



VSS Institute of Medical Sciences & Research

Burla, Sambalpur, Odisha-768017

Phone-0663-2430768/2430435

Fax – 0663-2430767

E-Mail:-vssmcburlaorissa@gmail.com

Website:-www.vssmedical.net

WOMEN CELL

(WC-VIMSAR)

STANDARD OPERATING PROCEDURE

Preamble

According to the Constitution of India, Right to Equality is a Fundamental Right that includes the right to equality before law, prohibition of discrimination and equality of opportunities in matters of public employment. Equality between men and women, right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement and provision of just and humane conditions for work and maternity relief, are important Directive Principles of State Policy. The Supreme Court of India in its August 13, 1997 judgment in Vishakha & others vs. State of Rajasthan & others makes it obligatory for every employer and other responsible persons to follow the guidelines laid down by the Court and to evolve a specific policy to combat sexual harassment in the workplace. Educational institutions are bound by the same directive. In compliance with the mandate of the Supreme Court judgment, VIMSAR adopts this policy to prevent, prohibit and punish sexual harassment of women at the workplace. The college is committed to provide for all women who fall within its jurisdiction including its, academic, non - academic staff and students, a place of work and study free from sexual harassment, intimidation and exploitation. 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. Primary mission of Women Cell of VIMSAR is to provide guidelines for protection from sexual harassment and basic right to work with dignity and to handle related complaints received or referred to the cell.

Scope

The policy is applicable to all employees and students (females and males) and also to third parties associated with VIMSAR. The third party would include the patients, their accompanying relatives/attendants, volunteers, trainees and visitors etc. who are associated to the organization. WC-VIMSAR will be formed by the organization, which will undertake preventive action as well as it will act as a grievance redressal body where complaints of sexual harassment at the work place will be contemplated. The committee will have representation of the members from across all staff cadres.

Definitions and Explanations

The operational definitions of the following terms will be considered by the committee while dealing with these complaints.

(i.) Definition of Sexual Harassment

On August 13, 1997, the Supreme Court of India held that sexual harassment of women is a violation of the fundamental rights of women to work in a safe environment. According to the Supreme Court guidelines sexual harassment includes such unwelcome sexually determined behavior (whether directly or by implication) such as the following:

1. Physical contact and advances
2. A demand or request for sexual favors
3. Showing pornography
4. Any other unwelcome, physical, verbal or non-verbal conduct of sexual nature

According to the Code of Conduct at Work Place prepared by the National Commission for Women in 1998, sexual harassment includes such unwelcome sexually determined behavior by any person either individually or in association with other persons or by any person in authority, whether directly or by implications, such as the following:

- Eve Teasing
- Unsavory remarks
- Jokes causing or likely to cause awkwardness or embarrassment
- Innuendos and taunts
- Gender based insults or sexist remarks
- Unwelcome sexual overtone in any manner such as over telephone (obnoxious telephone calls) and the like
- Touching or brushing against any part of the body and the like
- Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings
- Forcible physical touch or molestation and
- Physical confinement against one's will and any other act likely to violate one's privacy

(ii) Work place:

Work place includes any place where the employees of the organization carry out tasks to further the organizational goals and objectives. This will not include any place of work that is beyond institute's premises and control. However the grieved party will be provided support to carry out necessary action as and when required.

(iii)Employee/Staff:

An employee of institute is an individual who has been appointed at the organization to carry out certain tasks so as to further the organizational goals and objectives. It covers all the staff on the payroll including the field staff, part time staff, contractual staff, incentive based, consultants, approved staff of outsourced services, etc.

(iii)Students:

A student will include any candidate enrolled in the institute as a trainee in capacity of undergraduate, postgraduate, nursing, paramedical or part time observer ship or any trainee undergoing training here with due permission of authorities.

