

20.0 POLICY AGAINST SEXUAL HARASSMENT, DISCRIMINATION & HARASSMENT

20.1 Purpose of the policy:

The Indian School of Business (ISB) is committed to creating an environment free of any discrimination based on age, caste, creed, color, disability, gender, nationality, religion, sexual orientation. Creating an environment that is free of prejudice is an integral part of this anti-discrimination policy. By such an environment, we mean that opportunities are based on merit and not on any discriminating factor mentioned above. Further, we are respectful of the differences in people and the environment is free of harassment based on these differences.

ISB employment policies are already geared toward this end. ISB expects its students and employees to maintain highest behavioral standards and norms and hopes that deviations would be rare or non-existent. Nevertheless, it is important to percolate this ideology at all levels in the organization and continuously work towards improving the attitudes and behaviors of individuals so that the goal of a positive, compassionate, and supportive environment is realized.

For this purpose, ISB has the **Committee against Sexual Harassment, Discrimination & Harassment (CASHD)**. The committee is dedicated to eliminating and preventing harassment, any discriminatory treatment of faculty, staff, students, employees, and volunteers, and fostering an environment of respect for all individuals. The scope of the committee, unless otherwise specifically delineated by the Dean, includes:

1. Laying down basic principles that will define discrimination and help contra-distinguish it against non-discrimination.
2. In consonance with the basic principles, formulate policies, systems and procedures that will help the school and its people to:
 - a. clearly understand the boundaries of non-discriminatory conduct
 - b. conduct themselves well within those boundaries in a manner that does not result in either real or perceived case(s) of discrimination,
 - c. to report infractions and grievances and seek redressal, and
 - d. to adjudicate on cases and mete out appropriate penalties or punitive actions against offenders.
3. Screening all existing (and, going forward, all proposed) policies, systems, procedures and practices to ensure they are fully compliant with (1) and (2) above.

In order to facilitate this process, the committee will work:

- a. To inform all individuals about their rights and obligations through training and dissemination of the CASHD policy
- b. To increase awareness by including the anti-discrimination, harassment policy in the orientation materials for new faculty, staff, students, and volunteers
- c. To notify persons of unacceptable conduct
- d. To inform all individuals of the appropriate procedures and reporting mechanisms for addressing concerns of discrimination & harassment

A more specific form of discrimination and harassment is based on gender i.e., sexual harassment. The committee will begin with working on creating awareness about and addressing gender issues. Other forms of discriminatory harassment will be defined and included under the purview of the committee on an ongoing basis. Separate chapters will be added to this document and refined on an on-going basis to enrich understanding about different forms of discriminatory treatment. In the intervening period, any individual feeling discriminated on any ground other than gender discrimination can also approach the committee even though those matters are yet to be clearly outlined in this policy document.

20.2 Committee composition:

Following the notification of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the CASHD would be headed by a woman and not less than half of its members would be women. Further, to prevent the possibility of any undue pressure or influence from any quarter, the committee would involve an external expert on the board. The current committee members are as follows:

Sl. No.	Name	Designation	Email ID
1	Prof. Shilpa Aggarwal	CO-CHAIRPERSON CASHD (Hyderabad), ASSISTANT PROFESSOR	Shilpa_Aggarwal@isb.edu
2	Prof. Saumya Sindhvani	CO-CHAIRPERSON CASHD (Mohali), ASSISTANT PROFESSOR (PRACTICE), ASSOCIATE DEAN - RCI-AMP's), EXECUTIVE DIRECTOR - CLMP	Saumya_Sindhvani@isb.edu

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11	Ms. Sangeetha Hariharan	MANAGER - BHARTI INSTITUTE OF PUBLIC POLICY	Sangeetha_Hariharan@isb.edu
12	Ms. Talish Ray	EXTERNAL MEMBER, ADVOCATE	
13	Ms. Arun Khan	CONVENOR CASHD (HYDERABAD), SENIOR MANAGER - CLMP	Arun_Khan@isb.edu
14	Ms. Parul Khullar	CONVENOR CASHD (MOHALI), MANAGER – ALUMNI ENGAGEMENT	Parul_Khullar@isb.edu

20.3 Who can make allegations of discrimination?

Discrimination concerns can be resolved usually by the person being discriminated against addressing the issue with the person who is discriminating. When resolution is not feasible, despite this sensitization, any faculty, staff, student, or volunteer may bring an allegation against any member of the ISB community. As a third party, if you notice or happen to receive information in good faith, then you need to report the same to your reporting manager or Human Resource Manager.

