



# Equality and Diversity Policy

Created August 2005  
Revised Policy approved by the Equality and Diversity Committee March 2008

# UNIVERSITY OF BEDFORDSHIRE

## EQUALITY AND DIVERSITY POLICY

### 1. University commitment to equality of opportunity and valuing diversity

- 1.1 The University of Bedfordshire is committed to promoting equality of opportunity in all of its activities. The University aims to enable students and staff to reach their full potential, and provide them with an environment which is free from unfair and unlawful discrimination.
- 1.2 The University recognises and appreciates the diversity of its student body and the community it serves, and works to develop a curriculum to meet the needs of a varied, contemporary society.
- 1.3 As an employer, the University is mindful of the need to take action in order to achieve a staffing profile that will reflect the broad range of groups represented in both the immediate locality and in society as a whole. Furthermore, the University seeks to foster an environment where diversity is valued and celebrated.
- 1.4 The University is committed to embedding these principles in its service delivery and in the recruitment, development and management of staff. This will be achieved by ensuring that all University policies, procedures and practices, including activities requiring collaboration with external agencies, reflect these principles.

### 2. Aims and principles

- 2.1 The University of Bedfordshire affirms its commitment to a policy of equality of opportunity for its staff and students. This commitment is embodied in the following aims and principles:
  - 2.1.1 The University of Bedfordshire is committed to the creation and support of an inclusive community where individuals are integrated within the Institution, where the diversity of individuals is recognised and there is flexibility to support their differing aspirations and goals.
  - 2.1.2 University policies and procedures must ensure fairness and equity in the recruitment, selection and promotion of staff, and in relation to the admission and assessment of students.
  - 2.1.3 Despite legislation and cultural changes, it is still the case that some people suffer detriment through membership of specific groups; this Policy seeks to address this within the University and to facilitate their ability to contribute fully.
  - 2.1.4 In conjunction with other relevant policies<sup>1</sup>, the Equality and Diversity Policy seeks to ensure that no individuals or groups are either privileged, or subjected to less favourable treatment, on grounds of gender, marital status, sexual orientation, colour, race, ethnic or national origin, disability, age, social background or class, HIV status, religion or belief, or any irrelevant distinction.
  - 2.1.5 The University will seek to promote good relations between members of all groups and promote an environment where minority groups are adequately represented in student and staff profiles, in membership of committees and in other consultative fora.

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<sup>1</sup> See also, The Race Equality Policy and Action Plan; Disability Equality Policy and Action Plan; Gender Equality Scheme and Action Plan and also the Student Mental Health Policy

- 2.1.6 Discrimination, direct or indirect, based on the above factors is unacceptable and represents a waste of human resources, and a denial of the opportunity for individual fulfilment.
- 2.1.7 The University will seek to increase the level of participation of students and staff from under-represented groups in the University's functions, where necessary by using positive action initiatives as permitted by the relevant legislation.
- 2.1.8 The University will seek to resolve conflicts arising from differences in culture, background or expectations, thoroughly and expediently. The University takes these responsibilities seriously and will investigate any allegations of discrimination or harassment, based on the above factors and, where appropriate, take disciplinary action.

### **3. Scope of the Equality and Diversity Policy**

- 3.1 The Policy applies to all staff within the University of Bedfordshire, irrespective of staff group, hours of work or nature of contract.
- 3.2 The Policy applies to all students of the University of Bedfordshire, whether studying on a full or part-time basis, based at one of the main campuses, or at a "remote" site.
- 3.3 The Policy applies to all areas of employment, including recruitment and selection, promotion, job evaluation and grading, renewal of fixed-term contracts, pay and non-pay rewards, training and development, grievance and disciplinary procedures, dismissals, redundancies and general conduct.
- 3.4 The Policy applies to all aspects of the student experience at the University, including admission, education, assessment, progression and general conduct.

