



GUIDELINES

TO

ENSURE SAFETY AND SECURITY OF STUDENTS

IN

SCHOOLS AND HOSTELS UNDER

ST & SC DEVELOPMENT DEPARTMENT

GOVT. OF ODISHA

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1. INTRODUCTION

The Scheduled Tribes and Scheduled Castes Development Department is the nodal Department of the State Government for the welfare of the ST & SC communities. There are 1670 residential schools with over 4700 hostels functioning under the department. There about 450,000 students studying in these schools of which about 60 % are girls.

The department accords high importance to the safety of girls and boys in schools and hostels with particular attention to prevent any form of sexual exploitation and abuse. In order to ensure the students are free from any form of abuse and exploitation, stringent mechanisms will be put in place; all teaching and non-teaching staff oriented on their code of conduct and responsibilities; and students trained on life skills to prevent and deal with such situations.

2. OBJECTIVE OF GUIDELINES

The aim of these guidelines is to create an enabling environment for students in schools and hostels and to protect them from any act of sexual harassment and abuse, define mechanisms for raising awareness among staff and students and setting a process of accepting complaints from students, their investigation and appropriate actions there off. These include:

- i. To suggest measures for prevention of sexual abuse of all students, especially girls in the residential schools, by providing a congenial and safe atmosphere for continuing education and realizing their full potential.
- ii. To sensitize the employees on the prevention of sexual abuse of students and establish stringent measures for action against persons indulging in such acts.
- iii. Educate students especially the girls through life skills education approach on their safety and to guard themselves against it.

3. SCOPE / APPLICABILITY

These guidelines are applicable to all employees (regular and contractual, teaching and non-teaching) and students residing in and/or studying at Sevasharm, Ashram, High Schools, Higher Secondary Schools, Educational Complexes for the PVTGs and the Ekalavya Model Residential Schools (EMRS) under the Department of ST&SC Development, Government of Odisha.

4. LEGAL PROVISIONS

4.1 The Juvenile Justice (Care and Protection of Children) Act, 2000 and its subsequent amendment in the year 2006 provides a framework for the protection, treatment and rehabilitation of children in the preview of the juvenile justice system. This Act also focuses on the protection of the rights of the children especially right to protection from violence, abuse and neglect.

4.2 The Right of Children to Free and Compulsory Education Act 2009 makes education fundamental right of every child between the ages of 6 and 14 and prescribes norms for child friendly schools.

4.3 Protection of Children from Sexual Offences (POCSO) Act, 2012 is a specialized Act which provides protection to all children under the age of 18 years from offences of sexual assault, sexual harassment and pornography. Punishment for Offences covered in the Act is:

- Penetrative Sexual Assault (Section 3) - Not less than seven years which may extend to imprisonment for life and fine (Section 4)
- Aggravated Penetrative Sexual Assault (Section 5) - Not less than ten years which may extend to imprisonment for life, and fine (Section 6)
- Sexual Assault (Section 7) - Not less than three years which may extend to five years, and fine (Section 8)
- Aggravated Sexual Assault (Section 9) - Not less than five years which may extend to seven years and fine (Section 10)
- Sexual Harassment of the Child (Section 11) - Three years and fine (Section 12)
- Use of Child for Pornographic Purposes (Section 13) - Five years and fine and in the event of subsequent conviction, seven years and fine (Section 1a (1))

A sexual assault shall be considered to be aggravated when the abused child is mentally ill or the abuse is committed by a person in a position of trust of authority vi-a-vis the child like a family member, police officer, teacher, or doctor.

The POCSO Act recognizes that the intent to commit an offence, even when unsuccessful for whatever reason, needs to be penalized. It also provides for abetment of the offence which is the same as commission of offence.

The implementation of the above mentioned Act is being monitored by the Odisha State commission for Protection of child Rights in the State.

The provisions in the above mentioned Act empowers the department to lay down guidelines for schools and hostels where children study and/or housed, so as to ensure safety of children.