(iv)Third party:

A third party refers to any individual or member of any group/organization that is/are associated with the institute. Examples of third party include sexual harassment to institute's Staff by the volunteers, patients, attendants of patients, students, visitors, community members, NGOs, CBOs, and Hospital & Health Post Staff.

Objectives

1. To fulfill the directive of the Supreme Court of India enjoining all employees to develop and implement a policy against Sexual harassment of women at work place
2. To prevent gender discrimination and sexual harassment by promoting gender equality amongst all University employees
3. To promote a social, physical and psychological environment that will raise awareness about and deter acts of sexual harassment of women
4. To ensure implementation of laid down procedures including the constitution of appropriate committees for purpose of gender sensitization and to conduct enquiries into complaints of sexual harassment
5. To recommend punitive action against the guilty to the Dean and principal.

Functions

1. To promote gender equality
2. To take measures towards sensitizing the college community on gender issues
3. To deal with cases of sexual harassment in a time bound manner and ensure appropriate action is taken against the offender

PREVENTIVE ACTION

Preventive action will be taken in the organization so as to evade any instances of sexual harassment. The efforts of the management will be as follows:

i. Gender sensitization workshops:

Although institute is a non-profit organization with socially aware and sensitive individuals associated with it, there is a need to conduct gender sensitization workshops for employees at all levels as well as for third party individuals/groups. These workshops will aim at eliminating any gender biases of individuals, making them more gender sensitive.

ii. Workshops on Sexual Harassment at the workplace:

Such workshops will be conducted to induct staff and third parties about the issue of Sexual harassment at the workplace, the Supreme Court guidelines and *Vishakha* judgment as well as about the organizational policy on sexual harassment at the work place.

iii. Information on first appointment:

It will be made mandatory to include a feature on the existing VIMSAR policy on sexual harassment at the workplace and its scope in the appointment letter of new employees. An induction will be provided to the new appointee with regard to the policy of the college and hospital on the matter.

Composition of Women Cell

The institute will form a committee to deal with complaints of sexual harassment at the workplace for employees and third parties. The key items of the cell are as enlisted below.

(a) Facilitating body

The college and hospital management shall facilitate smooth functioning of the Women Cell to ensure regularity of meetings and follow-up of cases of sexual harassment that may arise besides ensuring preventive action to be taken to avoid sexual harassment at the work place.

(b) Members

There will be Nine individuals selected by the facilitating body to be members of the WC-VIMSAR. Out of the nine members, majority representation has to be of women, and the Chairperson of the committee has to be a woman. One member has to be a representative of another organization, thus ensuring transparency in procedures, and delivery of justice. In case of differences of opinion in a case the decision of the majority of the committee members will prevail.

(c) Selection of members

Members will be selected based on their commitment and sensitivity to the issue. They must be gender sensitive and compassionate individuals. They must be non-judgmental and tactful in their approach of handling such cases.

(d) Period of membership

Membership will be for a period of two years, after which a new set of members will be appointed. However few members if willing can continue their membership for one more year to help evolve and guide the new members.

(e) Termination of membership

Membership will be terminated in the event of demise or retirement or resignation of a member from his/her post in the organization, or if a member has been found guilty in a case of sexual harassment. Membership will also be transferred to another person after the completion of two years tenure.

(f) Appointment of new members

New members will be appointed by the Dean and Principal, VIMSAR. An individual who has been previously elected as a member on the committee can be elected again.

(g) Womens' representation

Out of the nine members, including one representative from another organization, five have to be women. Moreover, the chairperson of the WC-VIMSAR must be a woman.

(h) Meetings

Emergency meetings of Women Cell may be convened by the Chairperson on receipt of complaints; usually meetings will be held minimum of once every quarter, whether or not a case of sexual harassment has been registered; This is so as to discuss and plan for preventive actions and to make recommendations to the Dean and Principal, VIMSAR. The venue and the time for the meetings will be as per the decision of the members of the committee.