20.4 Receipt and referral of allegations

An alleged violation of the ISB's anti-discrimination policy may be referred to any of the following designated individuals:

1. Any supervisor, faculty or staff administrator
2. If the alleged discriminator is the supervisor, the alleged should directly contact either a higher-level administrator in the department/school or the committee for anti-discrimination.
3. When the above individuals receive an allegation of any form of discriminatory harassment, they will promptly refer the matter for investigation, or refer it to the committee for anti-discrimination.
4. All individuals who are designated to receive allegations are expected to participate in the training provided by the committee for anti-discrimination.

20.5 Confidentiality

Information received in connection with the filing, investigation and resolution of allegations will be treated confidential except to the extent necessary to be shared with the Dean of the school. Also, the school will safeguard the interest of the complainant, in all dealings with ISB, from any retaliation by the person against whom complaint is filed.

20.6 Counseling and Support

A person seeking counseling or support may contact the counseling and consultation service. This service does not investigate allegations but only provides counseling and support.

20.7 Course of Action

The committee will impartially investigate allegations, consider the explanations of the various parties and past record, if any, to decide on the guilt or innocence.

On finding the alleged guilty, the committee may suggest to the Dean action against the guilty (except in cases involving the Dean where the recommendations will be made to the president of the Board and in cases involving faculty members, the matter will be dealt with as per the process laid in the faculty code of conduct), which may include counseling, caution letter, transfer, withholding promotion, termination or even referring the case to law enforcing agency, depending on the gravity of the case.

When misbehavior on part of a student is reported and established beyond reasonable doubt, the committee may recommend the following depending on the magnitude of the discrimination behavior: counseling, reprimand, a restriction to be placed on the number of applications that can be made through the CAS, total debarment from placement, total debarment and suspension for a period of one academic year not including the year of joining, or expulsion from school in extreme circumstances.

20.8 How to Report Discriminatory Harassment?

Reporting of any issues can be done in written complaint or by email under confidence to the following mail ID: cashd@isb.edu

CHAPTER 1: GENDER DISCRIMINATION AND SEXUAL HARASSMENT

20.1.1 Definition of Gender Discrimination:

Gender discrimination refers to granting or denying rights or privileges to a person based on gender. Although this is usually thought of in the context of women being denied opportunities, this form of discrimination can affect both men and women. Unless it is explicitly provided by the job profile and definition, any discrimination in terms of employment, granting increments, and promotions etc., based on gender bias needs to be discouraged.

20.1.2 Definition of Sexual Harassment

- I. Sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:
 - a) physical contact and advances;
 - b) a demand or request for sexual favours;
 - c) sexually coloured remarks;
 - d) showing pornography;
 - e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when it meets any of the following:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual.
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment for working, learning, or living on campus. Sexual harassment can occur between any individuals associated with the ISB, for example, an employee and a supervisor; co-workers; faculty members; a faculty, staff member, or student and a customer, vendor, or contractor; students; or a student and a faculty member.

II. Types of Sexual harassment

A. Quid Pro Quo

Quid pro quo means this for that. Quid pro quo assumes a power differential. It occurs when an employee or student is subject to unwelcome sexual behavior or advances, and submission is made a condition of hiring, fixing, advancement, admission, or evaluation in the work or academic setting. One instance of quid pro quo will generally constitute sexual harassment.

B. Hostile Environment

Hostile environment occurs when unwelcome sexual behavior interferes with an individual's job performance. It creates an intimidating, hostile or offensive work or study environment. Unlike quid pro quo, hostile environment generally requires a severe and continued pattern of behaviors to constitute sexual harassment. The number of times a behavior needs to occur depends on the severity of the behavior.

III. Examples of Sexual Harassment

Examples of sexual harassment include, but are not limited to:

- A. Some incidents of physical assault.
- B. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation.
- C. Direct propositions of a sexual nature and/or subtle pressure for sexual activity that is unwanted and unreasonably interferes with a person's work or academic environment.
- D. A pattern of conduct that unreasonably interferes with the work or academic environment (not legitimately related to the subject matter of a course) including:
 - a) Sexual comments or inappropriate references to gender.
 - b) Sexually explicit statements, questions, jokes, or anecdotes regardless of the means of communication (oral, written, electronic, etc.).
 - c) Unwanted touching, patting, hugging, brushing against a person's body, or staring.
 - d) Inquiries and commentaries about sexual activity, experience, or orientation.

- e) The display of inappropriate sexually oriented materials in a location where others can view them.
- f) Use of sexually explicit statements, questions, jokes, innuendoes or anecdotes at any public forum.

20.1.3 How do I know if My Behavior is Sexual and/or Unwanted?

Many faculty, staff and students have difficulty in identifying whether their behavior is sexual or unwanted. Sometimes, people who find a particular behavior as offending will tell the offending party. However, this does not happen often. This is because sexual harassment is defined more by its impact on the receiver of the behavior, and less by the intention of the individual engaging in the behavior. Therefore, it is very important for individuals to be aware of their behaviors and its possible impact. Below are some of the questions that one may want to ask himself/herself to determine whether one's behavior is sexual and/or unwanted.

