



विज्ञानं यज्ञं तनुते

**INSTITUTE OF PUBLIC
HEALTH & HYGIENE**

**COLLEGE OF NURSING &
ALLIED HEALTH SCIENCES**

Near Kangar Morh, Kot Bhalwal, Jammu,
Jammu & Kashmir-181122 (India)



PoSH ACT

**Sexual Harassment
Of Women
At Workplace Act**



(The Vishakha Guidelines)

SEXUAL HARASSMENT & DISCRIMINATION COMMITTEE



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Purpose of Committee

- To establish that inappropriate behaviors of sexual nature and or retaliation will not be tolerated at IPH&H-College Of Nursing & Allied Health Sciences, Jammu or at any of its associated organizations or establishments and to set forth procedures for resolving such allegations.
- To effectively implement the guidelines issued by the Hon'ble Supreme Court of India in Vishakha vs. State of Rajasthan W.P. (Crl.)Nos.666-70 of 1992, decided on 13.08.1997 and reported in (1997) 6 SCC 241[“Guidelines”], and the anti-sexual harassment policy of IPH&H –College of Nursing & Allied Health Sciences [“policy”].

Procedure for approaching the Committee

The committee deals with issues relating to sexual harassment and or discrimination of such types. It is applicable to all the students, staff and faculty in the institution. A complaint of discrimination or sexual harassment may be lodged by the victim or a third party. A written complaint may be addressed to the convener of the committee.

Here it should be noted that, according to the guidelines issued by the Supreme Court of India, sexual harassment can be defined as “unwelcomed” sexually determined behavior (whether directly or by implication) in the forms of-

- Physical contact and advances;
- Sexually colored marks;
- Demand or request for sexual favors;
- Exhibition of pornography; and
- Other unwelcomed physical, verbal, or non-verbal conduct of a sexual nature



The following shall be termed as sexual harassment apart from the above

- Eve teasing, innuendos or and taunts & unsavory remarks
- Jokes causing or likely to cause awkwardness or embarrassment
- Gender oriented insults or sexist remarks
- Unwelcomed sexual overtone in any manner such as over telephone (obnoxious telephone calls) and touching or brushing against any part of the victim's body
- Display of offensive or derogatory pictures, cartoons, pamphlets, or sayings, Physical confinement against one's will and any other action which is likely to violate one's privacy.

SEXUAL HARASSMENT & DISCRIMINATION COMMITTEE

Internal Members

External Members

Chairperson,
Sexual Harassment Committee



Workplace Sexual Harassment & POSH Act

GUIDELINES OF SEXUAL HARASSMENT & DISCRIMINATION COMMITTEE



Role of Committee

The Committee shall decide whether the facts contained in the complaint make out a case of “sexual harassment”.

The Committee shall investigate the truth of the allegations contained in the complaint.

The Committee shall investigate the truth of any allegation of retaliation against/victimization of the complainant or any other person assisting him/her as a result of such complaint having been made or such assistance having been offered;

The Committee shall recommend the penalties/action to be taken against any person found guilty of having sexually harassed the complainant, up to and including termination, to the IPH&H –College of Nursing & Allied Health Sciences management.

The Committee shall recommend the penalties/action to be taken against any person found guilty of having retaliated against / victimized the complainant or any other person assisting her as a result of such complaint having been made or such assistance having been offered.

The Committee shall recommend appropriate psychological, emotional and physical support (Counseling, Security and other assistance) for the victim.

The Committee shall recommend the penalties/action to be taken against any person found guilty of having made false claims of having been sexually harassed, up to and including termination, to the IPH&H –College of Nursing & Allied Health Sciences management.



AUTHORITY OF COMMITTEE



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The committee shall have the authority to summon witnesses and call for documents or any information from any employee/ student.

If the committee has the reason to believe that an employee, the student can furnish relevant documents or information, it may direct such person to produce such documents or information by serving a notice in writing on that person, summoning the person, or calling for such documents or information at such place and within such time as may be specified in the written notice.

Where any relevant document or information is recorded or stored by means of mechanical, electronic, or other devices, the committee shall have the power to direct that the same be produced, or that a clear reproduction in writing of the same be produced.

Upon production of documents/ information called for by it, the committee shall have power to

Make copies of such documents/ information or extracts there from; or

Retain such documents/ information for such period as may be deemed necessary for purposes of the proceedings before it.

The Committee shall have the authority to issue interim directions to/ with regard to any person participating on the proceedings before it.

The Committee shall have the authority to recommend the action to be taken against any person found guilty of (A) Sexually harassing the complainant (B) Retaliating against/ victimizing the complainant or any person before it; and (C) Making false charges of sexual harassment against the accused person.

POSH
STAND UP, **SPEAK OUT**

PROCEDURE TO BE FOLLOWED BEFORE COMMITTEE



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The Committee may direct the complainant to prepare and submit a detailed statement of incidence if the written complaint lacks exactness and required particulars, within a period of 24 hours from such direction or such other time period that the committee may decide.

The Committee shall direct the accused employee / student to prepare and submit a written response to the complaint / allegations within a period of time as the committee decide.

Each party shall be provided with a copy of the written statement(s) submitted by the other.

The Committee shall conduct the proceedings in accordance with the principles of natural justice and in keeping with the guidelines and the policy. It shall allow both parties reasonable opportunity of presenting their case. However, should the accused choose not to participate in the proceedings, the committee shall continue ex-party.

The Committee shall allow both parties to produce relevant documents and witnesses to support their case. Documents produced by either party shall be affixed with that party's signature to certify the document as original/ true copy.

The party against whom the document/ witness is produced shall be entitled to challenge / cross examine the same.

The Committee shall sit on daily basis to record and consider the evidence produced by both parties.

As far as practicable, all proceedings of the committee shall take place in the presence of both parties.

Minutes of all proceedings of the committee shall be prepared and duly signed by the members of the committee.

Gender Neutrality
and POSH Law

PROCEDURE TO BE FOLLOWED BEFORE COMMITTEE



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The Committee shall make all endeavors to complete its proceedings within a period of fifteen (15) days from its formation.

The committee shall record its findings in writing supported with reasons and shall forward the same with its recommendations to the management, within a period of five (5) days from completion of the proceedings before it. In case the committee finds that the facts disclosed the commission of criminal offence of the accused person, this shall be specifically mentioned in the committee's report.

If, in the course of proceeding before it the committee is satisfied that a prima facie case of sexual harassment is made out against the accused employee/ student and that there is any chance of the reoccurrence of any such action or that is required to do so in the interest of justice, it may, on the request of the complainant or otherwise, direct the suspension of such employee/ student pending the enquiry. Such decision shall be binding on the party.

If, during the course of proceedings before it, the committee is satisfied that any person retaliated against/ victimized the complainant or any person assisting her as a result of complaint having been made or such assistance having been offered, the committee shall report the same in writing, to the management, with reasons and with recommendations of the action to be taken against such person.

If, at the end of the proceedings before it, the committee is satisfied that the complainant has knowingly brought false charges of sexual harassment against any person, it shall report the same in writing to the IPH&H –College of Nursing & Allied Health Sciences management, with reasons and with recommendations of the action to be taken against such person.