(i) Contact details of members

The contact details of members of the Women Cell as well as of the First information contact persons will be made available to all associates of the college and hospital and posted in the college website.

Complaint Redressal procedure

(a) Procedure for registering complaint

A written application will be required to be given to the cell which will then be deliberated upon. Complaints can be lodged directly to the Chairperson of women cell or with any member of Women Cell. If the complaint is made through any other member or Dean or medical superintendent, then the person to whom the complaint is made should bring it to the notice of the women cell within two working days of its receipt by him/her. All complaints must be brought by the complainant in person. In exceptional cases, third party/witness complaint may be entertained. In such cases, the committee will ascertain, whether the woman alleged to have been sexually harassed wishes to lodge a formal complaint. Once such complaint is received the committee shall proceed to enquire into it as per procedure specified. The application must consist of all the details of the event/s of sexual harassment that occurred, as well as the name of the alleged offender. Approximate date/time of the event/s could also help during investigation. Applications, delayed by any amount of time since the occurrence of events of sexual harassment will be accepted by the cell.

(b) Contact

On receipt of the written complaint, Women cell shall try to establish contact with the victim/applicant and the first information person who may have approached the cell for justice and resolve the dispute through informal discussion. The minutes of such discussion shall be recorded and the reason for not conducting enquiry shall also be mentioned; report of the enquiry should be signed by all the committee members present during the contact.

(c) Confidential Investigation

If the dispute cannot be resolved through informal discussions, an enquiry committee shall be set up by women cell Chairperson within one week of receipt of complaint with some/all members of the cell or with outside persons. The Enquiry Committee shall investigate into the incident by laying down its own procedure, to find out if the accused is prima facie guilty and the nature and extent of the guilt. To determine what constitutes sexual harassment will depend upon the facts and circumstances of each case. The Enquiry Committee shall submit its report to the Chairperson, WC within one week of its appointment. Confidentiality will be maintained during the investigation. The committee will ensure that no other individuals will know of the complaint besides the applicant and the witnesses, if any, brought in by the applicant. Investigation must be carried out within a period of one month. If required a cross

examination of the complainant and the accused and if any witness available can be done. This will be at the discretion of the Committee Members. At any stage of the proceedings, if the aggrieved women wish to withdraw her complaint, the committee shall permit her to withdraw the complaint and if an inquiry has commenced, shall discontinue the inquiry. In case of withdrawal if it is brought to the notice of the committee that, pressure is being brought on the complainant or the witnesses to withdraw their statements or not go through the proceedings conducted by the Committee then the Committee will record this.

(d) Principle of Natural justice

The principle of natural justice will be adopted during investigation. Thus, both parties, the applicant as well as the alleged offender, will be given a platform to produce their respective views of the event/s and will be given a chance to explain their sides. The investigation will include interviews with witnesses produced by both sides, as well as other intervention that may be required. A copy of the investigative report, which consists of the investigation findings, will be given to both parties at the end of the investigation, as also a copy of the recommendations made by the cell to the management will be submitted to both parties. In case of any settlement brought about by the Committee must be mutually acceptable to both the aggrieved woman and defendant.

(e) Punitive Recommendations

Action to be taken will be recommended by the cell, based on the findings from the investigative report. These will be reviewed by the management and as joint decision will be taken up. Punitive action could be in the nature of transfer, termination, slash the remuneration, consideration in annual performance appraisal, and demand for an apology to the victim, or any other, as deemed fit by the cell. The decision for punishment will be based on the impact of the harassment on the recipient of the same.

(f) Reformative Recommendations

Recommendations will be made by the cell to the Dean and principal. These may be to bring into effect policy change/modification, or else to carry out some preventive action.

(g) Forward to College Management

The investigative report, findings and recommendations of a case of sexual harassment must be duly forwarded to the management to effect action.

