



## The Central School

<i>Title of the Policy</i>	<b>TCS Anti-discrimination and Anti-Harassment Policy</b>	<i>Designation</i>	<b>Inclusion Champion</b>
<i>Name of Policy Writer</i>	<b>S. R. Joshi</b>	<i>Date of Next Revision</i>	<b>04.04.21</b>
<i>Date of Policy Revision</i>	<b>21.04.20</b>	<i>Department/Section</i>	<b>The Whole School</b>
<i>Policy Code</i>	<b>TCS/ADAH/20-21/01</b>		

### **Background**

UAE ministerial resolutions have paved the path for imposing sanctions, to inappropriate behavior at the workplace including harassment. For instance, in DIFC Employment Law - it is imperative for employers to provide, monitor and maintain a workplace atmosphere which is free and safe from harassment, abuses and health hazards. It also states that employers must not perform any action that may threaten or force an employee because of a complaint or investigation.

UAE Law No. 2 of 2015 against Discrimination and Hatred, criminalizing all forms of discrimination on the grounds of religion, caste, creed, doctrine, race, color or ethnic origin, was enacted following a decree by the president of the United Arab Emirates Sheikh Khalifa Bin Zayed Al Nahayan, on 15 July 2015.

Article 6 of the Law states in broad terms that a person who commits an act of discrimination may face imprisonment of up to 5 years and/or a fine of between AED 500,000 and AED 1,000,000.

Article 9 of the Law, the same penalties may be imposed where a discriminatory act is committed by a public employee upon or due to performing his job.

Discrimination in any form is prohibited in any educational system. Schools are expected to protect both its students and staff from such acts. They are expected to promote and protect the dignity of

	individuals in the highest form as possible.
<i>Purpose</i>	<p>The purpose of this policy is to state the principles and provisions for addressing unfair discrimination against staff and students, as well as to ensure that appropriate mechanisms are in place to support those subjected to unfair discrimination, and that positive steps are taken to prevent instances of unfair discrimination and protect staff and students against such discriminations. The policy aims to promote equal opportunities for success through appropriate structures and practices. The policy offers an overarching framework for promoting equality and for preventing and addressing unfair discrimination.</p>
<i>Operational Definitions</i>	<p><b>The following definitions are commonly used in the policy:</b></p> <p><b>Advisors:</b> A team of advisors must be contacted following each official complaint and presented with the information, and they must recommend the best possible pathway to resolution.</p> <p><b>ADHO:</b> The anti-discrimination and harassment officer based at the DEIW as part of the Anti-discrimination and Anti harassment Committee.</p> <p><b>Complainant:</b> the person alleging that conduct constituting unfair discrimination, harassment, sexual harassment or victimization has occurred; the complainant may or may not be the person directly affected.</p> <p><b>Harassment:</b> Unwanted conduct which demeans, humiliates or creates a hostile or intimidating environment or is calculated to induce submission by actual or threatened adverse consequences, and which may be persistent, once-off or serious and may relate to sex, gender or a person’s belonging or presumed belonging to a group identified by one or more of the prohibited grounds or characteristics associated with such group.</p> <p><b>Mediation:</b> A voluntary, confidential once-off facilitation of</p>

communication between two parties (directly or indirectly) by a trained mediator, the aim being an amicable resolution to any conflict or dispute, based on the principle of shared humanity.

**Micro-aggressions:** Any brief, everyday verbal, nonverbal or environmental slights, snubs or insults, whether intentional or unintentional, that communicate hostile, derogatory or negative messages to marginalized and disempowered groups in society.

