

RED ROSES PUBLIC SCHOOL, D BLOCK, PALAM VIHAR, GURGAON

HARYANA-122017

ANTI-SEXUAL HARASSMENT POLICY, 2017

TABLE OF CONTENTS

S. NO.	PARTICULARS	PAGE NO.
1.	PREAMBLE	
2.	APPLICABILITY	
3.	SCOPE	
4.	DEFINITIONS	
5.	INTERNAL COMMITTEE AGAINST SEXUAL HARASSMENT	
6.	POCSO COMMITTEE	
7.	PROCEDURE FOR DEALING WITH COMPLAINTS	
8.	MISCELLANEOUS	

I. PREAMBLE

As a private institution imparting public service, we are committed to conducting and governing ourselves with ethics, transparency and accountability and to this, we have developed governance structures, practices and procedures that ensure that ethical conduct at all levels is promoted across our institution. It is thus in acknowledgement of and consonance with these values, that we are dedicated to ensuring that the work environment at our School is conducive to fair, safe and harmonious relations, based on mutual trust and respect, between all the staff members, students and other employees of the School. We also strive to guarantee a safe and welcoming environment to all those who visit our School in any capacity, such as students, parents, teachers, employees, etc. Discrimination and harassment of any type is strictly prohibited, is looked down upon and attracts strict action against the perpetrator. There is absolute zero tolerance against acts that constitute sexual harassment of any kind. We wish to promote and maintain this culture to ensure that staff members, other employees, students etc. of the School do not engage in practices that are abusive in any form or manner whatsoever.

Hence, any act of sexual harassment or related retaliation against or by any staff member, employee, student, parent is unacceptable. This policy therefore, intends to prohibit such occurrences and also details procedures to follow when any of the above mentioned believes that a violation of the policy has occurred within the ambit of all applicable regulations regarding sexual harassment.

Making a false complaint of sexual harassment or providing false information regarding a complaint will also be treated as a violation of this policy and will be treated with strictly as prescribed herein.

This School does not support or condone any behavior that is in violation of the law and specifically this policy. The management of the School is committed to providing its staff, employees and students a safe environment.

II. APPLICABILITY

This policy will extend to all staff members, employees and students of the School including those employed on contractual basis. The policy also extends to parents and visitors but are subjected to sexual harassment at the premises of the School as defined here in after.

III. SCOPE

The scope of this policy is restricted to the following for all staff members, employees, students:

- (i) Premises of the School;
- (ii) Any mode of transport provided by the School, for undertaking a journey to and from the aforementioned locations; and
- (iii) Any external location visited by the staff members, employees or students due to or during the course of any official work.

Without prejudice to the rights of the staff members, employees and students in relation to the above the scope includes, any complaint raised specifically by a staff member, employee or student due to being subjected to any act of sexual harassment by another staff member, employee or student of the School:

- (a) At any location including but not limited to the private residences of the aggrieved staff member, employee or student; or
- (b) In any mode of transport.

IV. DEFINITIONS

1. "Sexual harassment" shall mean and include any of the following:
 - (i) any unwelcome sexually determined behavior (direct or implied) such as physical contact and advances, unwelcome oral or written communications or invitations, demand or request for sexual favours, oral or written sexually cultured remarks, showing pornography, creating a hostile work environment and any other unwelcome sexually determined behavior (physical, verbal or non-verbal conduct).
2. "Hostile work environment" means and includes any speech, conduct or written remarks that amounts to marginalization, social ostracization, physical, psychological and emotional intimidation of the recipient and interferes with the work performance of the recipient.
3. "Aggrieved Person" shall mean any staff member, employee, student or visitor of the School who has been subjected to sexual harassment.
4. "Accused Person" shall mean any staff member, employee, visitor or student of the School who is alleged to have committed sexual harassment.