1. Is the behavior initiated equally?
2. Are we equally powerful?
3. Would I engage in this behavior with a person who is not of the gender of people that I am sexually attracted to?
4. Would I like this behavior to be made public?
5. Would I behave this way if my partner, spouse, boyfriend, or girl friend were standing next to me?
6. Would I want to engage in this behavior with my child, spouse, mother, father, brother, sister, grandfather, grandmother etc?

If the answer to Q1 is NO, your behavior may be unwelcome or unwanted.

If there is power difference in any form, the situation is 'ripe' for harassment.

If the answer to Q3 or Q5 is NO, your behavior is very likely to be sexual.

If the answer to Q4 or Q6 is NO, your behavior is very likely to be inappropriate.

20.1.4 Who can make allegations and how to make the allegation?

Sexual harassment concerns can be resolved usually by the person being harassed addressing the issue directly with the alleged harasser. When resolution is not feasible, any faculty, staff, student, or volunteer

may bring a complaint against any member of the ISB community. Such a complaint must be made **within 90 days** of the alleged incident or last of the series of incident which constitute sexual harassment.

20.1.5 Receipt and referral of allegations

An alleged violation of the ISB's sexual harassment policy may be referred to:

1. Committee against Sexual Harassment and Discrimination (CASHD) by an email to designated ID (cashd@isb.edu) or a letter to the chairperson or the convenor of the committee.
2. A minimum of 5 members of the CASHD committee can conduct an inquiry including the Chairperson and the NGO/Women's Association representative/external member.
3. The overall representation of woman in the CASHD committee shall always be more than 50%.

20.1.6 Course of Action

1. The CASHD shall meet the Complainant to fully understand the details of the complaint.
2. If the Complainant requests, in writing, to settle the matter between her and the person against whom she has made the complaint, the CASHD shall conduct conciliation meeting to bring about a settlement.
3. If any settlement is arrived at this shall be recorded and signed by both parties. A copy of the settlement will be given to both and to the management for record. No settlement shall be pecuniary in nature.
4. If no settlement is arrived at, the CASHD shall proceed to conduct the investigation.
5. The CASHD is required to complete all investigations within a period of 90 days, from receipt of a complaint.
6. The CASHD will ask the complainant to provide the particulars of the incidents, supply any document or evidence in support of the allegations, and give the names of the persons who may have witnessed or have knowledge of the incident.
7. The CASHD shall call the person against whom the complaint has been made. They will be provided with the summary of the complaint and will be asked to respond within a specified

timeframe. They will also be given an opportunity to bring any document, evidence or witnesses in support of their defence.

8. The CASHD may also choose to call any other person or ask for production of any documents or records at their discretion, during the investigation.
9. The CASHD will prepare a preliminary report and share it with both. The parties may make a representation before the committee on their view of the findings.
10. The CASHD shall submit its final report and recommendations to the Dean's Office within 15 days of the completion of the investigation. All the statements/depositions before the CASHD must be documented and signed by the concerned parties. The final report will also have to be signed by all the committee members. On finding alleged guilty, the committee may suggest action against the guilty, which may include counselling, caution letter, withholding of promotion, termination or even referring the case to law enforcing agency, depending on the gravity of the case.

20.1.7 Policy Points to Note

1. **False Allegations**

False allegations occur when individuals knowingly and recklessly make untrue allegations of sexual harassment. They are not the same as situations of not finding the occurrence of sexual harassment. False allegations are serious and will be penalized.

2. **Confidentiality**

Every attempt will be made to protect the confidentiality of the alleged victim and the alleged harasser.

3. **Retaliation**

ISB prohibits retaliation against individuals who allege sexual harassment or who participate in investigating a sexual harassment investigation.

4. **Interim Protection**

On written request from the complainant, or other parties involved in the investigation, the CASHD may recommend suitable protection measures for concerned persons, including paid leave or changes in role/location, in the interest of a fair investigation.

20.1.8 Relevant anecdotes and precedence

Will be added on an on-going basis.

CHAPTER 2: AGE AND DISABILITY BASED DISCRIMINATION

20.2.1 Definition of Age and Disability-based Discrimination

Age and Disability discrimination refers to depriving rights or privileges to a person based on their age or disabilities. Unless it is explicitly provided by the job profile and definition, any discrimination in terms of employment, granting increments, promotions etc., based on age and disability bias needs to be discouraged. Advertisements for job postings should refer to the attributes of the job than age and any physical attributes unless the job specifically demands such physical fitness.

Policy Approved by:

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