**Respondent:** the person against whom a complaint has been filed

**SexualHarassment:** Behavior typically experienced as offensive, which may include sexual approaches and which often are made within the context of a relationship of unequal power or authority; sexual harassment is a form of discrimination on the grounds of gender, sexual orientation or sexuality; it is unwanted and may be experienced as an expression of power, authority or control of a sexual nature; it creates a hostile environment that prevents those concerned to learn or work to capacity. Sexual attention becomes sexual harassment if the behavior persists (although a single incident of harassment can constitute sexual harassment too), if the complainant has made it clear that the behavior is considered offensive and/or if the respondent should have known that the behavior would be regarded as unacceptable. Perceptions diverge regarding the kind of behavior that constitutes sexual harassment, ranging from unwelcome sexual attention, sexist or suggestive remarks and bribery or extortion (e.g. positive rewards for sexual favors) to aggressive behavior (e.g. attempted or actual rape). Sexual harassment thus covers a broad spectrum of unwanted behaviors including the following:

**Verbal harassment,** such as unwelcome enquiries regarding a person's sex life, telephone calls with a sexual undertone, continuous rude or sexist jokes or remarks, jokes with sexual innuendo, unwelcome requests for dates and remarks about a person's figure;

**Nonverbalharassment,** such as leering, gestures with a sexual meaning and persistent unwelcome flirtation;

**Visualharassment**, such as displaying pornographic photos, comics, and objects that create a hostile environment;

**Physicalharassment**, such as unwelcome contact through patting, pinching, fondling, kissing, pawing, assault, molesting and rape; and

**Quidproquoharassment**, such as sexual bribery (e.g. promising a promotion in return for sexual favors) and sexual extortion (e.g. refusal to promote people if they do not consent to granting sexual favours);

**Unfair discrimination**, any act or omission including a policy, rule or practice that undermines people's human dignity or has the effect of preventing them from participating as equals in any aspect of school life on the grounds of their race, gender, sex, pregnancy, marital status, socio-economic status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, birth or any other legally recognized prohibited ground of discrimination, or a combination of more than one of these grounds.

No department is allowed to discriminate unfairly whether directly or indirectly against an employee in any employment policy or practice on the grounds of race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, political opinion, culture, language, birth or any other arbitrary ground, or a combination of more than one of these grounds.

**Unfair discrimination can happen either directly or indirectly:**

**DirectUnfair Discrimination** is overt discrimination that occurs when a person is treated less favorably than others on any of the grounds included by the definition of 'unfair discrimination' above.

Hate speech - i.e.communication, including remarks and gestures thatviolate the human dignity of other persons. It is a form of direct unfair discrimination.

	<p><b>Indirect Unfair Discrimination</b> occurs when a requirement, condition or practice is set which appears neutral, but in effect discriminates unfairly against people on any of the grounds included by the definition of 'unfair discrimination' above. An example of indirect unfair discrimination is when a requirement, condition or practice seems reasonable, but imposing it excludes persons with one or more of the attributes included above, whereas most persons without those attributes can comply with such requirement, condition or practice;</p> <p><b>Victimization:</b> Any detrimental consequences (or threat of such consequences) visited upon people because they have lodged, intend to lodge, or have helped someone else lodge a complaint of unfair discrimination, or because the people in question have provided information about a complaint (e.g. by whistle-blowing) or acted as a witness regarding a complaint of unfair discrimination.</p>
<p><i>Introduction</i></p>	<p>The school strategic positioning for the current year is anchored in creating and sustaining an environment of inclusivity, transformation, innovation and diversity, and maintaining excellence with a focus on the future. The school's responsibility in this regard is to remove inequalities and discrimination from our education system and to strengthen staff, students and parental rights.</p> <p>The school is fully committed to promotion of all rights and freedoms of every person on campus. Equality is promoted within a culture of inclusivity. School leaders are committed to make school diverse, accessible, inclusive, participatory and representative in the regional, national level and international.</p>
<p><i>Aims and Objectives</i></p>	<p><b>The aims of the policy are:</b></p> <p>To define 'unfair discrimination', 'harassment', 'sexual harassment' and 'victimization' with a view to prevent or address all forms of unfair discrimination, harassment, sexual harassment and victimization within the school.</p> <p>To provide consistent, fair, reasonable and transparent procedures and structures for dealing with allegations of unfair discrimination, harassment, sexual harassment and victimization.</p>

