

**Institutional Policy with rules and responsibilities for Prevention of Sexual Harassment in Great Eastern Medical School & Hospital, Ragolu, Srikakulam District, Andhra Pradesh**

**1. INTRODUCTION: -**

All the faculty, students and other employees of the institute are expected to uphold the highest standards of ethical conduct at the workplace and in all their interactions with one another and with the patients in the hospital.

Everyone has a responsibility to

- ) Treat others with dignity and respect
- ) Follow the letter and spirit of law
- ) Refrain from any unwelcome behaviour that has sexual connotation (of sexual nature)
- ) Refrain from creating hostile atmosphere at workplace via sexual harassment
- ) Report sexual harassment experienced and/or witnessed to the immediate superiors.

**2. PURPOSE: -**

This policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and the rules framed there under. Accordingly, while the policy covers all the key aspects of the Act, for any further clarification, reference shall always be made to the Act and the provisions of the Act shall prevail. If any aspect relating to sexual harassment not explicitly covered in this policy is provided for by the law, then the law will be applicable. In case of any conflict between the policy and the law, the law will prevail. This policy provides protection against sexual harassment of women at workplace and the prevention and redressal of complaints of sexual harassment and the matters related to it.

(Other applicable sections:- Section 354A, 509 of the Indian Penal Code (45 of 1860),

**3. SCOPE&RESPONSIBILITY: -**

This Policy extends to all teaching and non teaching faculty, students of all the branches and other employees.

**Roles and Responsibilities**

It is the responsibility of all to respect the rights of others and to never encourage harassment.

It can be done by:-

- ) Refusing to participate in any activity which constitutes harassment.

- ) Supporting the person to reject unwelcome behavior.
- ) Acting as a witness if the person being harassed decides to lodge a complaint.

To prevent instances of sexual harassment and to receive and effectively deal with the complaints pertaining to the same, Internal Complaints Committees (IC) has been constituted

**The committee will be responsible for: (Committee members list is attached in Annexure-1)**

1. Educating the staff on POSH and sexual harassments appeal process.
2. Making and distributing the policies related to the prevention of sexual harassments as per recent guideline.
3. Receiving complaints of sexual harassment at the workplace.
4. Initiating and conducting inquiry as per the established procedure.
5. Submitting findings and recommendations of inquiries.
6. Coordinating with the Management in implementing appropriate action.
7. Maintaining strict confidentiality throughout the process.
8. Submitting annual reports in the prescribed format to the Core Committee.

**4. POLICY AND PROCEDURE: -**

**Lodging a Complaint:**

An aggrieved woman may approach her immediate superior in case of any harassment or can make, in writing, a complaint of sexual harassment at workplace to the Internal Complaints Committee or any of the members of the committee within a period of 3 months from the date of incident or the last incident. Provided that where such a complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Complaint Committee shall render all reasonable assistance to the women for making the complaint in writing.

1. If the Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
  - A. Her relative or friend; or
  - B. Her co-worker; or
  - C. An officer of the National Commission for Women or State Women's Commission; or
  - D. Any person who has knowledge of the incident, with the written consent of the Aggrieved Woman.
  
2. If the Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by:
  - A. Her relative or friend; or
  - B. A special educator; or
  - C. A qualified Psychiatrist or Psychologist; or
  - D. The Guardian or Authority under whose care she is receiving treatment or care; or
  - E. Any person who has knowledge of the incident jointly with the Aggrieved Woman's relative or friend or a special educator or qualified Psychiatrist or Psychologist, or Guardian or Authority under whose care she is receiving treatment or care.
  
3. If the Aggrieved Woman for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with her written consent.
  
4. If the Aggrieved Woman is deceased, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

The complaint shall be submitted by the complainant to the ICC in writing or through mail to [posh@gems.edu.in](mailto:posh@gems.edu.in) . The complaint can also be physically submitted to any of the ICC member.

Receiving a Complaint regarding incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint.

Where settlement has been arrived, the Internal Committee shall record the settlement and same will be forwarded to the management.

**Inquiry into Complaint:**

The Internal Committee will initiate an inquiry and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation provided that no monetary settlement shall be made as a basis of conciliation.

The Internal Complaints Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable. In case existing rules are not applicable against the received complaint/nature of the complaint, the case/complainant should be forwarded to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860).

An inquiry (with due conciliation as appropriate) shall be completed within a period of three months. Confidentiality of the complaint procedure should be maintained.

