

Committee Against Sexual Harassment and Discrimination—Frequently Asked Questions

Structural Questions

- What is the term of the committee?
 - Term of 3 yrs or as Dean decides. Retire 1/3rd at end of term in order to ensure continuity.
 - Incoming chair to be appointed as a member at least one year before to understand the process and values behind this policy.
- Why do we need the committee? The law of land is already laid out.
 - The law of the land stipulates the appointment of such committees to be more pro-active and also to ensure enforcement. By appointing this committee, ISB also signals that this is an important issue for the school.
- Why does the committee not have student representation?
 - Students will be empanelled to be available on student issues but not on the standing committee. Process to be modeled similar to that of selecting student representatives on the HCC.

Procedural Questions

- Who keeps the records of the proceedings? Will it be shared with HR?
 - Records will be kept with the committee and with the Dean's office only.
 - Records will be shared with law enforcement authorities, if required.
- Should the complaint be only made by the victim or can it be made by any by-stander? Can you raise issues on behalf of others?
 - All of us have a responsibility to prevent discrimination/harassment at our work place. Therefore, ISB encourages you to voice/bring any incidents of discrimination/harassment that you take cognizance of, to the notice of the committee
 - The committee can ask for information suo-motuo (on its own volition). The chair and/or the members of the committee are members of the community and they can seek information about issues that they take cognizance of and raise it with the committee.

- Formal investigation will be launched only if the victim launches a formal complaint for the investigation to be done. If victim does not press the complaint, then informal counseling will be done with victim and said offender.
- In case of criminal offences, the school will be bound by law to handover the offender to the law enforcing authorities.
- Will cases be referred to legal authorities? Who should take it up with the legal authorities? Should you not just leave it to the affected party instead of the school taking it up?
 - For cognizable criminal offences, the school will be bound by law to handover the offenders to the police. On other cases with criminal implications, lawyers will be consulted on a case to case basis.
- If you are in a public scene (e.g. class) and even if you are not a party to a private obscene conversation, can you raise objection against a vulgar comment?
 - Same answer as for complaint by by-stander.
- If a group of students misbehave with a professor on discriminatory grounds, can someone else raise it with the committee?
 - Same answer as for complaint by by-stander.
- How does the committee act on false allegations? Will the committee do anything to discourage false allegations?
 - False allegations will be discouraged and the concerned person (s) will be reprimanded. They may also attract other penalties as described for the offenders found guilty depending on the nature and gravity of the false allegation.
- How can we ensure that we do not promote paranoia?
 - The committee is very sensitive to these matters and will have an extremely fair and conversational approach.
 - Several processes and ideas are still evolving. Therefore, the committee will make recommendations on matters that are clear.
 - On matters where there is scope for ambiguity, both with respect to the ideas of harassment/discrimination and also the processes how to deal with them, the committee will endeavor to involve the whole community in developing a fair understanding and resolution of issues. This will be an on-going responsibility of the committee.

- Email becomes a formal document. Will it be considered a complaint if there is an email sent to express or concern or seek clarification?
 - **No. An email will not be considered automatically as a complaint unless the sender requests explicitly to treat it as a complaint.**
- How does the committee ensure that information does not leak?
 - **The school is used to dealing with confidential matters and will ensure confidentiality.**
- How about if a committee member is involved in the accusation?
 - **Member will be asked to excuse himself/herself from the investigation of that particular complaint.**
- What is the time horizon for resolving issues?
 - **Depends on nature of the case.**
- What is the process of re-appeal?
 - **The Dean is the final authority on these matters and therefore an appeal can be made only to the Dean. Once the Dean gives his final word, there is no re-appeal.**

Time and Place Questions

- If discrimination happens during non-working hours, will that be considered as discrimination for the purpose of this policy?
 - **The issue is not about working or non-working hours or within ISB or not within ISB. If an issue arises 'due to and during the course of employment' (for employees) and 'due to and during the course of enrollment' (for students), then it will be within the purview of this committee.**
- What happens if anyone receives a discriminatory email from different email ID. Are our IT systems geared to track this?
 - **The school will let law enforcing authorities investigate such matters if it requires intervention.**
- If discrimination happens outside the campus, will that be under the scope of this committee? How do you deal with this?
 - **The issue is not about working or non-working hours or within ISB or not within ISB. If an issue arises 'due to and during the course of employment' (for employees) and 'due to and during the course of enrollment' (for students), then it will be within the purview of this committee.**

For example: If two or more students (employees) go to a restaurant to work on a project and an act of harassment/discrimination has been committed, since going to the restaurant arose out of an obligation arising due to enrolment (employment), this will be in the scope of the committee.

However, if two or more students (employees) go out of their own volition and such an act happens, then the committee is not obliged to deal with it unless there is enough reason to believe such interaction arose due to an academic/professional obligation due to enrolment (employment) with the school.

- Is social media (e.g., facebook) covered under this policy? What if people post abusive/discriminatory remarks on social media?
 - Social media is also within the purview of the committee. If the interaction is arising due to and during the course of employment/enrollment and is attributable to a person, then the committee will take cognizance and act on it.