	<p>To promote adherence to the stipulations of the Constitution of United Arab Emirates.</p> <p>To clarify internal and external roles and responsibilities of staff and students with regard to reporting, support, investigations, education and communication.</p> <p>To recognize past inequalities and the impact thereof to implement corrective and remedial actions.</p> <p><b>Policy Principles</b></p> <p><b>Equity and equality as a strategic priority</b></p> <p>The underlying principles of equity and equality as set out in the Constitution and related legislations are recognized as an integral component of school’s strategic priorities to strengthen the rights and democracy on our campus. These aspirations are expressed in the school’s vision and mission.</p> <p><b>Responsibility</b></p> <p>Every student and staff member in school should feel that they are important stakeholders and co-responsible for respecting and promoting the principles laid down in this policy.</p> <p><b>Employment equity practices</b></p> <p>Equal opportunities, affirmative action, the prohibition of unfair discrimination and the promotion of diversity are key driving principles of the recruitment and appointment process in school.</p>
<p><i>Identification and Intervention</i></p>	<p>Careful inquiry shall be done during any report of harassment and discrimination. This shall be done in order to validate the basis of complaints. Proper intervention will be carried out immediately upon receiving the report. Concerned people will be called immediately and investigation will be initiated.</p> <p><b>Reporting Guidelines</b></p> <p>Incidents of discrimination and harassment should be reported as soon</p>

as it occurs. All reports and complaints of discrimination and harassment will be promptly investigated and appropriate action will be taken after receiving the reports. It is the School's duty to address and rectify the issue promptly, vigilantly and efficiently. Appropriate actions and decisions will be taken to protect the safety of school community members or to minimize disruption to the operations of the School as per the circumstances revealed upon investigation.

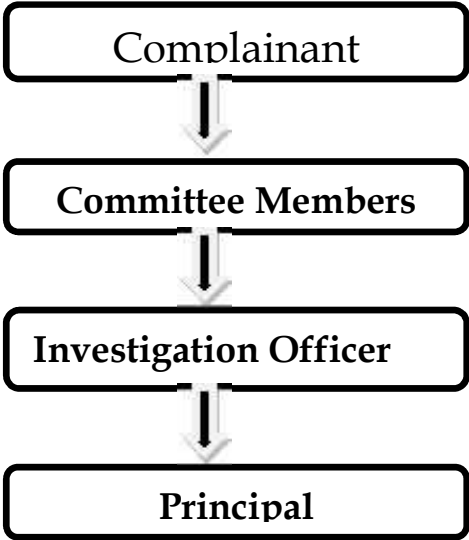
When reporting and identifying an incident, the following guidelines should be kept in consideration:

**Confidentiality:** It must be preserved as far as possible by limiting communication to persons to whom disclosure is consistent with their official position and responsibility, or with their specific responsibility to assist in the resolution of the grievance concerned.

**Procedural Fairness:** The principles will be applied at all stages of the complaint resolution process. Persons responsible for investigating and resolving complaints must guard consciously against bias and conflict of interest, and must act fairly and impartially. The rights of complainants as well as respondents must be protected. Each party must be given a fair opportunity to know the official complaint or case against them, and to be heard. Respondents must be informed of a complaint as soon as the members of the Committee have made their recommendations upon reviewing the complaint made by the complainant.

**Prompt Investigation:** Complaints must involve as few people as possible. Parties to a complaint are entitled to receive advice and support as appropriate, and to be kept informed of the progress regarding a complaint.

**Preferred Method of Resolution:** Where appropriate, there is discussion, mediation or a process of conciliation or education – or a combination of these methods – with a view to redressing any contraventions of this policy and assist the parties to agree on an outcome which is consistent with constitutional rights and values as well as related legislation.

	<p><b>Mediation as Voluntary Process:</b> Both parties or groups must give their consent in writing and agree to it. Agreement to mediation neither commits the complainant to pressing disciplinary or criminal charges, nor does it deprive the complainant of the right to do so. If mediation breaks down, the procedure for complaints or grievances may be instituted, which may or may not lead to a disciplinary procedure. However, no formal inquiry or disciplinary proceedings may commence or be pursued while mediation is taking place.</p> <p><b>Following Grievance and/or Disciplinary process:</b> It must be followed where mediation has been proven unsatisfactory. The Committee members must collaborate and communicate continuously regarding the referral of cases as deemed necessary.</p> <p><b>No Victimization:</b> Any staff member or student who feels victimized has the right to lay a complaint as per the policy and procedures.</p>
<p><i>Hierarchy/ Escalation Chart</i></p>	 <pre> graph TD     A[Complainant] --&gt; B[Committee Members]     B --&gt; C[Investigation Officer]     C --&gt; D[Principal]   </pre>
<p><i>Responsible Committee Members</i></p>	<p>With regard to the complaints of harassment and discrimination, the responsible committee members shall address formal complaints. The Anti-discrimination and Harassment Committee comprises of the following members:</p> <ul style="list-style-type: none"> <li>• Principal: (Convener)</li> <li>• DEIW-Inclusion Champion: (Investigation Officer)</li> </ul>



