with the nature and gravity of the offence of which he has been found guilty of and in accordance with the Act, rules/ standing orders applicable to the workplace (in addition to the criminal proceedings, if any, going on side by side).

8.9 Disciplinary action

- Where the conduct of an employee amounts to misconduct in employment as defined in the relevant service rules the authorities should initiate appropriate disciplinary action in accordance with the relevant rules.

8.9.1 In case of College/ hospital employee, disciplinary action may be in the form of:

1. Warning.
2. Written apology and bond of good behavior.
3. Adverse remarks in ACR.
4. Debarring from supervision duties.
5. Denial of membership of statutory bodies.
6. Denial of re-employment/ extension.
7. Stopping of increment / promotion.
8. Reverting/ demotion.
9. Suspension.
10. Dismissal.
11. Imprisonment.
12. Any other punishment as may be warranted by the case.

8.9.2 In case of Students Disciplinary action may be taken in the form of:

1. Warning.
2. Written apology & bond of good behaviour.
3. Debarring entry into hostel/ campus.
4. Supervision for a specified period of time.
5. Debarring from exam or withholding results.
6. Debarring from holding posts.
7. Denial of admission.
8. Declaring the harasser as a (Person Non Gratia for a stipulated period of time.
9. Suspension.
10. Permanent expulsion from the institution.
11. Any other punishment as may be warranted by the case.

8.9.3 In case of Third party harassment

1. Where sexual harassment occurs as a result of an act or omission by third party or outsider, the Principal/ College authority in charge shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
2. It shall also initiate action by making a complaint with the appropriate authority as per law.

8.10 Actions after Enquiry

The recommendations of the committee on penalty/ action to be taken shall be forwarded to the Principal/ disciplinary authority. The orders of the disciplinary authority will be executed by the Principal of the College.

1. The internal complaint committee shall be deemed to be the inquiring authority appointed by the disciplinary or other competent authority for the purpose of inquiring into the complaints of sexual harassment.
2. The report of the Enquiry Committee shall be deemed to be an inquiry report under the All India services (conduct) Rules 1968, or any other Act or rules enabling the conduct of an enquiry into misconduct as the case may be.
3. However, the Principal/ disciplinary authority shall act upon the findings and recommendations in the report and implement the same.
4. If the Principal/ disciplinary authority disagrees with or wishes to modify the same, he/ she may do so by stating the reasons in writing.

5. The Principal/ disciplinary authority shall, however, only take such action after giving both the complainant and defendant an opportunity to make an oral representation (and written if they so choose) on the findings of the enquiry report for which representation shall be made within 2 weeks of their respective receipt of the copy of the report.
6. The disciplinary or other competent authority shall within a period of 3 months from the date of the receipt of the representation, pass a reasoned order.
7. No person accused of an act of Sexual Harassment shall be part of the decision making process referred to in this section.

8.11 Delays in Filing the Complaint

- A complaint relating to sexual harassment shall ordinarily be preferred within one month from the date of the alleged offence and the delay, if any, in preferring such complaint may be condoned provided that the complainant submits sufficient cause for such delay.
- Any perceived delay in filing a complaint, by itself, shall not be a relevant factor in deciding the veracity of the complaint or in appreciating evidence presented.

8.12 Appeals

- The provisions relating to appeals, revision and review as per the existing Acts, rules or regulations governing misconduct or offence as applicable to a workplace, shall mutadis mutandis apply to the provision of appeals under this chapter.

8.13 Confidentiality

- It shall be the duty of all the persons and authorities designated to ensure that all complaints lodged under this chapter shall be confidential. After the initiation of an enquiry, such confidentiality shall be continued so far as is possible.
- The name of the aggrieved woman or the defendant nor their identity shall be revealed by the press/ media or any other persons whilst reporting any proceedings, case, order or Judgment.

8.14 Punishment for false complaints

- There will be punishment for false/ wrong complaints in the form of various disciplinary actions against the complainant if the complaint is found to be false on investigation.

