

Equality, Diversity & Inclusion Policy

Introduction

Arts University Plymouth is committed to equality, diversity and inclusivity. Our culture values openness, fairness and transparency for our staff and students. By embracing equality and diversity we are providing a stable foundation on which to further develop a successful and vibrant, inclusive institution whose cultures and values are respected by the whole University community.

This policy outlines how we will continue to fulfil our statutory duties to promote equality, diversity and inclusion as well as tackling and eliminating all forms of discrimination .

[The Equality Act 2010](#) has placed responsibilities on all University staff, which all must be aware of and take seriously, challenging inappropriate behaviour when appropriate. If any staff would like to attend a briefing session, please contact the **Head of Compliance & Quality Systems**, who will be happy to explain individual legal obligations.

1. Establishing a professional relationship

In a just and fair democracy, every person must have the right to protection. It is important for staff members to subscribe to that view to ensure they don't fail in their duty or the law or be deemed unsuitable for their role.

When employees fail to meet their responsibilities and are accused of any type of discrimination the cases can result in formal complaints, possibly escalating to the courts and as has been the case in some high profile cases, reported in the media. These cases can affect an institution and even individual staff, legally, reputationally, financially and morally.

This policy is to help prevent this happening to University staff.

2. General principles

We celebrate and value the diversity of our students and staff and believe that we benefit from employing a diverse workforce at all levels of responsibility, and across all areas of work and by encouraging a student population which is representative of wider society.

Through seeking to maintain a representative workforce we endeavour to provide role models across the curriculum and the various functions of the organisation. We are committed to equality of opportunity for all staff and students.

We will ensure that all staff and students are treated with respect and dignity, and work to provide a positive environment free from discrimination, harassment or victimisation. We will work towards the elimination of prejudice, harassment, bullying and discrimination, whether overt or covert, and

will seek to ensure that all staff and students have equal access to the full range of University facilities.

Behaviour, actions or words that transgress the policy will not be tolerated and will be dealt with in line with the University's respective disciplinary procedures for staff and students.

We also seek to foster good relations between all groups represented within our community, in line with the Public Sector Equality Duty. The aim is to create a positive inclusive ethos with a shared commitment to challenging and preventing stereotyping, prejudice and discrimination and to respecting diversity and difference. We will not tolerate any form of discriminatory behaviour against our employees or students either from other staff, students, contractors or members of the public in relation to any protected characteristic. The protected characteristics are defined in the legal framework below.

3. The legal framework

3.1 The Equality Act

There are a range of legal duties which apply in relation to equality, diversity and inclusion.

- [The Equality Act 2010](#)
- [The Human Rights Act 1998](#)
- [The Criminal Justice Public Order Act 1994](#)

In 2010 nine main pieces of legislation merged to be replaced by the Equality Act 2010:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007

Codes of Practice continue to be in force and remain relevant. However, old terminology such as 'DDA' should **not** be used.

The Equality Act introduced '**Protected Characteristics**' to give people the right not to be discriminated against on any of the following grounds:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and maternity
- Race
- Religion or belief

- Sex
- Sexual orientation.

There are other updates awaited from the Government, however, elements of the Act that will **not** be coming into force are:

- dual discrimination: the government has decided not to bring this into force as a way of reducing the cost of regulation to business
- socio-economic inequalities under the Public Sector Equality Duty.

3.2 Public Sector Equality Duty

There are further legal requirements within the '[Public Sector Equality Duty](#)' (the Equality Duty) which came into force as [section 149\(1\) of the Equality Act](#) and applies to us as a provider of further and higher education:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The broad purpose of the equality duty is to integrate consideration of equality and good relations into the day-to-day business of public authorities. If you do not consider how a function can affect different groups in different ways, it is unlikely to have the intended effect. This can contribute to greater inequality and poor outcomes. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services, including internal policies, and for these issues to be kept under review.

Compliance with the general equality duty is a legal obligation, but it also makes good business sense. An organisation that is able to provide services to meet the diverse needs of its users should find that it carries out its core business more efficiently. A workforce that has a supportive working environment is more productive. Many organisations have also found it beneficial to draw on a broader range of talent and to better represent the community that they serve. It should also result in better informed decision-making and policy development. Overall, it can lead to services that are more appropriate to the user, and services that are more effective and cost-effective. This can lead to increased satisfaction with public services. (EHRC, Apr 20)

Example

A university might decide to provide car parking spaces for disabled students so that those who cannot use public transport because of their impairment have equality of opportunity in access to courses. Although non-disabled students might also want a parking space, they will not suffer the same degree of disadvantage without one.

