

- **Anti-discrimination and Equal Opportunity Policy**



## Introduction :

Indian constitution encapsulates social safeguard measures for all citizens of India in Article 15 and Article 16. Article 15 mandates prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 16 mandates equal opportunity in matters of public employment. Article 16(2) further states that no citizen shall on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

Shree Guru Gobind Singh Tricentenary University is committed for promoting equal employment opportunities and a workplace that is free of all forms of discrimination. Equal opportunity means that all staff experience fairness, impartiality and equal access to all career initiatives in Shree Guru Gobind Singh Tricentenary University. Shree Guru Gobind Singh Tricentenary University's Commitment to equal opportunity promotes an inclusive work environment that values and accepts the diverse cultural and social backgrounds of its staff. The Anti-Discrimination and Equal Opportunities Policy is consistent with the Shree Guru Gobind Singh Tricentenary University's pursuit of excellence. This policy is underpinned by a set of values and key guiding principles in the building of a community of all employees.

This Non-Discrimination and Equal Opportunities Policy ("Policy") states the internal policy of the Shree Guru Gobind Singh Tricentenary University with regard to non-discrimination at the workplace and equal opportunities during recruitment.

This Policy is internal to Shree Guru Gobind Singh Tricentenary University and is meant to provide a safe, diverse and comfortable workplace at Shree Guru Gobind Singh Tricentenary University. This Policy is without prejudice to any anti-discrimination provisions of applicable law including, but not restricted to, the provisions of:

"Article 17 of the Constitution of India;

- (a) the Protection of Civil Rights Act, 1955,
- (b) the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989; the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013;
- (c) Sections 354 and 509 of the Indian Penal Code, 1860; and,
- (d) the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

## Definitions

For the purposes of this policy and related procedures:

**Complainant** is the person alleging they were subjected to discrimination or harassment.

**Complaint** is an allegation(s) of discrimination, harassment and/or retaliation, filed in good faith and in accordance with the Policy on Equal Opportunity.

  
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**Discrimination** means inequitable treatment by the university of a person based on one or more of that person's protected category, excepting any treatment permitted or required by law. Discrimination also includes, but is not limited to unwelcome conduct, including threats, intimidation, harassment, coercion or violence directed against a person based on one or more of that person's protected category, which conduct is so severe or pervasive that it interferes with an individual's employment, academic performance or participation in university programs or activities, and creates a working, learning, program or activity environment that a reasonable person would find intimidating, hostile or offensive.

**Employees** are Shree Guru Gobind Singh Tricentenary University's faculty and staff members.

**Protected Categories** are race, color, religion, religious creed, genetic information, sex (including pregnancy or pregnancy related condition), gender, gender identity, sexual orientation, age, national origin, ancestry, veteran or disability status.

**Supervisor** refers to any person who has authority to undertake or recommend tangible employment decisions affecting an employee or academic decisions affecting a student; or to direct an employee's work activities or a student's academic activities. Examples include faculty members to whom work-study students report or employees who, from time to time, monitor other employees' performance or direct their work.

**Respondent** is the university community member against whom a complaint is filed. Retaliation is any intentional or attempted adverse or negative act against a person who in good faith makes a report, serves as a witness, or participates in an investigation or adjudication process regarding an alleged violation of a university policy.

**Retaliation** includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation does not include good faith actions lawfully pursued in response to a report of an alleged violation of a university policy.

#### **Policy Objectives:**

The objectives of this Equal Opportunity (EEO) and Anti-Discrimination Policy are to ensure that all:

- (a) Shree Guru Gobind Singh Tricentenary University's employees or potential employees do not suffer unfair discrimination in the workplace.
- (b) Individuals and groups within the Shree Guru Gobind Singh Tricentenary University work in an environment where all decisions are free of discrimination, where they have equal opportunity based on relevant abilities and merit.
- (c) Employees are encouraged to take positive action towards promoting equal opportunity throughout the organization.
- (d) Personnel actions, such as compensation, benefits, transfers, layoffs, company-sponsored training programs, and social and recreational programs, will be administered on a non-discriminatory basis.
- (e) Application of labour laws to be uniformly applied in the organization.