### **4. Marital or civil partnership status**

- 4.1 The University is committed to ensuring that the marital or civil partnership status of individuals does not impact upon their experience at The University of Bedfordshire, either as a student, or as an employee. Individuals should not be disadvantaged, or advantaged, on the basis of their marital or civil partnership status, single status or partnered/non-partnered status. Attitudes to marital or civil partnership status can be directly, or indirectly, linked to issues related to religion or belief, sexual orientation and/or gender. Therefore, the University will take steps to ensure its policies and procedures do not have a potential adverse impact on students or staff, in terms of marital or civil partnership status and other possible areas where unfair and/or unlawful discrimination could occur.

### **5. Race, nationality or ethnic origin**

- 5.1 The Race Equality Policy and Action Plan details the University of Bedfordshire's opposition to racial discrimination in all its forms and aims to ensure that no one within the University community is disadvantaged on the grounds of race, nationality or ethnic origin. An annual review of the policy and action plan takes place. Progress against the specific targets in the action plan, is monitored by the Equality and Diversity Committee

### **6. Disability**

- 6.1 The Disability Equality Policy and Action Plan details the University's commitment to eradicating disability discrimination in all its forms and aims to ensure that no one within the University community is disadvantaged on the grounds of their disability. Progress against the Disability Equality Action Plan is monitored by the Equality and Diversity Committee

- 6.1 The University is committed to increasing the number of disabled people employed within the organisation, including those with chronic health conditions, as it recognises that valuable human resources remain under-utilised. It will continue to identify the potential barriers to recruitment and retention, including continued work on raising awareness and understanding of disability issues, particularly with key decision-makers and front-line staff, in the institution.
- 6.2 The Disability Equality Advisory Group plays a key role in ensuring the University continues to meet the requirements of the Disability Discrimination Act 1995 and associated amendments introduced by the Special Educational Needs and Disability Act 2001.

## **7. Gender and gender reassignment**

- 7.1 The University's Gender Equality Scheme and Action Plan sets out the University's approach to promoting gender equality across the full range of its activities. The scheme covers staff, students and other stakeholders and aims to ensure that men and women have an equal opportunity to take part in all aspects of University life.
- 7.2 Through commitment, action and progress, the University wants all of its staff and students to have the opportunity to benefit from academic and employment opportunities appropriate to their abilities, regardless of their gender. The University believes that it has a significant contribution to make in creating a society where men and woman are valued equally in a society through:
- Ensuring that our practices and procedures do not discriminate against either gender, in employment or service delivery.
  - Attracting the best talent, locally, nationally and internationally.
  - Making sure our practices and procedures are in line with our commitment to work-life balance.
  - Ensuring that staff and students are clear that everyone has the right to work in a climate of respect, free from intimidating, hostile and humiliating behaviour.
  - Avoiding incurring the direct costs of sex discrimination: financial, reduced employee morale and commitment, and cost to the reputation of the University resulting from adverse publicity.
- 7.3 Discrimination against employees and students on grounds of gender reassignment is proscribed under the Sex Discrimination (gender reassignment) Regulations 1999. The regulations are intended to prevent discrimination against transsexual people on the grounds of sex in pay and treatment in employment, and vocational training. The University of Bedfordshire aims to create a supportive environment for individuals undergoing, or considering, gender reassignment.

## **8. Sexual orientation**

- 8.1 The University values all of its staff and students equally, regardless of their sexual orientation and aims to create an environment in which all feel equally welcome and valued, and in which homophobic behaviour is not tolerated. The University recognises the extent of heterosexist assumptions in society and the existence of homophobia, and seeks to ensure that all individuals are treated with equal dignity and fairness, regardless of their sexual orientation.
- 8.2 Homophobic abuse, harassment or bullying (e.g. name-calling/derogatory jokes, unacceptable or unwanted behaviour and intrusive questions) is a serious disciplinary offence and will be dealt with under the appropriate procedure.

## **9. Social background**

- 9.1 The University is committed to recruiting students and staff from a diverse range of backgrounds and ensuring that progression is based on merit, and is not adversely

affected by an individual's genuine, or perceived, class or socio-economic background.