	<ul style="list-style-type: none"> <li>• DEIW (Co. Investigator)</li> <li>• HOS FN Phase-3 &amp; 4: Mrs Arti Pal Baghel (Executive Member)</li> <li>• HOS AN/FN Phase-2: Mrs Ansa (Executive Member)</li> <li>• HOS AN Phase-3 &amp;4: Mrs Sangeeta (Executive Member)</li> </ul>
<p><i>Roles and Responsibilities of Committee Members</i></p>	<p>Students and staff may report incident of discrimination or harassment to the members of the Vigilant Committee (VC), who will then take the matter to the Principal after investigation, is being carried out. The Principal will then take up the issue with the school management, and due action will be taken against the responsible staff members.</p> <p>In order to fully accomplish its mission and objectives, the committee shall execute measures in helping victims to manage their trauma. The School Psychologist will carry out counseling sessions with the victim to ensure that the victim is able to deal effectively with and overcome the trauma of harassment or discrimination.</p> <p><b>Implementation</b> The committee members are responsible for the implementation of the policy from the effective date or the review date.</p> <p><b>Monitoring</b> The members of the committee are accountable and responsible for the necessary controls being established to monitor adherence to the policy.</p> <p><b>Reporting</b> The members of the committee are accountable and responsible for reporting on the policy, statistical feedback of incidents and a case management profile must be submitted once a year to the Principal.</p> <p><b>Release of Information</b> The members of the committee must disseminate information regarding completed cases.</p> <p><b>Revision</b> The policy must be revised annually or sooner, if circumstances so dictate or as deemed necessary.</p>

	<p><b>Action in case of non-compliance</b>  In case of non-compliance with the policy the DEIW team and the Principal must investigate the actions, context and possible reasons for noncompliance, and advice on remedial actions. In cases of serious noncompliance disciplinary procedures may be considered.</p>
<p><i>Glossary of Terms</i></p>	<p><b>DEIW:</b> The Department of Empowerment to Inclusion and Wellbeing  <b>Complainant:</b>A person who makes a complaint regarding discrimination or harassment.  <b>Respondent:</b> The person against whom the complaint has been made  <b>Counseling:</b>Providing professional assistance and guidance in resolving personal and psychological problems  <b>Humiliation:</b>The state of being humiliated/embarassed.  <b>LaborLaw:</b>A field of law which deals with the rights of labor organizations, employees and employers  <b>Trauma:</b>A disturbed behavioral state resulting from severe physical injury, mental or emotional stress  <b>ADHO:</b> The anti-discrimination and harassment officer  VC : Vigilant Committee.</p>
<p><i>References</i></p>	<ul style="list-style-type: none"> <li>• <a href="http://emiratesdiary.com/uae-labour-law-2/feel-discriminated-work-overcome">http://emiratesdiary.com/uae-labour-law-2/feel-discriminated-work-overcome</a></li> <li>• <a href="http://www.un.org/womenwatch/osaginew/fpsexualharassment.htm">http://www.un.org/womenwatch/osaginew/fpsexualharassment.htm</a></li> <li>• <a href="https://education.findlaw.com/discrimination-harassment-at-school.html">https://education.findlaw.com/discrimination-harassment-at-school.html</a></li> <li>• UAE Anti-discrimination Law was last modified: August 7th, 2017 by Tony Maalouli</li> </ul>
<p><i>Date:10- 04 - 20</i></p>	<p><b>S. R. Joshi</b>  <b>Inclusion Champion</b>  <b>Department of Empowerment for Inclusion and Wellbeing (DEIW)</b>  <b>The Central School</b></p>

*Signature of Principal*