4. **Discrimination**

There are four main types of discrimination with the following descriptions from the Equality and Human Rights Commission (EHRC). More detail is in Appendix A:

- **direct discrimination** - this means treating one person worse than another person because of a protected characteristic.
- **indirect discrimination** - This can happen when an organisation puts a rule or a policy or a way of doing things in place which has a worse impact on someone with a protected characteristic than someone without one.
- **Harassment** - this means people cannot treat you in a way that violates your dignity, or creates a hostile, degrading, humiliating or offensive environment.
- **Victimisation** - this means people cannot treat you unfairly if you are taking action under the Equality Act (like making a complaint of discrimination), or if you are supporting someone else who is doing so.

5. **Impact assessment and information**

To assist in complying with our legal obligations we will consider the impact of our decision making across the protected characteristics. While there is no legal requirement to produce a formal impact assessment¹. If there is a potential impact on any one protected characteristic the University will assess whether an action plan should be developed to overcome this impact. To assist in making such decisions and to comply with our legal obligations with regard to HESA returns and in producing and now monitoring our Access and Participation Plan (APP) for the Office for Students (OfS) we will collate equality information on our staff and students. We will use the information available to us on equality to:

- identify barriers to access
- identify differences in the opportunities available to groups in comparison with others in relation to attendance, attainment/success, retention, progression and graduate outcomes
- investigate and evaluate the reasons for any differences and develop strategies to narrow and eventually eliminate the gaps
- measure the effectiveness of any action plans.

We will seek to improve our information base by:

- improving the quality and accuracy of information in respect of race/ethnic background, disability, gender and age in the staff and student populations
- ensuring staff are trained in collecting information and its use
- monitoring communications channels so that compliance and inclusiveness are assured.

6. **Leadership and governance**

The Board of Governors and Senior Leadership Team (SLT) endorse the commitment to equality, diversity and inclusivity and their lead is key in supporting staff and students and in embracing this commitment in all that we do.

¹ <https://www.gov.uk/government/speeches/prime-ministers-speech-to-cbi>

It is important for Board members to be kept aware of equality issues as it influences how they set strategic direction, review performance and ensure good governance of the organisation. Senior staff members must be aware of how they develop policy and oversee the design, delivery, quality and effectiveness of the University's functions. All staff need to know the Duty to ensure they use equality considerations in the delivery of services to students, visitors and the public.

The Equality, Diversity & Inclusivity Committee (EDIC), reports directly to the SLT. The Head of Compliance & Quality Systems is appointed to chair the EDIC with the composition amended in April 2019 to include a Head of School. For 2020/21 the Chair has worked with the Student Union President to increase student representation in having students represent the following protected characteristics: Disability; LGBTQ+; Ethnic Minorities (and Religion); ideally with representation from the under-represented groups as Executive Officers and members of the EDIC.

The role and remit of the EDIC is defined in its [terms of reference](#) (for review Nov 22)

7. Equality in our day-to-day business

As part of our business planning cycle we will:

- ensure equality is embedded as a mainstream element of our day to day activities
- give consideration to the impact on equality and diversity in our decision making and of the implementation of our policies and procedures
- collect evidence to monitor compliance, set improvement measures in a proportionate manner and report on progress in achieving these measures.

8. Prospectuses and promotional materials

Material published will seek to avoid the use of offensive and discriminatory language and images. Such marketing materials will be directed at encouraging the widest representation of cultural and social groups to participate. Equally, materials prepared to deliver the curriculum will be free from racist, sexist, and other discriminatory assumptions, images and language, unless they are being studied as examples of such, in which case suitable discretion will be exercised;

9. Recruitment and Admissions

As an independent arts university, we are run by artists and designers for artists and designers. An international place of making and thinking, what interests us is the curiosity of our students and our staff and the creative energy that brings them here. Everything we do in relation to recruitment and admissions is nondiscriminatory in relation to a protected characteristic. Additional training in recognising and overcoming unconscious bias is being provided for those staff involved in direct student-facing recruitment in addition to mandatory training. In accordance with the [QAA Quality Code](#) the University has a reliable, fair and inclusive admissions system with fairness and reliability being embedded principles within admissions and recruitment, and inclusivity pervades throughout the process from outreach activity to processes and practices to enrolment.