8.15 Action against Members

- No officer/ member of sexual harassment complaint committee/ members of JCR shall be liable for any legal proceedings for anything done in good faith in discharge of duties under these rules.

8.16 Administrative Control

- The Principal/ disciplinary authority shall have the supervisory and administrative control over the committee.

8.17 Funds and Staff

1. State Government will allocate adequate funds for functioning of the complaint committee, preventive measures and awareness programmes.
2. The Principal will allocate staff including clerk and peon for smooth functioning of the sexual harassment complaint committee and other activities.

8.18 Documentation

- The results of any sexual harassment complaint or investigation and any punishment or corrective action that the committee ask the Principal or disciplinary authority to take will be documented.

8.19 Annual Report

- The complaints committee shall prepare an Annual Report giving full account of the committee, complaints and the action taken by the committee during the previous year and forward a copy thereof to the Principal/ Head of the organization who shall forward the same to the Government with its comments.

9. REVIEW OF SEXUAL HARASSMENT POLICY

- Review the policy will be done on a regular basis or as and when required.

10. COMMUNICATE POLICY

- Communicate Policy to the employees and students.
- Strong directions from the top authority against sexual harassment will be issued taking a zero tolerance approach.
- Sexual Harassment Policy will be communicated to all the employees at the time of joining the job or at the time of admission to the college of the students and later on from time to time.
- Inform all employees that it is their obligation to report Sexual harassment that they either experience or witness.

11. OTHER MEASURES FOR PREVENTION OF SEXUAL HARASSMENT

11.1 Sexual Harassment Awareness Generation

1. Big Posters:

- The community at large and employees and students in particular shall be made aware of the dehumanizing and demoralizing effects of sexual harassment on women. For these big posters, preferably multi coloured, will be developed. These will have information on prohibiting sexual harassment in the campus.
- These posters will make women aware of their right against sexual harassment, and contain the information on what constitute sexual harassment, whom the women can turn for information, help and guidance and whom the women can turn for putting complaint of sexual harassment. These will be prominently displayed at the entrances of hospital, offices or other buildings, hostels as well as other vulnerable places. A few of them will be of permanent nature in the campus. These posters can also be used to send the message across that sexual harassment is a cognizable offence and the institution means business and shall not fail to take strict action against the offenders.

2. Primed leaflets/ notice:

- Primed leaflets/ notice containing the above message will be put on all the notice boards of various departments, offices, hostels and other vulnerable areas.

3. Names of members of Joint Control Room and Sexual Harassment Complaint Committee will be displayed on the notice boards of various departments, offices, women residential hostels and all female student hostels and other vulnerable areas, giving information of first person whom the complaint of sexual harassment can be made.

4. Head of the institution will ensure that the streets and particularly areas around women hostels and residences are brightly lit.

11.2 Sexual Harassment Awareness Training

11.2.1 The Department of Social Justice & Empowerment and State Commission for Women will be requested through The Principal of the college to start effective training programmes at Dr. RP Government Medical College Kangra at Tanda to sensitize and train all the staff members/ students, men and women to recognize sexual harassment, understand the impact of sexual harassment on individuals especially women, deal with it when it occurs, complaint mechanism and to prevent it. The programme is the best way to communicate to the employees and students what behavior is acceptable and what will constitute sexual harassment.

11.2.2 The Department of Social Justice & Empowerment and State Commission for Women will also be requested to train the members of sexual harassment complaint committee, joint control room members and others who are to be instrumental in implementing the policy for gender sensitization along with procedure for taking complaints and for enquiry etc in addition to the above.

11.3 Responsibilities of Employees for Preventing Sexual Harassment

Most women themselves fail to recognize sexual harassment and treat it as trivial and routine. Such has been the internal coping mechanism. Ignoring offensive behaviour or denying its existence is the most common ways women deal with sexual harassment.