V. INTERNAL COMMITTEE AGAINST SEXUAL HARASSMENT

1. The School shall constitute an Internal Committee against Sexual Harassment the object of which will be to specifically address any complaints of sexual harassment.
2. The Internal Committee against Sexual Harassment will be nominated by the Principal of the School whose head would be a female staff member or the Principal.
3. The Committee shall constitute of at least 3 members all of whose presence shall be mandatory for conducting the proceedings with regard to the complaint of sexual harassment made before it. In case the Committee comprises of more than 5 members, then the same shall always constitute an odd number.
4. At least half of the members of the Committee shall be female. If it is deemed appropriate by the Principal, on the written request of the complainant, one member of the Committee may be chosen by the Complainant who is not a staff member, employee, and student of the School, any relative or friend of the Complainant.
5. The tenure of every person, including the head of the Committee shall hold office for a period not exceeding three years, from the date of their nomination, unless they are re-appointed to the Committee by the Principal.
6. The Committee shall further have full rights and power to make rules to govern the proceedings under this policy. These rules shall be made by the Chairperson in consultation with the other members of the Committee. However, any decision taken by the Committee to amend the procedure and rules to govern the policy shall be recorded in the minutes of the meeting.
7. The Committee may also issue guidelines and directives for observance of and adherence to this policy by school staff, teachers and students which shall be binding on everyone.

VI. POCSO COMMITTEE

1. Any form of sexual harassment covered under this policy committed against students of the School shall be dealt with by a POCSO Committee.
2. The POCSO Committee shall consist of the following members: Principal/Vice-Principal (Chairperson), one male teacher, one female teacher, one female student, one male student and one non-teaching staff member.
3. The student members of the POCSO Committee shall be the senior most students of the School.
4. The POCSO Committee shall observe the procedure laid down in Section VII hereinbelow for the disposal of complaints made by the students of the School.
5. Every effort shall be made by the POCSO Committee to dispose of the complaints made to it without any delay.
6. However, if any act complained of by a School student amounts to an offence under the Prevention of Children from Sexual Offences Act, 2012, the committee shall immediately take steps to inform the Police as prescribed under the POCSO Act.
7. The names of the members of the POCSO Committee shall be put on the notice board of the School.
8. The Committee shall further have full rights and power to make rules to govern the proceedings under this policy. These rules shall be made by the Chairperson in consultation with the other members of the Committee. However, any decision taken by the Committee to amend the procedure and rules to govern the policy shall be recorded in the minutes of the meeting.
9. The Committee may also issue guidelines and directives for observance of and adherence to this policy by school staff, teachers and students which shall be binding on everyone.

VII. PROCEDURE FOR DEALING WITH COMPLAINTS

A. FILING OF COMPLAINT

1. If any staff member, employee, student or visitor of the School believes that she/he has been subjected to sexual harassment, such person may file a complaint with any member of the Committee or send an email to the Principal at principal.pv@rrps.in.
2. The Committee member on receipt of a complaint shall intimate the head of the Committee immediately. Pursuant to the committee head receiving such information, the Committee head shall arrange a meeting within one week of receipt of the complaint for discussing the complaint made and to decide the course of action regarding such complaint.
3. The Complaint regarding the incident must be made not later than 30 days from the date of the incident.
4. There shall be no form or format of the complaint that is to be made, however, the Complainant must provide a clear and detailed account of the incident, supporting documents and list of witnesses if applicable to substantiate the content of the Complaint. Every endeavor must be made by the Complainant to provide a complete account of the incident.
5. No claim or fact that was not raised by the Complainant in the complaint that pertains to a fact that was within the complainant's knowledge at the time of filing the complaint shall be taken into account, unless the Committee decides otherwise. The decision of the Committee shall be guided by the reason given by the Complainant for not producing such a claim at the initial stage while filing the Complaint.
6. In case an anonymous complaint is made by a person, such Complaint shall also be deliberated upon by the Committee, however enquiry on the same shall be conducted only once the Committee deems it fit. The Committee shall make all efforts to address such an anonymous complaint.

7. Where the aggrieved person is unable to make a complaint on account of her/his physical or mental incapacity or death or otherwise, her/his legal heir or such other person as may be prescribed may make a complaint within 3 months of the incident.
8. If on the perusal of the Complaint, the Committee is of the view that the same does not inspire confidence or amount to sexual harassment, the Committee may determine to dismiss the complaint without further investigation after consultation with its legal officers.