The University is a signatory of the [Universities UK Fair Admissions Code of Practice](#) to ensure that admissions are fair, transparent, and deliver admissions in the interest of applicants. The AUP application process is inclusive, removes unnecessary barriers and allows all prospective students to make an application and receive a fair outcome, regardless of background.

10. Curriculum design and content

As creative practitioners we endeavour to not be restricted in the range of issues, ideas and materials used across programmes and therefore encourage academic freedom in exposing students to a range of sometimes controversial ideas. Such ideas or content must not cross from controversial to offensive and are not delivered in a way which results in harassment or subjects students to discrimination or other detriment. In line with guidance in the [QAA Quality Code](#) we strive to provide a high-quality academic experience for all students and enable a student's achievement to be reliably assessed. Our programmes and courses are taught in a way that does not subject students to discrimination and the curriculum challenges stereotypes and addresses inequality. Staff must be mindful of their legal responsibilities under the Equality Act (see paragraph 14).

11. Enabling Student Achievement

Using [QAA guiding principles](#) the University ensures that equality of opportunity for students to develop academic and professional skills to succeed requires collaboration across academic, professional and specialist support services. A broad and ongoing range of academic and pastoral support, such as wellbeing support and counselling will be available, regardless of location or mode of study. The needs of individual students are considered with training and resources allocated to student support services to enable effective delivery helping to build and maintain a community that enables students to assist and support each other, developing and embedding their own graduate outcomes.

12. Assessment

Guiding principles of the QAA Quality Code guidance state that every student has an equal opportunity to demonstrate their achievement through the assessment process, with no group or individual disadvantaged. In designing assessments, the needs of students are considered, including those from different cultural/ educational backgrounds, with additional learning needs, or with specific protected characteristics. Assessment procedures and methods are flexible enough to allow adjustments to overcome any substantial disadvantage that individual students could experience. Therefore it is important that our staff ensure, in making assessments, that they do not discriminate against students with specific protected characteristics. Assuming uniformity in students' cultural, linguistic, and religious or lifestyle experiences could, for example, result in them indirectly discriminating against students from particular groups.

13. Competence Standard

A competence standard is defined as an academic or other standard applied for the purpose of determining whether or not a person has a particular level of competence or ability. It is not a provision, criterion or practice and there is therefore no duty to make reasonable adjustments in relation to the application of a competence standard. However, we recognise that legal duties do apply to the **process** of demonstrating that a person meets the competence standard. In practical terms this means that the mark required to pass a module or unit would be a competence standard, and it would not be subject to the duty to make reasonable adjustments in that for a disabled student for example. However, **reasonable adjustments of the assessment process** for students with disabilities would be considered with advice from the Head of Student Support.

14. Student work

In such cases where a student produces work containing images, artefacts, words or language that may be considered offensive or in breach of the Equality Act they may be asked to provide a rationale to justify the nature of the work. This should be managed initially by the module leader and referred to the subject leader with the Head of Compliance & Quality contacted for advice if appropriate.

15. Educational trips / visits

Educational visits which are arranged must not discriminate against any of our students, and where required reasonable adjustments must be made to enable students with a range of disabilities to access them, for example ensuring that hotels being booked can accommodate the needs of any disabled students attending and endeavour to fulfil the requests from other students with a specific protected characteristic; for example a sole male student not wishing to be placed in a mixed room. This paragraph should be read in conjunction with the [Educational Visit Procedures](#).

16. Qualifications

Any discrimination when awarding qualifications to students is avoided, including any form of authorisation, approval or certification that we make or information that we provide to other providers such as UAL (in pre-degree). For example if a student undergoes gender reassignment during the course of their study and notifies the Registry of their change of gender and change of name, the data that records and informs the student's progress and achievement will be amended accordingly.