## **10. Mental health**

- 10.1 The University is aware that mental health difficulties may arise at any time, for any individual. It seeks to promote supportive, ethical and responsible attitudes towards students and staff who experience mental health difficulties. The University recognises its statutory duty to take 'reasonable care' in the provisions it makes for its students. This applies in the context of mental health, as in other areas. Furthermore, it is the policy of the University to foster mental health and well being through academic and organisational arrangements, aimed at minimising the risk of mental health problems and to ensure that those with 'pastoral' responsibilities are equipped to carry out such duties.
- 10.2 It is the aim of the University to support, enable and train its staff in understanding and appropriately managing interactions with students with mental health difficulties. The Student Mental Health Policy sets out procedures, responsibilities and actions that staff will need to be fully familiar with, should they become directly or indirectly involved in situations where a student may be at risk of harming themselves, or others. The University of Bedfordshire Student Mental Health Policy provides detailed guidance on the subject. Advice on the employment-related issues connected with mental health can be obtained from the Human Resources Department.

## **11. HIV status**

- 11.1 The University of Bedfordshire is committed to upholding the rights of individuals to work and study at the University irrespective of their actual or perceived HIV status. The University takes the view that there is no justification for discrimination against anyone with, or at risk of acquiring, HIV.
- 11.2 No applicant (staff or student) will be required to disclose his/her HIV status at any stage of the recruitment, assessment and selection procedure. No member of the University will, for any reason, be compelled to take an HIV antibody test or disclose details of her/his HIV antibody status. However, it may be necessary for staff or students to be asked to take an HIV antibody test, if such a test is required by an external agency, for example a health care provider, or if it is a requirement for gaining entry to another country.
- 11.3 The University will not tolerate any form of harassment, discrimination, or victimisation of an individual on the grounds that they are perceived to be HIV positive or on the grounds that they are perceived to be in a particular "at risk group".
- 11.4 If a member of staff or student chooses to disclose information about their HIV status to any member of the University, confidentiality of this information will be fully protected at all times. Breach of this confidentiality will be a matter for disciplinary action.

## **12. Religion or Belief**

- 12.1 The University aims to create an environment where the religious and non-religious beliefs of all are respected. Members of any religion or of none should be treated with equal dignity and fairness.
- 12.2 Where employees have particular religious and cultural needs which may conflict with existing work or educational requirements, the University will consider whether it is reasonably practicable to vary or adapt these requirements to enable such needs to be met. Such requests should be referred to the Human Resources Department/Dean of Students, as appropriate, at the earliest opportunity.

- 12.3 Any attempt at coercing others to comply with a particular belief system, for example through distribution of propaganda or through threats or offensive remarks, will result in disciplinary action.
- 12.4 The University undertakes to assess the demand for food that meets religious dietary requirements (e.g. vegetarian, kosher and halal) in consultation with students and staff. Every effort will be made to meet the demand for specific types of food.

### **13. Age**

- 13.1 The University aims to create an environment in which both staff and students of all ages feel equally welcomed and valued. The policy aims to ensure that no job applicant, potential or existing member of staff, or potential or existing student receives less favourable treatment on the grounds of age or on any other grounds not relevant to good employment and learning practice.
- 13.2 The University is committed to the removal of age discrimination in employment. The use of age and age related criteria reduce the objectivity in employment decision-making and increase the likelihood of inappropriate decisions.
- 13.3 Employment decisions based on age are not justifiable because:
- Age is not a genuine employment criterion
  - Age is a poor predictor of performance
  - It is misleading to equate physical and mental ability with age
- 13.3 The efficient and effective use of peoples skills require that employment decisions should be based on competencies, qualifications, skills, potential and related criteria obtained through careful analysis of job requirements and job performance.

### **14. Equality and Diversity in services and facilities**

- 14.1 The University recognises the importance of its services and facilities being accessible, adequate and appropriate to the needs of all users. Legal compliance and good practice in these areas will be facilitated by:
- Ensuring that buildings and facilities are accessible to people with disabilities;
  - Ensuring equality of accessibility for students across all campuses and hospital sites;
  - Consulting with community groups and voluntary organisations to determine the needs of diverse groups and individuals;
  - Ensuring equality of access for students seeking information and advice;
  - Ensuring that publicity and promotional materials reflect positive images of the diverse range of people in the University and local communities;
  - Ensuring that contractors and service providers not directly employed by the University are aware of, and comply with, the Equality and Diversity Policy and related policies;
  - Ensuring that complaints are effectively dealt with through the University's complaints procedure;