## Anti-discrimination

Shree Guru Gobind Singh Tricentenary University will not adversely discriminate, and prohibits other adverse discrimination at the workplace, on the basis of religion, race, caste, sex, place of birth, descent, sexual orientation, gender identity, disability, age or any of them ("Discrimination Characteristics"). Shree Guru Gobind Singh Tricentenary University will not condone any adverse discrimination against any person on its premises, whether that person is its students or employee or otherwise.

Any person who believes himself or herself to have been subjected to adverse discrimination on the basis of the Discrimination Characteristics is encouraged to bring the matter to the attention of the Internal Complaint Committee of Shree Guru Gobind Singh Tricentenary University at the earliest practical opportunity. No person will be punished, retaliated against, or limited in employment or other opportunity for exercising anything set out in this Policy, or for filing a complaint, furnishing information for, or participating in an investigation, or any other activity related to the administration of this Policy.

Any adverse discrimination or other action or behaviour that constitutes a violation of law will be reported to the police.

## Equal Opportunities :

Shree Guru Gobind Singh Tricentenary University provides equal opportunities to its employment, consultancy or otherwise without regard for the Discrimination Characteristics. All actions of Shree Guru Gobind Singh Tricentenary University with regard to its employees relating to compensation, benefits, transfers, leave, layoffs, training, education, and assistance, will be made without regard for the Discrimination Characteristics.

Notwithstanding anything contained in the previous paragraph, if Shree Guru Gobind Singh Tricentenary University reasonably believes that its employment, workplace or premises do not adequately represent the balance of diversity of persons who share one or more of the Discrimination Characteristics, it may, with the aim only of redressing that imbalance, take positive discriminatory action in respect of persons who share that aspect, or those aspects, of the Discrimination Characteristics that are sought to be adequately represented.

Any person who believes himself or herself to have been subjected to adverse discrimination, or impermissible positive discrimination, on the basis of the Discrimination Characteristics is encouraged to bring the matter to the attention of the Internal Complaint Committee at the earliest practical opportunity.

## Nature of workplace Discrimination:

Discrimination occurs when someone is treated unfavourably because of a certain attribute. Discrimination may involve some or all of the following:

- (a) Conduct that can be considered harassing, coercive or disruptive, including sexual harassment
- (b) Making offensive 'jokes' about another worker's clan, ethnic background, colour, sex or disability

  
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- (c) Expressing negative stereotypes about particular groups e.g. "married women shouldn't be working."
- (d) Judging someone on their political or religious beliefs rather than their work performance.
- (e) Using selection processes based on irrelevant attributes such as ethnic or clan group, age, sex or disability rather than on knowledge, skills and merit. Parameters of Discrimination – Strictly Prohibited

Shree Guru Gobind Singh Tricentenary University and its employees shall strive to create a workplace that is free from discrimination in their employment practices against any potential or existing employees, and shall not discriminate on a person's:

- (a) Age or other circumstances
- (b) Colour
- (c) Cultural or social beliefs such as religious
- (d) Educational Background
- (e) Race, ethnicity or nationality
- (f) Spiritual, traditional or customary beliefs
- (g) Political opinion
- (h) Physical features
- (i) Gender identity and expression
- (j) Marital status
- (k) Pregnancy or judging the impacts of potential pregnancy on decisions
- (l) Breastfeeding
- (m) Sexual orientation
- (n) Health or physical disability or impairment
- (o) Medical record/HIV status

#### **Complaint process and procedures :**

A person wishing to make a complaint of discrimination can consult and file a complaint with the Internal Complaint Committee. The complaint should be made in writing and addressed to chairperson of the committee within 5 working days of any such incident of discrimination.

Once the complaint has been filed an investigation will be undertaken immediately by IIC and work towards the prompt resolution and prevention of discriminatory acts and practices. The matter should be resolved within 15 working days.

Within 10 days of result of the IIC meeting, either the complainant or the respondent may make a request that an investigation be reviewed stating which aspect of the investigation is inadequate. The request must be submitted to the office of the Vice Chancellor, who will determine if the investigation is to be re-opened in order to address the concerned raised. In case the appeal is taken up, then the investigation shall be completed within 15 working days by the independent committee constituted by the Vice Chancellor. The result of the appeal shall be binding on the complainant for all purposes.

  
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