

NAVRACHANA INTERNATIONAL SCHOOL

POLICY ON SEXUAL HARASSMENT

Introduction:

All Navrachana Education Society (NES) institutions have a Policy for Gender Equality and Protection of Women from Sexual Harassment at the Work-place. As a group of educational institutions, we shall strive not only for academic brilliance and excellence but also look forward to providing a conducive, gender-equal environment in our functioning for the student fraternity, faculty and staff members of every institution. NES strongly believes in gender equality with an Equal Pay for Equal Work policy. NES follows an absolute No Tolerance Policy regarding misdemeanour against any girl/woman associated with any of its institutions, be it a student, a faculty or staff member, nor behaviour that is seen as Sexism, Sexual Discrimination, or Quid Pro Quo Harassment in any form or degree.

Policy Statement:

NISV requires safety and comfort for all, free from any form of sexual harassment. The school is committed to making all aware of the nature of sexual harassment, and stopping it where it occurs.

This policy, operates along with the Code of Conduct and Rules of Service for all staff and also with the student handbook.

Definition:

Sexual harassment is unwelcome or inappropriate sexually motivated words or actions with which the perpetrator/s can bother their victim/s. Such behaviour can seriously interfere with work or study and can cause deep mental and emotional stress and confusion in addition to physical pain and distress. The perpetrator will often use mockery, threat, force, coercion, blackmail to take advantage of another person for sexually gratifying reasons. It is wrong at all times, especially in a school. In addition it interferes with work and study and can cause deep mental and emotional stress.

Sexual Harassment at Work-place largely includes:

- a. Unwelcome physical contact and advances
- b. A demand/request for sexual favours
- c. Making sexually coloured remarks
- d. Showing pornography in any form/media
- e. Any physical, verbal, non-verbal conduct of a sexual nature

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any behaviour of sexual harassment may amount to sexual harassment:

- a. Implied or explicit promise of preferential treatment in her employment, or
- b. Implied or explicit threat of detrimental treatment in her employment, or
- c. Implied or explicit threat about her present or future employment status, or
- d. Interference with her work or creating an intimidating or offensive or hostile work environment for her, or
- e. Humiliating treatment likely to affect her health or safety.

Examples of Sexual Harassment

Sexual harassment can be mockery, force, threat or taking advantage of another person for sexual reasons. The following behaviours are included in sexual harassment:

1. Request or demands for sexual actions, indecent comments, sexual insults, sexual jokes.
2. Sexual gestures, unwanted touching, fondling, or kissing. Extreme cases include assault and rape.
3. Displaying or distributing sexual pictures or messages to embarrass another person.
4. Pressure for sexual behaviour from one person to a subordinate person involving money or threats or rewards in terms of employment or school grades.
5. Taking advantage of a person's age or economic or social weakness.
6. Inappropriate sharing of personal sexual experiences.
7. Harassment by means of electronic media, ie., email, chatroom, etc.

Mutually accepted sexual behaviour between any NISV staff person and any student is unacceptable and both persons will be dealt with most severely, especially the adult.

School Environment

NISV has staff and students from many countries and cultures. In some cultures touching is common and acceptable. In others touching is embarrassing and humiliating. NISV advises staff and students to avoid all words or actions which could be taken for sexual advances.

This is the more important in a residential school where students may be lonely and there may be more time and nearness. Students may seek affection, but neither staff nor students must take advantage of this in any sexual way.

Policy Steps

1. Raising Awareness:

NISV will make staff and students aware of sexual harassment, its problems and its result through discussion, curriculum, written material, and clear guidelines for students, professional staff.

2. Dealing with Sexual Harassment Informally-for minor cases

Actions that are acceptable in some cultures may not be acceptable in others. People can misunderstand. Therefore if you are uncomfortable with someone's behaviour discuss it with a friend or a school counsellor or Teacher. In such matters you or your friend or a trusted adult, the counsellor or Teacher may simply tell the person to stop doing it.

3. Making a Formal Complaint

If after discussion, as above, you feel a complaint is needed, inform a counsellor or teacher. This person will arrange support for the person who complains, and inform the Principal, who will arrange for a formal hearing within a week, along with two senior administrators.

4. Guidelines for Appropriate Behaviour

- a. Be sensitive to other people's responses. Don't continue with unwelcome behaviour.
- b. If you find someone's behaviour offends you or another, tell them to stop.

5. You can help Prevent Sexual Harassment

Harassment usually continues or gets worse if it is not dealt with.

- a. Make sure words and action cannot be interpreted in a sexual way.
E.g. personal comments about the way people look can be hurtful or interpreted sexually.
- b. Encourage wholesome behaviour between students.
- c. If you see somebody in an embarrassing or humiliating situation, try to stop it.
- d. If you think something is wrong, encourage, but do not force, a person to report it to a counsellor.
- e. In case you are sexually harassed, ask for help from an adult you trust, or from a counsellor or teacher. You have a right to make a complaint.