- Continuous monitoring of staff and student-related activities against targets, which are themselves regularly revised, in order to identify and target potential areas of discrimination in terms of the University's services and facilities;

## **15. Responsibilities for implementation of the equality and diversity policy**

- 15.1 The University of Bedfordshire recognises that the success of the Equality and Diversity Policy relies upon the support of the entire University of Bedfordshire community in its review, development and implementation.
- 15.2 The Equality and Diversity Committee will assume overall responsibility for the implementation, monitoring and review of the Equality and Diversity Policy. It is also responsible for the implementation and review of the Race Equality Policy and Action Plan; Disability Equality Policy and Action Plan and Gender Equality Scheme and Action Plan (collectively referred to as the three Equality Action Plans). These three documents set out a framework of actions and performance indicators, with a clear allocation of roles and responsibilities.
- 15.3 The Equality and Diversity Committee is co-chaired by the Deputy Vice Chancellor (Academic) and the University Secretary. This allows a direct reporting line to the Board of Governors, via the Vice Chancellor's Management Group.
- 15.4 The Equality and Diversity Officer reports to the Deputy Director of Human Resources and will act as a focus for operational, and developmental, activities relating to equality and diversity issues. Responsibilities assumed by the Director of Human Resources for work in this area are detailed in three Equality Action Plans. Annex B details procedures to ensure equality of opportunity in the recruitment, selection and development of staff.
- 15.5 Managers are responsible for ensuring that the Equality and Diversity Policy is implemented within their department or section and should attend training and briefing sessions to maintain their knowledge and competency in this area. It is the responsibility of managers to deal with equality and diversity issues as they arise, giving them suitable priority, and to ensure that their staff are adequately briefed and trained to enable them to comply with the Policy.
- 15.6 Staff and Students have a responsibility to comply with the Policy and treat others with respect at all times. Where staff encounter discriminatory practice/behaviour, they are expected to actively discourage it and/or report the matter to the appropriate manager, or their own line manager. Staff should also participate in training and other learning opportunities to eliminate prejudice and extend good practice, so far as is reasonably practicable.

## **16. Monitoring**

- 16.1 The University has an obligation to monitor, by racial group, disability status and gender, student admissions and progress as well as staff recruitment, development and management. The three Equality Action Plans outline the actions that the University will undertake to ensure that its responsibilities under the Race Relations (Amendment) Act 2000; Disability Discrimination Act 2005 and Equality Act 2006 are met.
- 16.2 The University's monitoring systems will routinely gather staff data on ethnic origin, age, gender and disability, which can then be analysed in relation to matters such as career progression, membership of committees, turnover rates and so on. Systems will be developed to monitor new areas, such as sexual orientation and religion or belief, using either standard monitoring forms or other survey methodologies.
- 16.3 Similar data on students will be referenced with information on issues such as drop-out rates and first destination data. Monitoring data will be used to highlight whether

inequalities exist and, if so, to seek to explore the underlying causes of the inequality and to bring about their removal. Data will also be used to help the University to set clear equality targets and to introduce positive action measures, where necessary.

## **17. Benchmarking, targets and positive action**

- 17.1 The process of setting equality-related targets is included within the three Equality Action Plans. Work to identify targets in this, and other, areas will be informed by data from both internal and external sources. The Equality Challenge Unit/HEFCE have produced guidance materials<sup>2</sup> on equality targets and benchmarking which will facilitate these activities.
- 17.2 If monitoring reveals that specific minority groups of students or staff are disadvantaged, targets will be considered aimed at reducing that disadvantage. Some targets may relate to positive action, within legal requirements, as a means of overcoming inequality. Such action will be in line with statutory and non-statutory codes of best practice in each specialist field. For example, training or facilities may be provided to meet the needs of particular groups, such as management development programmes for women. Job applications or committee membership may be encouraged from groups that are under-represented in specific areas.
- 17.3 The University will undertake to produce an annual summary of targets and progress to date.