17. Resources

We will provide facilities which are accessible in terms of physical structure (or reasonable adjustments for individuals affected by such accessibility issues), accessible information and hours of service which reflect service usage.

All facilities and locations will be monitored for the display of offensive literature. Where such material is found it will be removed.

In addition, to support our students we will:

- ensure our student policies, procedures and guidelines are reviewed regularly and written in clear, plain English where possible (it is recognised that legal terminology sometimes has to be included, for example in the Disciplinary Procedures for Students) - alternative formats such as large font, coloured backgrounds and printed copies can be made available on request
- [Accessibility Regulations](#) followed with websites / mobile apps accessible for use by as many people as possible, including those with: impaired vision; motor difficulties; cognitive impairments or learning disabilities; and deafness or impaired hearing
- support the Students' Union and other representative forums such as Student Voice
- regularly review our student data and take action where appropriate

- use a variety of different methods to attract and retain students from all backgrounds including those with protected characteristics
- comply with all equalities-related legislation
- make reasonable adjustments to provide assistive technology (such as hearing loops) and other services for students with particular needs
- encourage open, honest discussion about issues which support students' educational attainment and a learning culture.

18. Training

To ensure that all staff are fully aware of their legal obligations and responsibilities they are required to take part in mandatory equality and diversity training, which includes unconscious bias, arranged and monitored by Human Resources.

19. Complaints

It is our aim in accordance with the [Good Practice Framework](#) from the OIA² that most concerns or issues will be raised with and resolved in conjunction with tutors/programme/subject leaders (for students). Staff are encouraged to have direct and open contact with their line manager to resolve problems. However, it is appreciated that resolution through these means is not always possible and that the matter may be of such a nature that it needs to be addressed more formally. Full details are contained in the [Complaints Procedures for Students](#) and [Grievance Policy and Procedure](#) (for staff). Where a complaint is made it will be addressed within the terms of these procedures with a fair, proper and constructive response to complaints provided within a reasonable timescale. Outcomes of complaints relating to equality and diversity will be published in the Equality, Diversity & Inclusion Monitoring Report to the Board of Governors and other external regulators if requested but without breaching anyone's personal confidentiality.

20. External relations

Visitors and representatives from organisations attending our sites on any business will be expected to conduct themselves in a manner which matches our ethos regarding equality, diversity and inclusion. External staff such as external examiners, visiting lecturers, awarding body representatives and consultants with whom we engage will be expected to adhere to the principles of equality of opportunity. Organisations providing services will be made aware of our stance on equality and diversity. We will use our influence to encourage wider understanding and acceptance of equal opportunities within the fields of both education and employment through our relationships with our external partners.

21. Formats

We will ensure that this policy and accompanying documentation are accessible by publishing them electronically in the corporate formats but making them available on request for example in large print, braille or appropriate electronic form.

22. Implementation and monitoring

² Office of the Independent Adjudicator

To ensure that this policy is implemented, we have developed key overarching objectives and specific objectives for the next two years under the Single Equality Scheme, responding to the Public Sector Equality Duty and University Strategic Plan (Social Justice). This is intended to ensure effective monitoring and reporting of equal opportunities for protected characteristic groups throughout the student lifecycle:

- through monitoring equality statistics from SoMIS annually at the Equality, Diversity & Inclusion Committee to identify significant anomalies in achievement or progression of different groups and also at Retention Working Group and committees of the Academic Board
- Evidenced by the annual Equality, Diversity & Inclusion Report, HE Quality Reports, Pre Degree Self Assessment Report and HESA attainment data.

We will monitor the success of this policy through the EDIC, which will report on progress to the SLT and to Governors.

The policy will be reviewed every year, while also taking into account changes in the law, government policy and strategic goals.

23. Key contacts

For information and guidance in relation to equality and diversity please contact: Head of Human Resources (staff matters) or Head of Compliance & Quality Systems / Chair of the Equality and Diversity Committee (student issues).

24. Additional resources

The Equality and Human Rights Commission (EHRC) is the independent statutory body for the promotion of human rights, the elimination of discrimination and inequality. There is valuable information and articles on the site and a link to legislation:

www.equalityhumanrights.com

Recent EHRC updates:

- [Single Sex Services Guidance, 4 Apr 22](#)
- [Protecting People from Gender Reassignment Discrimination, 4 Apr 22](#)

While written in 2011 the Government's [Quick Guide to the Public Sector Equality Duty](#) is a useful reference tool.

