

Do's and Don'ts for Sexual Harassment Complaints Committees

A. Sexual Harassment Complaints Committees should

1. Be headed by a woman
2. Have at least 50% women members
3. Have at least one outside member who is familiar with the issue

This is according to Vishaka Judgement (1997) of the Supreme Court of India and is law.

B. Once the committee is instituted:

- Meet with representatives of management and workers to **determine scope, powers and responsibilities of the committee.**
- Get experts in the field and evolve an organizational policy on sexual harassment.
- This could then lead to a gender policy. Remember gender does not mean women alone,
- Set aside a separate budget for the activities of the committee.
 - Remember, awareness raising can be expensive. This budget could be used for **lectures by experts on sexual harassment,**
 - Workshops & seminars for the committee and staff, including posters, etc.

Note: This too is mandated by law -Set up procedures and protocols for proceedings, i.e., **quorum for meetings, documentation and reporting, and accessibility and storage of documents, *keeping in mind need for confidentiality.***

- Ensure that the outside member is an integral to the quorum. No quorum shall be complete without the presence of such member.
- One outside member is the minimum requirement. There can be more. This will ensure quorum even at short notice.

- Ensure that all complaints are received in writing. This will facilitate maintenance of records. In addition, this will also minimize the possibility of misinterpretation and misrepresentation.
- If the complainant is illiterate, the complaints could be written with the help of a friend or support group.
- Meet **within 7 days of receiving the complaint**. This will help to expedite the matter as well as reassure the complainant.
- **Meet once a month regardless of whether** or not there is a complaint. This will help the committee to design strategy, future plans and best methods of implementation.
- This will happen more easily, if committee members are familiar with each other and can work synergistically.

Dos

- **Formalize and publicize complaints procedures** that are easy and non-threatening.
- Provide safety for friends and supporters of complainant.
- **Appoint complaints officers** -- one man and one woman -- to serve as first point of contact.
- **Complaints officers should be members of the committee**. One of them should be the outside expert.
- **Authorize complaints officers to resolve the issue without the committee's** intervention. If unresolved to the complainant's satisfaction, the complaint should go to the committee.
- Use a cheerful, comfortable, airy room for meeting the complainant.
- Ensure that your body language communicates complete attention to the complainant and accused.
- Treat the complainant with respect.
- **Discard pre-determined notions** of how a victim or accused should look or behave. Beware of stereotypes.

- **Sexual harassment can be by a person of the opposite sex and/or the same sex.** This is an important point that the committee would do well to remember at all times.
- All sexual crimes are committed in private, so there may not be eyewitnesses.
- **Consult the complainant for punitive action.**
- If the **management/ managing committee** does not accept the recommended action, it should give three valid reasons.
- Help the complainant regain her/his self-respect and dignity.

Don'ts

- Do not under any circumstances get aggressive.
- Do not **insist on a detailed description of harassment.** This could increase the complainant's trauma.
- Remember **this is a human rights issue**, therefore:
- **Do not give too much weight to intention**, focus on impact.
- **'Proof beyond reasonable doubt' is not required**, strong probability is sufficient.
- Do not allow for interruptions when talking to the complainant and/or accused.
- Do not try and determine the impact of the harassment on the complainant. Let the complainant determine it. Help the complainant, if necessary.
- Do not discuss the complaint among yourselves in the presence of the complainant or accused.

Remember:

These guidelines are neither exhaustive nor comprehensive. Please add to them and let us know your additions so that we can add your innovative ideas.