## **18. Publication**

- 18.1 The University will publish the results of its monitoring and assessments, annually. The results will include:
- Details of the methodologies used in assessment and monitoring;
  - A summary of the main findings of assessments or monitoring;
  - A summary of proposed action, including details of initiatives to promote equality and actions to tackle specific problems.
- 18.2 Results will be made available on the University's website and on the internal intranet. It will be made available in printed form and, if requested, be made available in a variety of accessible formats, for example, on electronic media, audio cassette.

## **19. Training and awareness-raising initiatives**

- 19.1 The University will formulate and put in place a range of equality and diversity training and awareness-raising initiatives for staff, students and governors. These initiatives will range from formal seminars and workshops, to informal events with the emphasis on celebrating the cultural diversity of the University and its local communities.
- 19.2 These initiatives will have a number of objectives, including:
- raising awareness of unfair discrimination, in terms of current legislation, the forms discrimination can take and ways of eliminating it;
  - embedding equality issues in policies and procedures, for example in recruitment and selection, staff appraisal and in handling grievances;
  - providing skills in policy review/screening and in the mainstreaming of equality issues;
  - equipping staff with the practical skills to effectively deal with a wide range of circumstances where a greater awareness of equality and diversity issues would improve the services provided to students, staff and visitors to the University.

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<sup>2</sup> Equality and Diversity Monitoring in Higher Education Institutions – A guide to good practice (HEFCE 2004)

- 19.3 Some training activities will be mandatory, in recognition of the importance of supporting and developing staff in positions of leadership and the vital role they will play in mainstreaming equality within the University's activities. Consultations will be undertaken with Student Representatives to determine effective means of raising awareness of equality and diversity issues amongst students.

## **20. Complaints**

- 20.1 Complaints of harassment or discrimination from staff would normally be covered by the Grievance procedure.
- 20.2 Complaints of harassment or discrimination from students would normally be covered by the Complaints procedure.

## DEFINITIONS

### Direct Discrimination

Where one (or more) person is treated less favourably than others in the same circumstance, for example:

- Excluding part-time staff in the selection for training;
- Making assumptions based on appearance/speech at interview;
- Promoting or offering secondment opportunities by nomination or on the basis of seniority;
- Rejecting a female candidate on the grounds of pregnancy.

### Indirect Discrimination

When a requirement or condition of employment, promotion or aspects of service delivery is applied equally and appears to be fair but can be shown to have an adverse impact on an individual or group by placing them at a disadvantage, and the reasons for this cannot be justified. For example:

- Minimum levels of qualifications and/or experience are set unnecessarily high, excluding those with career breaks, or refusing to consider relevant overseas qualifications as comparable to UK qualifications.
- Stereotyping: what is men's work and women's work (such as the employer believing part-time work is suitable for female candidates only)

### Institutional discrimination

When established policies, practices and procedures within an organisation have discriminatory effects, whether intentional or not, "institutional discrimination" can be said to exist: "...the collective failure of an organisation to provide appropriate and professional services to people because of their colour, culture and ethnic origin..."<sup>3</sup>

### Victimisation

Victimisation occurs when a person receives less favourable treatment when they have made a complaint, or it is suspected that they have made a complaint, or it they have or are going to provide evidence about an act of discrimination. For example:

- ostracising;
- excluding from circulation of information, or involvement in meetings;
- threatening dismissal, transferring or passing over for promotion.

### Harassment

Any policy, procedure or conduct which causes another person alarm, distress or to fear that violence will be used against them, may be considered as harassment of that person. For example, being subject of demeaning/degrading language about their sex, race, cultural dress or accent (including jokes).

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<sup>3</sup> Definition of Institutional Racism from the Report on the Stephen Lawrence Enquiry, February 1999

## EQUAL OPPORTUNITIES AND DIVERSITY EMPLOYMENT PROCEDURES

### RECRUITMENT AND SELECTION

Selection decisions must be based on clear criteria, and the University considers the Equality and Diversity Policy crucial in achieving this.

For further and more detailed guidance on recruitment, please contact the Human Resources Department.

#### **Job Description and Person Specifications**

Job descriptions should be a clear accurate statement of the duties, objectives and standards required to do the job satisfactorily. Gender specific job titles must be avoided.