5.0 MEASURES FOR PREVENTION AND PROTECTION FROM ABUSE

5.1. CODE OF CONDUCT AND DUTIES OF STAFF

- 5.1.1. All teaching and non-teaching staff shall respect the dignity and privacy of the student, and shall not commit any act that may be construed as one amounting to sexual abuse of the child.
- 5.1.2. All employees shall be courteous and polite to students and take steps to ensure that the students are assured that they are studying and living in a safe environment.
- 5.1.3. The Head Master/Head Mistress/Principal shall ensure staff receive continued orientation on the prevention, identification, and reporting of child sexual abuse and sexual violence. Teaching and non-teaching staff including Assistant Superintendents of hostels, matrons, ANMs, cook-cum-attendants, watchman, peon and such other persons shall be oriented to understand the basic characteristics of a sexual abuse, the process used by an abuser to choose and prepare a child for abuse, key indicators of sexual abuse, and be prepared to respond immediately to such behavior.
- 5.1.4. All teaching and non-teaching staff shall remain vigilant and convey their apprehension or knowledge of sexual abuse of any student to the appropriate authority immediately. The authorities include Head Master/Head Mistress, Principal, Welfare Extension Officer, BDO, District Welfare Officer or the District Collector.
- 5.1.5. There will be a Zero Tolerance Policy for any sexual offences against students by teaching and non-teaching staff. Any violation of this policy shall be dealt promptly and in the most stringent manner. Any sexual offences against any student will be treated as a major offence under the Odisha OCS (CC&A) rules 1962 and shall be liable for dismissal from service.
- 5.1.6. No student should be asked to go to any staff quarters/residential premises for any reason whatsoever. In case there is any need for interaction between an

employee and student outside the classroom or school premises, permission must be sought in advance from the Assistant Superintendent and or Matron.

- 5.1.7. No male teaching and non-teaching staff and inspecting officials shall enter girls' hostels unless he is accompanied by the Assistant Hostel Superintendent/Matron or a lady teacher designated by the Hostel Superintendent/Matron.
- 5.1.8. Assistant Hostel Superintendent/ Matron and ANMs shall ensure that each student is provided immediate and adequate care including medical care in the event of any sexual abuse. Students must be encouraged to report and seek advice for any medical needs.
- 5.1.9. The Headmaster/Headmistress/Principal shall conduct weekly review meetings on security and safety concerns of students with the Hostel Superintendent, Matron, nodal teachers and school cabinet members.

5.2. CODE OF CONDUCT FOR STUDENTS

- 5.2.1. No student shall maintain any socially undesirable relationship with any teaching or non-teaching staff of the school.
- 5.2.2. Every student must respect dignity and maintain an attitude of respect and friendship towards his or her fellow students.
- 5.2.3. No student shall keep any intoxicant, such as *panmasala*, alcohol or cigarettes, within the school premises and hostels.
- 5.2.4. No male student shall enter a girls' hostel and vice versa.
- 5.2.5. All students must maintain an attitude of concern for the welfare of other students. Any information regarding the illness of a fellow student must be raised and reported to the Assistant Hostel Superintendent/Matron/ANM.
- 5.2.6. Any student experiencing sexual abuse, exploitation or ill treatment shall immediately report the matter to the Assistant Hostel Superintendent and Matron or write a complaint and drop it in the compliant box.
- 5.2.7. Any student experiencing sexual abuse or a student having information of sexual abuse occurring to fellow students shall immediately report such incidents to the Assistant Hostel Superintendent/ Matron or write a complaint and drop it in the compliant box.