For the latest thinking and signposting to discussion documents, white papers and legislation, go to the Government website:

www.direct.gov.uk

A good place to find out about faiths is the AFAN (All Faiths and None) website. www.afan.uk.net which contains information about faith and spiritual well-being.

Appendices:

- A. Related Terminology
- B. Protected Characteristic Terminology
- C. Other definitions

APPENDIX A

Equality, Diversity and Inclusivity Terminology

➤ **Equality**

The fair and lawful treatment of students and staff and the promotion of equality of opportunity between different groups.

➤ **Diversity**

The characteristics and experiences that make us who we are.

➤ **Inclusivity**

Learning and working cultures that recognise and are welcoming of equality and diversity and reflect this in their structures and practices.

➤ **Reasonable adjustment**

The term '**reasonable adjustment**' allows the University to make any allowances necessary to protect an individual's rights if they would otherwise suffer discrimination. This is most often used in the University for students with a disability, for example providing a different seating arrangement to suit a student or providing text in a larger font. It can be used in other ways as well, for example a multifaith space or multifaith prayer room in a quiet location could be set aside where people of differing religious beliefs, or none at all, are able to spend time in contemplation or prayer.

➤ **Discrimination**

If someone is treated unfairly because they belong to a group of people with protected characteristics, it is unlawful discrimination. Everyone has some of these characteristics - for example, race, sex or age - so the Act protects everyone from discrimination. Discrimination relates to treating people less favourably because of a protected characteristic and can be direct or indirect. The Equality Act 2010 has strengthened the law by making it illegal to discriminate, either directly or indirectly, on the grounds of perception or association relating to any of the protected characteristics.

- **Direct discrimination** occurs when it is obvious that the treatment is unfavourable. It applies to potential students as well as current students. For example, refusing to accept a person onto a course because of their sexual orientation on the grounds that they would not 'fit in' is direct discrimination.
- **Indirect discrimination** occurs when an apparently neutral requirement would disadvantage people on the grounds of their protected characteristic. For example, an example of indirect discrimination, may be a minimum height requirement for a job where height is not relevant to carry out the role. Such a requirement would likely discriminate disproportionately against women as they are generally shorter than men.
- **Discrimination by association** can occur when someone is treated unfavourably on the basis of another person's protected characteristic. An example of associative

discrimination might be a non-disabled employee who is discriminated against because of action she needs to take to care for a disabled dependant. This incorporates the European Court of Justice's July 2008 ruling in the Coleman v Attridge Law case, where Sharon Coleman, a legal secretary, lodged a claim after alleging she was subject to harassment and discrimination after asking for time off to care for her disabled son.

- Discrimination by association doesn't apply to all protected characteristics. Marriage and civil partnership, and pregnancy and maternity are not covered by the legislation. Nor does it apply to instances of indirect discrimination by association - it has to be direct. However, legal experts have pointed to developments in the European Court of Justice which suggest that this is an area that could change.
- **Discrimination by perception** can occur when someone is treated unfavourably because others believe they have a protected characteristic, even though in reality they don't have it, it is perceptive (direct) discrimination. For example where an employer believes an employee is gay, or is of a particular race, and treats him or her less favourably as a result. As with associative discrimination, perceptive discrimination does not apply to marriage and civil partnership, nor pregnancy and maternity, and it must be direct discrimination.

➤ **Positive action**

Positive action is when an employer takes steps to help or encourage certain groups of people with different needs, or who are disadvantaged in some way, access work or training. Positive action is lawful under the Equality Act. For example, the University could organise an open day for people from a particular ethnic background if they're under-represented in the student cohort or workforce. This wouldn't be unlawful discrimination under the Act. It is about creating a level playing field. Campaigns to promote inclusion or attract specific groups fall under the scope of positive action, an example of which is the Lesbian Gay, Bisexual, and Transgender (LGBT) Group.

➤ **Harassment**

A good starting point is to determine what is deemed to be offensive. The Act is clear that it is the **effect** and not the intention that is key. A common excuse is that the remark or act was only done in humour, but really every act of discrimination has a victim at the core.

Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

APPENDIX B

Protected Characteristic Terminology

➤ Age

The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if justified; that is if it can be demonstrated that it is a proportionate means of meeting a legitimate aim, for example the Armed Forces placing an age restriction on minimum and maximum ages for recruitment; age is the only protected characteristic that allows employers to justify direct discrimination. The University evidences education provision by age for audit purposes. That is a legitimate use and the reason why it still asks for age on application forms.

➤ Disability

The Equality Act 2010 says that someone must not be discriminated against because they have a disability. The Act has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.

The Act puts a duty on employers to make reasonable adjustments for staff and students to help them overcome disadvantages resulting from an impairment (eg by providing assistive technologies to help visually impaired people use computers effectively). The Act includes protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (eg a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim.

A learning disability is defined as “a significantly reduced ability to understand complex information or learn new skills (impaired intelligence), a reduced ability to cope independently (impaired social functioning) or a condition which started before adulthood (18 years of age), and has a lasting effect”. Individuals are also covered by the Act if they have a progressive condition like HIV, cancer or multiple sclerosis, even if they are currently able to carry out normal day to day activities. They are protected as soon as they are diagnosed with a progressive condition. They are also covered by the Act if they had a disability in the past. For example, if someone had a mental health condition in the past which lasted for over 12 months, but they have since recovered, they are still protected from discrimination because of that disability.

Additionally, indirect discrimination covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement you have in place disadvantages people with the same disability. Unless you could justify this, it would be

unlawful. The Act also includes a provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.

➤ **Gender reassignment**

The Act provides protection for transsexual people.

The Equality Act 2010 says that you must not be discriminated against because you are transsexual, when your gender identity is different from the gender assigned to you when you were born. For example:

- a person who was born female decides to spend the rest of his life as a man

In the Equality Act it is known as gender reassignment. All transsexual people share the common characteristic of gender reassignment. To be protected from gender reassignment discrimination, you do not need to have undergone any specific treatment or surgery to change from your birth sex to your preferred gender. This is because changing your physiological or other gender attributes is a personal process rather than a medical one.

You can be at any stage in the transition process – from proposing to reassign your gender, to undergoing a process to reassign your gender, or having completed it.

The Equality Act says that you must not be discriminated against because:

- of your gender reassignment as a transsexual. A person may prefer the description transgender person or trans male or female. A wide range of people are included in the terms 'trans' or 'transgender' but they are not protected as transgender unless they propose to change their gender or have already done so. For example, a group of men on a stag night who put on fancy dress as women are turned away from a restaurant. They are not transsexual so are not protected from discrimination.
- someone thinks you are transsexual, for example because you occasionally cross-dress or are gender variant (this is known as discrimination by perception).
- you are connected to a transsexual person, or someone wrongly thought to be transsexual (this is known as discrimination by association).

Intersex people (the term used to describe a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't fit the typical definitions of female or male) are not explicitly protected from discrimination by the Equality Act, but you must not be discriminated against because of your gender or perceived gender. For example:

- if a woman with an intersex condition is refused entry to a women-only swimming pool because the attendants think her to be a man, this could be sex discrimination or disability discrimination.

➤ **Marriage and civil partnership**

The Equality Act says someone must not be discriminated against in employment because they are married or in a civil partnership. Marriage can either be between a man and a woman, or between partners of the same sex. Civil partnership is between partners of the same sex. Single people are not protected under the Act.

➤ **Pregnancy and maternity**

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. Employers must not take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment.

➤ **Race**

In the Equality Act race can mean a person's skin colour, or their nationality (including their citizenship). It can also mean their ethnic or national origins, which may not be the same as their current nationality. For example, they may have Chinese national origins and be living in Britain with a British passport.

Race also covers ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race. A racial group can be made up of two or more distinct racial groups, for example Black Britons, British Asians, British Sikhs, American Jews, Romany Gypsies and Irish Travellers.

The University is consistent in its approach with 'Ethnicity' being the most acceptable form of description. The term 'black minority ethnic' or the abbreviation 'BME (or BAME)' is used in reports for purposes of audit to refer to a population group and can be objectively justified.