Legal Regulations:

The Ministry of Law and Justice, Government of India, formulated THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013, and this Act of Parliament received the Assent of the President of India on April 22, 2013. This Act has been notified on December 9, 2013, in the Gazette of India, as the date on which the provisions of this Act shall come into force.

The Act, in its complete detail, as well as the notifications can be accessed on wcd.nic.in/wcdact/womenactsex.pdf

The Notification, with all the Definitions, can be accessed on www.lawyercollective.org/wp-content/uploads/2013/12/sexual-harassment-at-workplace-rules.pdf

(This link will offer the complete Act as well.)

The following is an abbreviated version of the most important aspects of the Act and its Notification. This is for ready reference only. Any person from an NES institution's management or employee who may want to have more details or understand the exact legal ramifications of this Act are requested to refer to the Internet links given above.

The salient parts of the Act are as under:

1. Constitution of Internal Complaints Committee by Employer:

Every employer of a workplace shall, by an order in writing, constitute a committee known as the Internal Complaints Committee. It shall consist of the following members nominated by the employer:

- a. Presiding Officer, who is a senior level woman employee,
- b. Not less than two members from amongst the employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge,
- c. One member from an NGO committed to the cause of women or a person familiar with the issues relating to sexual harassment.

At least one-half of the total members nominated on the Committee must be women.

At NES (Employer), there will be one Committee that will handle the complaints from all its institutions. The committee will comprise of:

1. Sandhya Gajjar (Presiding officer)
2. Theophane D'Souza (Principal NISV)
3. Dr. Kothari (from employees),
4. Jigisha Shastri (from NGO)

2. Making a Complaint:

Any aggrieved woman may make, in writing, a complaint of sexual harassment at work-place to the Internal Committee within a period of three months from the date of the incident and in case of a series of incidents, within a period of three months from the date of the last incident.

The Internal Committee may, before initiating an inquiry under Section 11 and at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation, though no monetary settlement shall be made as a basis of conciliation.

Where the respondent is also an employee, the Internal Committee will proceed to make an inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent, and where no such rules exist and a prima facie case exists, then forward the complaint to the police within a period of seven days for registering the case under section 509 if the Indian Penal Code as applicable.

The inquiry shall be completed within a period of 90 days.

During the pendency of the inquiry, on the request of the aggrieved woman, the Internal Committee may recommend to the employer for,

- a) Transfer of the aggrieved woman or the respondent to any other work-place,
- b) Grant leave to the aggrieved woman up to three years (besides leave she is otherwise entitled to), or
- c) Grant such other relief to the aggrieved woman as may be prescribed.

On the completion of the inquiry, the Internal Committee will provide a report of its findings to the employer NES within a period of 10 days from the date of completion of the inquiry and this report will be made available to the concerned parties. In case the allegation against the respondent is not proved or proved, the Internal/Local Committees will make appropriate recommendations to the employer/District Officer

The employer shall act upon the recommendation within 60 days of its receipt.

Where the Internal/Local Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman has produced forged or misleading documents or false evidence, it will make its recommendations accordingly.

If the allegation is proved as correct, the determination of the compensation will be made by the Internal Committee by keeping in mind,

- a) The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman,
- b) The loss in the career opportunity due to the incident of sexual harassment,
- c) Medical expenses incurred by the victim for physical or psychiatric treatment,
- d) The income and financial status of the respondent, and
- e) Feasibility of such payment in lump sum or instalments.

None of the information related to the contents of the complaint, identities of persons involved, inquiry proceedings or recommendations and the actions taken under the provisions of this Act are to be revealed publicly, notwithstanding anything contained in the Right to Information Act, 2005. If this is contravened in any way, the person/s found doing so is liable for penalty.

The decisions taken as a result of the recommendations made can be appealed to the court or tribunal in accordance with the provisions of the service rules applicable. The appeal must be made in a period of 90 days' of the recommendations.

3. Duties of Employer

Every employer shall,

- a) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace,
- b) Display at any conspicuous place in the workplace, the penal consequences of sexual harassment and the formation of the Internal Committee,
- c) Organize workshops and awareness programmes at regular intervals for sensitizing employees about the Act, and similarly organize orientation programmes for members of the Internal Committee,
- d) Provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry,
- e) Assist in securing the attendance of respondent and witnesses before the Internal Committee,
- f) Make available such information to the Internal Committee as it may require regarding the complaint,
- g) Provide assistance to the aggrieved woman if she chooses to file a complaint in relation to the offence under the Indian Penal Code,



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- h) Because to initiate action under the Indian Penal Code or any other law, against the perpetrator or if the aggrieved woman so desires where the perpetrator is not an employee, in the work-place where the incident of sexual harassment took place,
- i) Treat sexual harassment is a misconduct under the service rules and initiate action for such misconduct, and
- j) Monitor the timely submission of reports by the Internal Committee.

Operational and Support Staff

Operational and Support Staff who feel sexually harassed are encouraged to use the provisions made in this policy.