- They have to confront and stop Sexual Harassment and Harassers:
- Do the unexpected: Name the behaviour. Whatever he's just done, say it, and be specific.
- Hold the harasser accountable for his actions. Don't make excuses for him; don't pretend it didn't really happen. Take charge of the encounter and let people know what he did. Privacy protects harassers, but visibility undermines them.
- Make honest, direct statements. Speak the truth (no threats, no insults, no obscenities, no appeasing verbal fluff and padding). Be serious, straightforward, and blunt.
- Make it clear that all women have the right to be free from sexual harassment. Objecting to harassment is a matter of principle.
- Stick to your own agenda. Don't respond to the harasser's excuses or diversionary tactics.
- His behaviour is the issue. Say what you have to say, and repeat it if he persists.
- Reinforce your statements with strong, self-respecting body language: eye contact, head up, shoulders back, a strong, serious stance. Don't smile. Timid, submissive body language will undermine your message.
- Respond at the appropriate level. Use a combined verbal and physical response to physical harassment.
- End the interaction on your own terms, with a strong closing statement: 'You heard me. Stop harassing women'.

Do not blame yourself.

Don't ignore sexual harassment in the hope that it will go away.

11.4 Other Steps by Employees for Sexual Harassment

1. **Speaking out:** Speaking about the sexual harassment is an effective tool in combating it. While speaking about it, the problem becomes visible, it is acknowledged that it exists, and this in turn leads one to take effective measures against it. Speaking about sexual harassment also gives an opportunity to clarify about it. It helps in changing attitudes of people towards this issue. It mobilizes public opinion against it. It makes it difficult for a potential harasser to commit the crime.
2. **Speak up at the time:** Be sure to say "NO" clearly, firmly and without smiling as that is the best way to let the harasser know that his behaviour is offensive. Objecting to the behaviour, when it occurs, helps if you decide to file charges later.
3. **Keep records:** Keep track of what happens in a diary and keep any letters or notes or other documents you receive. Write down the dates, times, places, and an account of what happened. Write down the names of any witnesses. Write a letter. People have successfully stopped sexual harassment by writing a letter detailing the behaviour that is offensive and asking the person who is harassing them to stop the behaviour.
4. **Set your own boundaries:** Say "NO" emphatically and clearly when you are asked to go places, do things, respond to questions, or engage in situations that make you uncomfortable. Do not worry about offending the other person or hurting his or her ego. Take care of yourself first.
5. **Trust your own instincts about possible danger:** In an uncomfortable situation, be direct and honest, and remove yourself from the situation immediately.
6. **Tell someone:** Being quiet or stoic about sexual harassment lets it continue. Talk to other co-workers; you may not be the only one harassed by this person. Do not blame yourself and do not delay.
7. **Create a Witness to the behaviour:** Inform a trusted colleague and try to insure that she/ he is an eye or ear witness to a situation where you are being sexually harassed. This will be useful later if you chose to file a formal complaint.
8. **Talk to Employee union:** If you are a member of an Employee union, talk to your union representative.
9. **Get a medical check-up:** If you have been raped or physically assaulted, go for a medical check-up. Obtain a medical report. This is important, should you decide to pursue a legal case.
10. **Report sexual harassment to the appropriate person in the organization:** Explore the different avenues available to you and file a formal complaint if necessary.

12. ENFORCE POLICY

1. The institution shall take complaint of sexual harassment seriously and investigate all sexual harassment charges quickly and thoroughly and professionally.
2. Accurate record of investigations and findings will be maintained.
3. The institution shall make sure that the complainant, witnesses, members of sexual harassment complaint committee, joint control room members and others who are to be instrumental in implementing the policy for gender sensitization along with procedure for taking complaints and for enquiry etc do not face retaliation.
4. The institution shall ensure confidentiality and time bound response to the complaint.
5. The institution shall take immediate action when sexual harassment is discovered or suspected.
6. The institution shall discipline appropriately any employee found to have engaged in sexual harassment.
7. The institution shall safe guard employee from third party work related sexual harassment.

13. REFERENCE

In case of any further queries, reference will be made to:

- The Hon'ble Supreme Court Guidelines on Sexual Harassment.
- The Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Bill, 2006.