- The words 'heritage', 'community' and 'background' are acceptable.
- The term 'white' is used in many different contexts but generally refers to all people who describe themselves as white in the 2011 census (Office for National Statistics).
- The term 'black' relates to people of black and African origins or heritage, including those of African-Caribbean background, and may include people with mixed ancestry.
- The term 'Asian' is a general reference to people of South Asian heritage (for example Bangladesh, India and Pakistan).
 - Those people from China and independent Chinese regions such as Taiwan or special administrative regions such as Hong Kong and Macau are referred to as Chinese.
 - Those from other countries in south-east Asia such as Japan, Korea and Malaysia, are referred to as 'other Asian'.
- Some people will wish to be referred to by their nation (i.e. Nigerian or Singaporean).

The most important thing to remember is that communities vary considerably in terms of migration, history, recent economic trends, religion, tradition, culture, language and even social class. It is important to be sensitive to the background of any student (or staff member), particularly their cultural heritage, and treat them as the unique individual they are.

➤ **Religion and belief**

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (such as Atheism). Generally, a belief should affect someone's life choices or the way they live for it to be included in the definition.

The Equality Act states someone cannot be discriminated against because they are (or are not) of a particular religion or hold (or do not hold) a particular philosophical belief.

According to the 2011 census, in the UK Christianity is the major religion (59.3%), followed by Islam (4.8%), Hinduism (1.5%), Sikhism (0.8%), Judaism (0.5%), Buddhism (0.4%) and Paganism (0.2%) in terms of number of adherents. Among Christians, Anglicans are the most common denomination, followed by Roman Catholics. Between 2001 and 2011 there has been a decrease in the proportion of people who identify as Christian and an increase in those reporting to have no religion. It should be noted that the census in the southwest of England varies from the nation as a whole with Buddhism and Paganism being more strongly represented and the second and third most followed beliefs after Christianity in Cornwall.

Everyone has a human right to manifest their religion or belief under the [European Convention on Human Rights](#). That means everyone has the right to wear particular articles of clothing or symbols to show that they have a particular religion or belief at their workplace, even if other people of their religion do not. Employers will need to justify the reasons for banning any such items and should ensure they are not indirectly discriminating against these employees. Any restriction should be connected to a real business or safety requirement. Some recent legal decisions in this area suggest that people should be allowed to demonstrate their religious faith through their dress, for instance by wearing an unobtrusive cross symbol to denote Christianity or wearing a Yarmulke or Kippah (skull cap) as part of the Jewish faith. An employer can prevent staff from wearing particular articles of clothing or symbols if it is necessary for the role they are doing. For example, a lecturer in an engineering workshop could be asked to stop wearing a floor length garment because it is a trip hazard or could be caught in machinery. If this is necessary to protect health and safety in the workplace and there is no practical alternative, this may be justified.

➤ **Sex**

This characteristic refers to whether someone is male or female. The Equality Act states that an individual cannot be discriminated against because they are not a particular sex. For example the University when advertising job roles or programmes/courses cannot recruit on the basis of someone being male or female (ie opening a BA programme in Photography for women only or advertising for a female Fashion lecturer).

An organisation can lawfully provide single sex services if it can be legally justified such as if the University offered a women-only support service to women who were victims of domestic violence – this is likely to be justifiable even if there is no parallel service for men due to insufficient demand.

➤ **Sexual Orientation**

This refers to whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes. The Equality Act states that someone cannot be discriminated against because of their sexual orientation. Importantly, the Equality Act 2010 enshrines in legislation protection against:

- “associative discrimination”, where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (for example, a friend who is gay); and
- “perceptive discrimination”, where an individual is directly discriminated against or harassed based on a perception that he or she has a particular protected characteristic (for example, a heterosexual employee being harassed by homophobic taunts).

LGBT is the accepted term to describe lesbian, gay, bisexual and transgender people to signify an inclusive approach to a very diverse community. This is now often extended to LGBTQ+ where the Q means ‘questioning’ and the + represents other sexual identities such as pansexual, asexual and omnisexual. It’s also worthwhile noting that another widely accepted term for the community is queer³. While this was once a derogatory term, the LGBTQ+ community has claimed it back.