5.3. INTERACTION BETWEEN STAFF AND STUDENTS

- 5.3.1. Every student shall be assured that they have the right to share and discuss any concern that they may have regarding their safety and security with the Headmaster/Headmistress, Teachers, Assistant Hostel Superintendent and Matron. The concerned staff members shall ensure that they are easily accessible to the students.
- 5.3.2. Adequate and age-appropriate information shall be provided to students to recognize a “good touch and bad touch” and be encouraged to report any fears they may have regarding any unwanted advances made against them.
- 5.3.3. Students shall be empowered with life skills to handle cases of abuse and harassment effectively. Besides, knowledge on Adolescent Sexual and Reproductive health would help them in handling challenges of growing up.
- 5.3.4. Every student who reports any incident or fear of sexual abuse should be assured that their identity shall be kept confidential.
- 5.3.5. A group of ten students representing each class having leadership qualities shall be identified by the Assistant Superintendent/Matron and oriented to become Peer Leaders, so that they can also help in identifying and reporting incidents of sexual abuse.
- 5.3.6. Bi-annual competitions such as debates, elocution, painting and others shall be conducted by the Head Master/Head Mistress in order to create awareness on matters of sexual abuse, exploitation, Harassment and enabling Life Skills.
- 5.3.7. Parents/ guardians of the students must also be encouraged to raise any concerns they may have at the Parent-Teacher Meetings.

5.4. ENVIRONMENTAL SAFEGUARDS

- 5.4.1. Assistant Hostel Superintendents, Matrons and Cook-cum-Attendants engaged at girl’s hostels shall compulsorily be women.
- 5.4.2. The Assistant Hostel Superintendent/Matron shall stay in the hostel campus. Wherever Lady Watch and Ward are engaged, they shall invariably stay in the girl’s hostel.

- 5.4.3. The Head Master/Head Mistress/Principal shall conduct a criminal history assessment for all employees (teaching and non-teaching) who are working with or around students with the local police station.
- 5.4.4. No male members, including husband, of the lady Superintendent, Matron, Cook-cum-Attendant etc shall be allowed to stay in the girls' hostel campus.
- 5.4.5. Adequate lighting facility shall be ensured to enable students to move safely within the school and hostel premises.
- 5.4.6. It shall be the duty of the Assistant Hostel Superintendent/Matron to ensure that all doors and other entrances to hostels are properly secured at night.
- 5.4.7. Areas not used for teaching or recreational purposes shall be secured to prevent children from being isolated (e.g., storerooms, unused rooms, buildings under construction).
- 5.4.8. Adequate and separate toilet and bathroom facilities must be provided for boys and girls in schools and in hostels
- 5.4.9. No guests shall be allowed to stay overnight in any hostel premises.
- 5.4.10. A complaint box shall be placed within each hostel premises. The complaint box will have a double lock system wherein one key shall be with the Assistant Superintendent and the other with the Headmaster/Headmistress of the school. The complaint box shall be opened on every Monday by the Head Master/Head Mistress/Principal and the Assistant Superintendent in the presence of at least one parent and the findings shall be recorded in a complaint register.
- 5.4.11. No student shall be left alone in the hostel while s/he is ill; adequate supervision must be maintained by the Assistant Hostel Superintendent/Matron or ANMs in respect of such children
- 5.4.12. No male person including maintenance or cleaning staff, construction workers should be allowed to enter the girl's hostel. In case of any urgent work, such as maintenance or repair work in the girls hostel the Assistant Hostel Superintendent/Matron should be informed and permission sought. The Assistant Hostel Superintendent/Matron should ensure that no girl student is left alone and unsupervised in the hostel while such work is undertaken
- 5.4.13. No girl student shall be allowed to leave the premises of the school unless accompanied by an adult female.

- 5.4.14. All students must be escorted during travel for school outings. Where girls are present in such groups, a lady teacher shall accompany them. The escorting teacher must travel along with the girls in the same vehicle.
- 5.4.15. Permission must be obtained from each child's parents / guardian for the child to participate in certain activities, such as field trips, late-night activities, and overnight trips. Parents must be allowed to raise any concerns they may have on what activities or interactions they are comfortable with for their children

5.5. RECORDING THE MOVEMENT OF BOARDERS / VISITORS

- 5.5.1. At the entry gate to the School an "in and out" register shall be maintained at the school gate in which entry and exit of all visitors to the school premises shall be recorded. The exit of students during school hours shall invariably be permitted in writing by the Head Master/Head Mistress/Principal and shall be duly recorded in the register.
- 5.5.2. At the entry gate to the Hostel Premises an "in and out" register shall also be maintained where entry and exit of all visitors to the hostel premises shall be recorded. The exit of boarders from the hostel after school hours shall invariably be permitted in writing by Assistant Hostel Superintendent/Matron.