The internal Complaints Committee shall proceed to make an inquiry into the complaint in accordance with the principles of natural justice and further during the course of inquiry provide an opportunity of being heard to the complainant and the Respondent and the relevant witnesses provided by the complainant and the Respondent.

**Action to be taken:-****Action during pendency of inquiry: -**

During the pendency of an inquiry on a written request made by the aggrieved woman, the Internal Committee may recommend

- (a) Transfer the aggrieved woman or the respondent to any other workplace; or
- (b) Grant leave to the aggrieved woman up to a period of three months; or
- (c) Grant such other relief to the aggrieved woman as may be prescribed.

On the completion of an inquiry, the Internal Committee shall provide a report of its findings to the Management within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties.

When the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the Management to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies.

**Actions to be taken could be:-**

- I. Counseling
- II. Censure or reprimand
- III. Apology to be tendered by respondent

- IV. Written warning
- V. Withholding promotion and/or increments
- VI. Suspension
- VII. Termination
- VIII. Or any other action that the Employer may deem fit.

- i. The Management is required to act upon the recommendations within 60 days and confirm to the committee. Post implementation of the actions, follow up with the complainant should also occur to ascertain whether the behavior has in fact stopped, the solution is working satisfactorily and if no victimization of either party is occurring.
- ii. Penal Consequences of Sexual Harassment: In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the Management, for making a Police Complaint. Under the Indian Penal Code, (IPC), the newly introduced Section (S.354A) which deals with Sexual Harassment has made this a 'cognizable offense' i.e. a person charged with Sexual Harassment may be arrested without a warrant.

**Punishment for false or malicious complaint and false evidence:-**

In case the Internal Committee arrives at a conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it shall be forwarded to the Management to take action against the woman or the person who has made the false complaint.

However, while deciding that it is malicious intent, it must be clearly established through a separate inquiry by the LCC.

**Awareness sessions** for the Faculty both Teaching and Non teaching, Students and all other Employees are to be organized to:

- ) An internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and to remove underlying factors that contribute towards a hostile work environment against women, to be formulated and widely disseminated.
- ) Orientation programs and seminars for the Members of the ICC to be organized.
- ) Capacity building and skill building programs for the Members of the ICC to be conducted.
- ) The names and contact details (Phone Numbers & Email Ids) of all the Members of the ICC should be displayed.

) Modules developed by the State Governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act should be followed.

**Confidentiality:** The identity of the complainant, respondent, witnesses, statements and other evidence obtained in the course of inquiry process, recommendations of the committees, action taken by the Management are considered as confidential materials, and are not published or made known to public or media.

**REFERENCE:** The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) ACT, 2013.

**ANNEXURE-1**

**INTERNAL COMPLAINTS COMMITTEE**

S.NO	POSITION IN THE COMMITTEE	DESIGNATION	NAME OF THE MEMBER	Mobile No	Email ID
1.	Presiding Officer	Principal & Professor of Biochemistry	Dr. D. Lakshmi Lalitha	7680945311	principal@gems.edu.in
2.	Member	Professor & HOD Physiology	Dr. G. Parvathi	9703062301	parvathigali1@gmail.com
3.	Member	Professor & HOD Obstetrics & Gynecology	Dr. P. Revathi	9963754497	drrevathi13@yahoo.com
4.	Member	Psychiatry	Dr. K.V.M. Sai Lahari	8019714709	sforsailahari@gmail.com
5.	Member	Operation Head	Mrs. B. Jyothsna	7680945306	om@gems.edu.in
6.	Member	Non Government Organization	Mrs. Rai Laxmi	6300292871	laxmiesu8@gmail.com
7.	Member	HOD General Medicine	Dr. K Sudheer	9666123122	sudheerkanugula@yahoo.com
8.	Member	HOD Forensic Medicine	Dr. P. Srinivasulu	7382292799	dms@gems.edu.in
9.	Member	HR Manager	Mr. K. Bhaskar	7680945304	hrmgr@gems.edu.in
10.	Member	Advocate	Mr. Ramesh Sistu	9391391212	rameshsistu@gmail.com
11.	Member	Administrative Officer	Mr. A. Satyanarayana	7680945305	ao@gems.edu.in

**Dr. D. Lakshmi Lalitha**  
**Principal**  
**GEMS & Hospital, Ragolu, Srikakulam**