³ Adam Bloodworth, Pink News, 15 Mar 18

APPENDIX C

Other definitions - forms of harassment

Racism

Racism is the belief in the superiority of one race over another⁴. It may also mean prejudice, discrimination, or antagonism directed against other people because they are of a different race or ethnicity⁵. Modern variants of racism are often based in social perceptions of biological differences between peoples. These views can take the form of social actions, practices or beliefs, or political systems in which different races are ranked as inherently superior or inferior to each other, based on presumed shared inheritable traits, abilities, or qualities.

Antisemitism

The University has adopted the use of the International Holocaust Remembrance Alliance (IHRA) [working definition for antisemitism](#). This is not legally binding but is a tool for public bodies to understand how antisemitism manifests itself in the 21st century. It demonstrates a commitment to engaging with the experiences of Jewish communities and supporting them against the contemporary challenges they face. It reads as follows:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

Manifestations and contemporary examples are included at the IHRA web link above.

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic. Anti-Semitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

- **Antisemitic acts** are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).
- **Criminal acts** are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.
- **Antisemitic discrimination** is the denial to Jews of opportunities or services available to others and is illegal in many countries.

There has been some controversy over the implementation of the IHRA definition despite it being only 40 words with one university’s board rejecting it. The Minister for Education, in 2020, threatened sanctions against those refusing to implement this, though it has since been established that he had no powers in which to do so. The EDIC will continue to monitor this.

⁴ Oxford Dictionary

⁵ Racism" in R. Schefer. 2008 Encyclopedia of Race, Ethnicity and Society. SAGE. p. 1113

The Community Security Trust (CST) [Antisemitic Incidents Report 2021](#), shows 2,255 anti-Jewish hate incidents reported nationwide in 2021. This is the highest annual total that CST has ever recorded and is a 34% increase from the 1,684 antisemitic incidents reported in 2020. This is the first time CST has ever recorded over 2,000 incidents in a single year and is 24% higher than the previous record annual total of 1,813 incidents in 2019. The UK has seen record annual totals for antisemitic incidents in five of the past six years. (CST has recorded antisemitic incidents since 1984). Per capita, Jewish people were most likely to report experiencing hatred.

See also: [APT and CST Twitter Report 2021](#)

Islamophobia

Islamophobia is the fear, hatred of, or prejudice against the Islamic religion or Muslims generally, especially when seen as a geopolitical force or the source of terrorism. This is a very basic definition with a formal definition produced by the all-party parliamentary group on British Muslims recently being rejected. A formal definition will be added to this policy when agreed by the appropriate APPG and approved in AUP by SLT. The debate pack for the House of Commons which contains various definitions including Runnymede Trust and Council of Europe is included:

[The Definition of Islamophobia](#)

See also: [Muslim Council of Britain: Defining Islamophobia](#)

Homophobia

Homophobia encompasses a range of negative attitudes and feelings toward homosexuality or people who are identified or perceived as being lesbian, gay, bisexual or transgender (LGBT)⁶. It has been defined as contempt, prejudice, aversion, hatred or antipathy, may be based on irrational fear and ignorance, and is often related to religious beliefs. Homophobia is observable in critical and hostile behavior such as discrimination and violence on the basis of sexual orientations that are non-heterosexual⁷. Recognized types of homophobia include institutionalized homophobia, e.g. religious homophobia and state-sponsored homophobia, and internalized homophobia, experienced by people who have same-sex attractions, regardless of how they identify.

[Reports of sexual orientation hate crimes](#) recorded by UK police forces rose from an average of 1,456 a month from January to April 2021 to 2,211 on average from May to August. From January to August 2021, at least 14,670 homophobic hate crime offences were recorded, compared with 11,841 in the same period of 2020 and 10,817 in 2019. During the same time period, police recorded 2,129 transphobic offences – well above the 1,606 offences in 2020 and 1,602 in 2019.

⁶ Adams, Maurianne; Bell, Lee Anne; Griffin, Pat (2007). Teaching for Diversity and Social Justice. Routledge. pp. 198–199. ISBN 978-1135928506.

⁷ Renzetti, Claire M.; Edleson, Jeffrey L. (2008). Encyclopaedia of Interpersonal Violence. SAGE Publications. p. 338. ISBN 978-1452265919.

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Policy owner and Lead contact:	<p>Head of Compliance & Quality Systems Email: jwright@aup.ac.uk</p>