Person specifications must be considered carefully to avoid discrimination. Only those minimum attributes, achievements or characteristics that are essential or desirable to the successful performance of the post can be included.

Job descriptions and person specifications must be reviewed regularly to ensure that the post is reflected accurately, either when the post is vacated, or annually within the performance review process.

#### **Advertisements**

Advertisements should be designed and placed to attract as wide a group of suitably qualified applicants as possible.

Care must be taken to ensure that the wording of the advertisement does not unlawfully discriminate against any applicants. For example, indicating that an adjustment in respect to a disability or sex is not to be considered, or indicating that access to the workplace is difficult, adequate facilities are not available, or specifying unnecessary levels of physical ability or fitness.

All applicants with a disability, and who meet the minimum criteria for a job vacancy, should be interviewed and their abilities and experience assessed against the selection criteria.

When an employee becomes disabled, every effort will be made to ensure that they stay in employment.

Steps will be taken to ensure that all employees develop the appropriate level of disability awareness needed to make these commitments work.

Standard application forms must be used and if not suitable to the applicant, another format should be available e.g. in large print, on tape or computer disk.

#### **Shortlisting**

The person specification must be used as the criteria for shortlisting a post. Only criteria which can be measured against evidence provided by the application form can be assessed at this stage and this must be documented as evidence should any complaint be made.

Consideration should be given when shortlisting to any reasonable adjustment which may bring a disabled applicant within the criteria for shortlisting. Where this decision cannot be made due to a lack of information, this must not prevent the applicant from being invited to interview.

## **Selection Process**

The selection process must be consistent for all candidates, based on clear criteria as set out in the job description and person specification. This will reduce the opportunity for discrimination or bias to affect the selection process.

Interviews must be conducted by a panel of at least two people, one of whom must be the Appointing Officer, to ensure fairness and consistency. It may be appropriate to include a Human Resources Department representative or an external assessor on the panel.

Although application forms ask candidates if there are any special requirements for interview, all applicants must be given a further opportunity to advise of any special requirements once invited for interview, e.g. services of an interpreter. All interview venues must be fully accessible to all candidates and to members of the interview panel and those involved in the selection process.

Other methods of selection, e.g. skill tests, presentations or psychometric tests should be evaluated to ensure that they do not discriminate against any applicants. The selection tests must be checked to ensure that they relate to the requirements of the job. Reasonable additional help must be offered to assist any applicant who is disadvantaged by the recruitment process to perform to the best of their ability.

All applicants must be recruited solely on their ability to do the job. Advice must be sought from the Occupational Health Service. As well as consideration given to any suggestions the applicant may have regarding reasonable adjustments to the work practices/environment to ensure the disabled candidate can fulfil their role.

All information compiled during the selection process must be securely retained to ensure a comprehensive reply can be given in the event of a complaint of discrimination. Any information produced during the recruitment process is confidential and cannot be reproduced or used for other purposes.

Information provided on the Equal Opportunities Monitoring Form will not form part of the selection decision.

## **STAFF DEVELOPMENT AND EDUCATION**

Training and development needs of individuals will be based on the requirements of the job, University and other objectives, as agreed with line managers.

## **EMPLOYEE RETENTION**

The University will make every effort to ensure that where an employee becomes disabled that the employee remains in employment.

Flexible working or redeployment must be considered to allow employees to continue working where personal circumstances have changed, or where an employee becomes disabled or physical or mental health worsens. Options to consider in conjunction with the employee include job sharing, part-time hours, redeployment or flexible hours of work, retraining leading to redeployment, special aids or assistance. See the Flexible Working Policy for guidance.

Managers must keep full written records of any discussions and subsequent decisions.

Managers will conduct annual reviews with disabled employees to ensure that adequate assistance has been and continues to be provided to enable them to fulfil their role.

Advice can be sought from the Human Resources Department in relation to employee retention and Occupational Health.

## **GRIEVANCE, DISCIPLINE AND CAPABILITY.**

Staff responsible for managing grievance or disciplinary matters must not unfairly discriminate, either directly or indirectly. Managers must deal promptly and appropriately with grievances from employees, particularly those involving discrimination issues.