Ensuring adherence to the above mentioned guidelines in the school premises is the primary responsibility of the Head Master/Head Mistress/Principal/ and Assistant Hostel Superintendent/Matron and for any lapses in this regard they shall be liable for disciplinary action. The DWOs are responsible to periodically supervise and ensure that that stipulations prescribed for the security of girl boarders are adhered to.

6. REPORTING AND RESPONSE

6.1. MANDATORY REPORTING

- 6.1.1 The POCSO Act, 2012, requires that all suspected abuses must be reported, and teaching and non-teaching staff must be made aware of their reporting obligations and penalties for failure to report.
- 6.1.2 Section 21 (l) of the POCSO Act 2012 provides for mandatory reporting of child sexual abuse to law enforcements authorities, and applies to everyone including parents, doctors and school/institution personnel. This casts a legal duty upon a person who has knowledge that a child has been sexually abused to report the offence, failing which he/she may be punished with six months imprisonment and/or fine.

- 6.1.3 In the event of any sexual harassment or abuse reported or suspected the Head Master/Head Mistress/Principal/ Assistant Hostel Superintendent/Matron or any other staff having the information shall immediately report to the local police and to these officers - WEO/BDO/DWO/ District Collector.
- 6.1.4 Any member of the staff, parents/guardians, the child himself/herself, his/her classmates/seniors or anyone else who is a victim or has come across such abuse or finds any of these behavior or physical symptoms provided in **Annexure-I**, can report it to the Head Master/Head Mistress and the Assistant Superintendent of the hostel either verbally or in written form.
- 6.1.5 If a student or a parent/guardian/relative/custodian makes a complaint against an employee of the school/hostel, the Head Master/Head Mistress/Principal receiving the complaint must take it seriously and immediately take the action prescribed in the subsequent section. A record of the concerns must be made including a note of witnesses.
- 6.1.6 In case the Head Master/Head Mistress/Principal is allegedly involved in the case, then the person reporting the offence shall immediately contact the DWO/WEO.
- 6.1.7 The following points shall be kept in mind while the case is being reported by the student herself/himself:
- Listen to what is being said without displaying shock or disbelief
 - Accept what is being said
 - Allow the child to talk freely
 - Reassure the child
 - Not promise confidentiality as it may be necessary to pass on the information for mobilizing action.
 - Reassure the child that what has happened is not their fault
 - Stress that it was right on his/her behalf to inform
 - Listen, rather than ask questions
 - Do not give value judgments
 - Explain the procedure to be followed to address the issue
 - Provide immediate medical attention if the situation so warrants
 - Make brief notes as soon as possible after the conversation
 - Record the date, time and any noticeable non-verbal behavior and the words used by the student/boarder
 - Draw a diagram to indicate the position of bruising/injury, if any

- Record statement and observations rather than interpretations or assumptions
- The students should not be made to feel that they may be penalized for having disclosed the matter at any time of enquiry or reporting.

6.1.8 A strict policy of confidentiality must be maintained and steps must be taken to protect the student concerned.

6.1.9 If a student withdraws an allegation; the Head Master/Head Mistress/Principal must be satisfied that the student has not been retaliated against or threatened in anyway.

6.2 RESPONSE

6.2.1 Head Master/Head Mistress/Principal or the DWO shall take the following steps within 24 hours of the abuse being reported:

- i. Isolate the alleged abuser from all students in the institution
- ii. The institution shall file a First Information Report (FIR) with the nearest police station.
- iii. Intimate the parents/guardians of the student
- iv. Intimate the Child Welfare Committee and the District Child Protection officer
- v. In-case the abuse happens in the hostel, the assistant superintendent / matron/ANM should be attached to the student for providing counselling. The student should be kept under observation.
- vi. Provide immediate medical facilities to the student from a registered medical facility/practitioner.
- vii. In case a senior student is the abuser, the following protocol shall be followed:
 - a. The student's parents shall be informed immediately.
 - b. Immediately separate the student from other students.
 - c. Take the student to the nearest Special Juvenile Police Unit and produce before the Juvenile Justice board of the District.
 - d. Counsel the student and treat with sensitivity.