- Where do we draw the line between personal interactions, friendship and formal interactions for the purposes of defining harassment / discrimination? How do we distinguish?

The key distinguishing aspect is ‘interactions arising due to and during the course of employment/enrollment’.

Questions on forms of Discrimination

- If we speak in regional languages, is it discrimination for someone who doesn't understand the language? Will it be treated as discrimination or social inclination?
 - It is **not discrimination if it is not with malicious intent or with a view to exclude the other person. You may, however, want to think if it is polite to do so.**
- If the language is implicit but discriminatory, can we complain?
 - **YES. Especially if the behavior is repeated.**
- Calling by short names (e.g., Kiddo) – is it discrimination?
 - **Depends on the context and whether it is repetitive behavior.**
- Is calling someone a student spouse / faculty spouse in a derogatory manner considered discrimination?
 - If it is derogatory reference, then it is discrimination.

-If an act of harassment/discrimination is committed by a student (employee) towards a family member of another student or vice-versa, it will be within the scope of the committee. However, if it is an act of domestic violence, that will not be in the scope of this committee.

- Will marital status be also covered in the category of discrimination?
 - Yes.
- Addressing someone as from Mohali campus – is it discrimination?
 - As outlined earlier, ‘intent’ is key to decide whether some act is of discriminatory/harassing nature or not.
- People dressed in a conservative manner are looked down (felt as non-competitive). This may exclude them from discussions / opportunities. How do we prevent it from resulting in discrimination?
 - The sensitization and awareness processes should deal with removing such false perceptions. On the other hand, individuals also need to be aware that grooming is an important aspect of work-life.
 - Similarly, assuming that someone dressed inappropriately (in your opinion) is therefore a person of loose morals is also discrimination.
- Will differences in salary for the same job constitute discrimination?
 - In the process of attracting top talent from premier schools, ISB may offer differential and higher pay packages for certain candidates. That does not by itself constitute discrimination. Once an employee at ISB, all candidates go through the same process of evaluation and it is only merit that gets rewarded.
- What is the difference between bad behavior and discrimination?
 - When the intent is malicious and/or to put the other person at a disadvantage, then it will be treated as discrimination.
- Is there a way to take into account the cultural sensitivities, for e.g. for exchange students, in the process of educating about discrimination? They may also need to accept some things as matters of common practice in this country.
 - The committee recommends educating on India-specific issues during exchange student orientation. Sensitivity to cultural differences needs to be built among all. What is acceptable in India is perhaps not accepted in the western world and vice versa.

The committee certainly recommends, and is working towards, having a global mindset that will accept people and the differences that come with them from all over the world with ease. A global mindset means being sensitive to different cultures. It does not imply one uniform global culture.

- Is it discrimination to have a personal opinion (e.g. you are too young)?
 - It is not discrimination if you keep it to yourself and not let it affect your dealings with the community. Nevertheless, it is important to recognize that such opinions can ultimately affect your behavior and get reflected in your actions or decisions that affect others.
- Should grades be used to discriminate for placements?
 - Companies have different metrics they use for choosing candidates during the placement process. This is not ISB's choice. You were selected for ISB on your merit. That is also not discrimination.
- Will the committee provide a comprehensive set of "phrases" that students need to be careful about?
 - There are enough examples that are already in the document, particularly with regard to sexual harassment. Others examples will come up under other categories of discrimination. Since this not only about a set of 'phrases' but is about behavior and communication with intent, the committee is not going to provide a list that can be called comprehensive.
- Is ISB trying to promote homosexuality? Supreme Court prohibits homosexuality.
 - Not banned in India anymore
Delhi high court judgment in 2001 says that the social fabric of India is changing and hence homosexuality is a part of the new world.
 - ISB does not promote any particular orientation. It only expects its members to be respectful of differences.
- Does issuing passes to married students spouses and children and asking unmarried students to buy passes for their parents/siblings constitutes discrimination?
 - It is not about marital status but whether the student's kith and kin are a part of the ISB community by residing on campus. Therefore, if an unmarried student has parents/siblings/grandmother or grandfather living with them on campus for who IDs have been issued, such individuals should be eligible for the graduation passes.

People included / excluded

- Is this policy applicable to service providers of ISB?
 - All cases of discrimination on campus by everyone will be covered.
 - If the offender is the employee of the service provider to ISB, cases will be referred to

the service provider with guidelines of our anti discrimination policy which have be adhered to. ISB may proactively put it into its contracts that its service providers have to abide by its policies in dealings connected with this school.

- If the offender is a member of ISB, the usual process applies.

- What kind of questions should be posed to prospective candidates in a job interview? Can there be some guidelines circulated to departments which clearly specify some obviously discriminatory questions that can be avoided?

- The committee will issue a set of guidelines that departments can use.

- Will the policy apply to Alums and Staff Alums?

Applies to all staff, regardless of whether they are alums or not. It also applies to alums who visit the campus and/or deal with members of ISB. Alums may lose their privileges if they are found guilty.

- Will there be action against non-students?

Staff members are by definition non-students. They are not beyond the purview of the policy. Similarly any member of ISB community will be within the purview of this policy.