B. PROCESS OF ENQUIRY

1. Once the Committee has received and deliberated on the complaint, a copy of the complaint along with all documents shall be served upon the Accused Person with a notice directing him to furnish a written statement in his defence to the same not later than 30 days from the service of the notice upon the Accused Person.
2. Before the Written Statement is submitted by the Accused Person to the Committee, the same shall be submitted to the Complainant. In case the Accused Person decides to submit his Written Statement via email, then the email shall be addressed to the Committee's email address as mentioned and copied to the Complainant, otherwise the same shall not be entertained by the Committee.
3. If the Accused Person fails to submit its Written Statement in the time period as prescribed above and fails to provide any justification for the same, the Committee shall be within its rights to strike off the defence of the Accused Person and proceed with detailed examination of the Complaint.
4. The Committee shall conduct oral hearings where the Complainant and the Accused Persons shall be present in person and not through pleaders.
5. All hearings, documents and evidences submitted in pursuance of the Complaint shall be strictly confidential.

6. An advance notice of at least 24 hours must be given by the party who is unable to be present for the hearing of the Complaint.
7. Every endeavor should be made by the parties and the Committee to conclude the proceedings within 4 months of the filing of the Complaint.
8. The Committee will take testimonies of the accused person and the complainant and review the evidence wherever necessary. The Committee should ensure that sufficient care is taken to avoid any retaliation against the witnesses.
9. During the enquiry process, the complainant and the accused person would be expected to refrain from any form of threat, intimidation or influencing of witnesses.
10. The proceedings shall be conducted in accordance with the principles of natural justice and full opportunity shall be given to both parties to cross-examine the witnesses.
11. The committee shall arrive at a decision after carefully and fairly reviewing the circumstances, evidence and relevant statements. The decision shall be communicated to the parties.
12. The Committee shall be empowered to do all things necessary to ensure a fair hearing of the complaint including all things necessary to ensure that aggrieved persons 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, or change of work location etc.
13. All endeavours should be made by the Committee to deliver its final decision on the complaint as soon as possible.

C. DECISION

1. Once the investigation is completed and both parties have completed their submissions before the Committee, a determination will be made regarding the allegations made in the complaint.

2. Every member shall be required to submit a reasoned decision regarding harassment allegations and the final verdict shall be as per the majority decision of the Committee. Each member, including the head shall have only one vote in the decision.
3. If it is determined that harassment has occurred, prompt, remedial action will be taken. This may include some or all of the following:
 - a. Restore any lost terms, conditions or benefits of employment to the complainant;
 - b. Demotion, suspension or termination of the Accused;
 - c. Compensation to the person who suffered the sexual harassment by the accused person.
4. The decision passed by the Committee shall be final and binding on all parties.
5. 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 demotion, suspension or termination will be taken against the complainant.
6. If the complainant/accused wish to bring any witness to support their case before the Committee, and such witness produces any testimony which is made in bad faith, as demonstrated by clear and convincing evidence, disciplinary action which may include demotion, suspension or termination will be taken against such witness.

VIII. MISCELLANEOUS

1. The names of the members of the Internal Committee against Sexual Harassment, POCSO Committee shall be displayed on the notice board of the School.
2. Two separate complaint boxes shall be maintained, one for the students of the School who wish to file their complaint before POCSO Committee, and the other box shall be for complaints to be made to the Internal Committee against Sexual Harassment. The two complaint boxes shall be clearly marked.
3. As per the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the School shall include in its report the number of cases filed, if any, and their disposal under this policy, and intimate such number of cases, if any, to the district officer.
4. The School shall also maintain a report containing details of report the number of cases filed, if any, and their disposal under this policy and shall hand them over to the appropriate authority under the Protection of Children from Sexual Offences Act, 2012.
5. The School reserves the right to amend, abrogate, modify, rescind /reinstate the entire policy or any part of it at any time.

Internal Committee against Sexual Harassment

S.No	Name of the members	Office Designation	Contact Number	Email Id
1	Presiding Officer: Dr. Pushpa Bansal	PGT	7840037272	Bansal.drpushpa@gmail.com
2	Member 1: Mr.Shankar Mahto	PET	9560478527	Shankar.mahto@rrps.in
3	Member 2: Ms. Himani Saini	PRT	9953570344	himani.saini99@gmail.com
4	External Member: Ms. Kranti Guleria	External Member	9899328178	krantigularia5@gmail.com

POCSO Committee

S. No.	Name	Designation in School
1	Mrs. Ritu Bedi	Principal
2	Mr. Pankaj Mahajan	Male Teacher
3	Ms Christymol Philip	Female Teacher
4	Rudra	Male Student
5	Nikita Saini	Female Student
6	Mrs. Anita Rawat	Non-Teaching Staff member