(h) Action by College Management

Once the committee has reached a decision, management must acquiesce with its recommendations in the following manner:

1. If the accused is found guilty, no recognized victim will be forced to work under or with that person. If such a provision requires the transferring of people, the victim's preferences should take priority.
2. If the committee reaches a verdict of guilty it must then decide upon the appropriate penalty. This decision may take into account past offences. In other words, repeat offenders may be given harsher penalties.
3. Penalties may be broadly grouped as
 - Minor Penalties:

- A. The harasser is required to write a letter of apology to the victim
- B. Management writes a letter of reprimand to the harasser including a warning against further activity
- C. Harasser is suspended
- D. Management withholds the increment from harasser for one year.
- E. The harasser is fined up to Rs 2000 or more depending on the position.

- Major Penalties:

- A. The harasser is demoted
- B. Management terminates employment of the harasser
- C. Management withhold the increment from harasser for more than one year
- D. The harasser is fined more
- E. If the harasser is a service taker or third party, management terminates service to the harasser.
- E. A student guilty of sexual harassment shall be liable to give a written apology to the victim and any of the following punitive actions may be taken:
 - Suitable censure/warning
 - Withholding/withdrawing scholarship/fellowship and other benefits
 - Suspension/expulsion from the hostel
 - Rustication from the Institute for a specified period
 - Expulsion from the college.
 - Any other action as per college rules.

4. If there is a prima facie case against the accused, the WC-VIMSAR may recommend immediate suspension till the person is proved innocent or the issue is settled. Efforts must be made to resolve the dispute through counseling and mediation. In case the accused is found guilty, the WC-VIMSAR may recommend appropriate punitive action to be undertaken by the Dean. If required, the College management may refer the complainant to a lawyer to lodge a complaint with the concerned police station. The complainant shall then keep the WC-VIMSAR informed about progress with the complaint. The complainant shall have the right to appeal to Dean if she/he is not satisfied by the action taken by the Dean.

5. If the Committee is of the opinion (based on the substantiated facts) that the complaint of sexual harassment was made falsely and with malicious intent, then such action will be considered misconduct. In such case the committee may make a recommendation of the appropriate action to management.

Management Obligations

The management of VIMSAR is required to carry out all action recommended by the Women Cell as well as to take action against the individual/group found to be guilty of sexual harassment at the work place. VIMSAR shall do its best to provide justice as per its good intentions and ability for the complainant.



**Dean and Principal
VIMSAR**



OFFICE OF THE DEAN & PRINCIPAL

VSS Institute of Medical Sciences & Research

Burla, Sambalpur, Odisha-768017

Phone-0663-2430768 / Fax – 0663-2430767

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No.342/VIMSAR dt13.06.2016.

The Women Cell of VIMSAR is constituted as per college notification 1235 dated Oct 04, 2011 is re notified herewith to fill up vacancies arising consequent upon transfer/retire or otherwise with the following nominated members; as such the term of each committee member is for 2years or till further notice to that effect. The Standard Operative Procedure of the cell is enclosed herewith for reference.

Serial no./category of membership	Name	designation
1. Chairperson (senior lady professor)	Dr. P Dutta	Prof& Head, Pulmonary medicine.
2. member secretary (senior lady associate professor)	Dr O Patel	Associate Prof. OG
3. member(senior lady professor)	Dr. S. Panda	Asso. Prof Paediatrics
4. member(faculty-female)	Dr. S Bhagat	Prof and Head, Radiodiagnosis
5. member(lady faculty from other educational institute)	Dr. Sabita Sahu	Readers, School of Mathematics, SU
6. member(faculty-male)	Dr. A. Nayak	Assoc. Prof FMT
7. member(faculty-male)	Dr.RK Nanda	Associate Prof. Physiology
8. member(matron, VIMSAR, burla)	Mrs. Sulochana Das	Principal Tutor School of Nursing, VIMSAR
9. member(lady student representative-UG/PG)	Miss Ratna Agrawal	PG ,Pharmacology

Dean and Principal

