

Council for Technical and Vocational Training

Pokhara Technical Education

Phulbari-12, Pokhara

Misconduct, Harassment and Discrimination Policy

Introduction

The best possible environment for working, learning and living is one in which respect, civility, diversity, opportunity and inclusion are valued. This draft policy is proposed to address incidents of Misconduct, Harassment and Discrimination in CTEVT Quality Improvement (QIP) Program Schools. The policy and procedures are intended to both prevent and address such incidents and to maintain a positive working and learning environment in the schools. School staff and students are entitled to file complaints of misconduct, harassment and discriminations under this policy and these procedures. This document is to be posted in a public place. Staff and students are to be advised of the policy and the procedures when put in place. **Wherever this policy and procedure conflicts with CTEVT policy and procedure, CTEVT policy and procedure will take precedence.**

Definition of Misconduct:

The following activities shall be considered misconduct. If there is sufficient evidence of misconduct, staff and students will be subject to disciplinary action (see below).

- A. Any action as the management feels inconsistent to the interest of the **Pokhara Technical School, Phulbari, Pokhara, Kaski** and to generally acceptable conduct.
- B. Non fulfilment of duties as assigned by management
- C. Deliberate absence for three days without prior approval/information
- D. Disclosure of confidential information acquired during the performance of duties
- E. Embezzlement of **PTS** properties and cash
- F. Misuse of **PTS** resources and facilities
- G. Inappropriate use of the organization vehicles

- H. Carrying items listed by the Government as prohibited items. For example, carrying items like alcohol in areas where they are prohibited
- I. Taking commission in cash or in the form of personal benefit on purchases made for **PTS**.
- J. Activities undertaken against the interest of **PTS**.
- K. Present in the School under intoxication or under the influence of illicit drugs
- L. Inappropriate or coercive behaviour towards colleagues and/or students including sexual harassment.

Forms of Harassment

- A. **Discrimination:** is treating a person or a group of people unfavourably (unequally or unfairly) based on a personal characteristic such as sex, age, race, ethnicity, religious or disability.
- B. **Sexual Harassment:** is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another.
- C. **Abuse of Authority:** is the improper use of a position of influence, power or authority by an individual against another colleague or group of colleagues or students. In particular, it is when an individual misuses his/her influence, power or authority to negatively influence the career or employment or learning (educational opportunity) conditions of another.

Reporting Procedures:

Staff or students who feel that a colleague or teacher/administrator or student has behaved inappropriately may complain directly to Mr. **Rajiv Kumar Thakur**. Staff or students who have either witnessed or experienced harassment are encouraged to bring the incident forward immediately to the **Mr. Rajiv Kumar Thakur**, All complaints must be provided in written form using the School's Complaint Form (to be developed by the School). Where the immediate supervisor or teacher is the alleged harasser, complaints should be submitted to the Principal.

In situations where harassment takes place outside the school and where the petitioner is experiencing a sense of acute vulnerability, the complaint may be provided in verbal form to the most senior representative available. Any complaints provided verbally must be followed up in writing at the petitioner's earliest convenience.

It is understood that not all situations are clear and some may experience hesitation in putting forward a formal, written complaint for a variety of reasons. In those situations, staff and students are encouraged to approach their immediate supervisor or teacher informally, and not to remain silent.

Investigation Procedures:

Investigations at the school will be conducted internally by an appointed representative that sits on the disciplinary review committee. The Committee will be formed at the time this policy and procedure is

adopted by the school. Membership of the committee will be reviewed annually. Where necessary, investigations may be conducted by another member of the committee or in some cases may involve the Principal.

Harassment Procedures: Upon review of the formal written complaint, an investigation will be conducted immediately. Investigations will be fair and impartial, providing both the petitioner and respondent equal treatment in evaluating the allegations. Investigations will be sensitive to the interests of all parties involved, and maintain confidentiality. At a minimum, an investigation will include individual interviews with the petitioner, the alleged harasser(s) and witnesses to the incident, if any. The alleged harasser(s) will be given enough information about the allegations against them to allow them to respond appropriately. In situations where harassment takes place outside the school and where the petitioner is experiencing a sense of acute vulnerability, the Principal will have the authority to investigate and make decisions to ensure the safety and security of the affected individual.

Disciplinary Actions:

Any investigation that provides sufficient evidence to prove a staff or student guilty of misconduct will be disciplined appropriately. Depending on the nature and severity of the misconduct, disciplinary actions may include but will not be limited to:

- Request for a verbal and/or written apology
- Written warning
- Removal of certain employment or student privileges
- Deduction of salary (employees)
- Suspension from work with or without pay (employees) or suspension from school (students)
- Termination of employment or expulsion from school

Anyone found or believed guilty after investigations shall be given a letter of explanation in a meeting highlighting the committed misconduct. Such a letter shall be given a set time period for the employee or student to respond to, not less than three days. The letter will be issued by the Principal.

After having received the explanation, management shall issue a second explanation letter specifying the disciplinary action for the misconduct.

A letter will be issued to the official address of the staff or student shall be considered issued to the concerned staff or student.

The Principal, if necessary, may suspend the concerned staff member or student during the time of investigation and may continue to do so until such investigation is completed. However such suspension shall not be for more than 30 days.

The criteria for suspension shall be as follows:

- If the management feels the continuance of the staff or student may lead to the tampering with the evidence.
- If management feels suspension is necessary for the purpose of maintaining the reputation of the organization or such suspension shall ease the investigation process.

A person who has been given a written warning may be automatically terminated from his\her position or expelled from school with a dismissal letter if he or she does not show significant improvement in the issues mentioned in the written warning.

In situations of harassment, the petitioner will be given an opportunity to suggest a disciplinary course of action. Where possible, the school will take the suggestion into consideration when determining appropriate disciplinary measures.

If the investigation fails to find evidence to support the complaint, no documentation will be placed on the alleged harassers' file.

Staff or students not satisfied that the grievance is resolved and/or there is no significant improvement in the situation may take the complaint to the Principal. Either will take appropriate action which may result in the formation of a Disciplinary Review Committee. The Disciplinary Review Committee will comprise the Principal, Head of Department of the respective program, Administrative or Finance Officer and the GESI Focal Person. Where a member of the proposed Disciplinary Review Committee is the alleged harasser, that person will be required to abstain from participating in any investigations or proceedings.

Appeal

Concerned staff or students may appeal to the Regional Director, CTEVT within 10 days of disciplinary action and the decision of the Regional Director, CTEVT shall be final and binding.