6.2. DISTRICT LEVEL DEPARTMENTAL ENQUIRY COMMITTEE

- 6.2.1 A team consisting of the DWO, two district level/sub divisional/block level lady officers nominated by the District Collector and the WEO of the respective block will conduct an enquiry within 24 hours of receipt of the complaint.
- 6.2.2 Necessary statements will be recorded from the student in a confidential manner by the lady officer of the team without causing any undue inconvenience to the student.
- 6.2.3 The enquiry committee will carry out a preliminary investigation into the complaint and submit its report to the District Collector within 48 hours. A copy of the report shall also be sent to the Department without fail.
- 6.2.4 The DWO on receipt of any complaint shall immediately order the accused staff to be removed from the school premises to prevent access to the student.
- 6.2.5 Based on the findings of the enquiry if a prima face' case is established the concerned staff will be placed under suspension with immediate effect and departmental proceedings will be initiated. The report of the District Enquiry Committee shall also be shared with the local police so that relevant non- bailable sections of POCSO Act (2012) can be registered for serious offences.
- 6.2.6 The Departmental Proceedings of all cases of sexual offences shall be completed within one month.
- 6.2.7 The DWO must keep the District Collector informed of all developments in the case, including filing of F.I.R, progress of police investigation, filing of charge against the offender, status of Departmental Proceedings and its finalization.
- 6.2.8 The DWO shall send a monthly report to the Department mentioning the status of all enquires, police investigation and departmental proceedings in all cases.
- 6.2.9 The DWO will maintain a database of all staff having previous allegations of being involved in sexual offence cases and ensure that they are not posted in girls' schools.
- 6.2.10 Particular attention shall be paid to safeguarding the privacy of the child who has been identified as 'at risk' or has been abused. The Assistant Superintendent/Matron/ANM shall track the condition of the child at risk for at least one year.

7. SUPERVISION & MONITORING

- 7.1 The DWO and WEO shall review the implementation of these guidelines and the precautionary measures adopted by the schools during their inspections and monthly meetings with Head Master/Head Mistress/Principal. They shall provide necessary instructions, support and guidance to schools to strengthen safety measures.
- 7.2 The District Collector to ensure independent random visits to the girls' hostels by other district level officials, at least once in a month, to assess various issues concerning boarders of the residential schools and collect feedback for necessary action.

The District Collector shall review the implementation of these guidelines and ensure interdepartmental coordination

- 7.3. In case of any lacuna in supervision and monitoring; or in establishing mechanisms towards prevention and protection of students from sexual abuses; or failure in timely reporting; or in taking appropriate action, necessary disciplinary action shall be initiated.

8. ORIENTATION AND AWARENESS PROGRAMMES

- 8.1.1. Sensitization of school functionaries on the issue of safety and security, their duties regarding protection of students, legal and other implications in case of non-compliance shall be undertaken periodically by the DWO.
- 8.1.2. The Life Skills Education shall be conducted on a weekly basis as per the themes assigned for the month by trained nodal teachers and ANMs at middle and high schools. The Assistant Superintendents/Matrons will organize sessions for girls in hostels after school hours in line with the monthly themes.
- 8.1.3. The School Management Committees/School Management Development Committees will be oriented on relevant sections of the guidelines by the Head Master/Head Mistress/Principal.

ANNEXURE - I

SIGNS, SYMPTOMS AND INDICATORS OF SEXUAL ABUSE

Physical Indicators

- Difficulty in sitting down or walking
- Pain or itching in private parts
- Excessive crying
- Bleeding or general illness

Behavioral Indicators

- Inappropriate sexual behavior or knowledge
- Sudden behavioral changes
- Wary of Adults/ lack of trust
- Running away from home
- Unusual avoidance of touch
- Eating disorders
- Emotional withdrawal
- Poor relationship with peers
- Avoiding medical check-ups or consultation with doctors
- Soiling of clothes
- Substance abuse
- Frequent Absenteeism