

Equality & Inclusion Policy

1 Introduction

This policy is discretionary in nature. Whilst the University expects its employees, staff and Students to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions.

Breach of this policy may be addressed via the University's disciplinary and code of conduct policies.

This policy will be reviewed by the Human Resources department and Student and Academic Services through the Inclusive Student Experience Group (ISEG) on a 3 year basis or amended in response to changes in future legislation and/or case law.

2 Ownership

The Human Resources department and Student Academic Services own and manage this policy on behalf of The University of Northampton.

3 Organisational Scope

This Equality & Inclusion policy is a corporate policy and applies to all students, potential students, former, current and potential employees (and workers, as applicable), contractors, visitors and associates of The University of Northampton and any wholly owned subsidiaries.

4 Definitions

Bullying is the demeaning and humiliation of others through action or physical, emotional, or verbal conduct that erodes an individual's self-confidence and or undermines their self-esteem.

Direct Discrimination - This occurs when a person is treated less favourably than someone else for reason of their gender, race, ethnic origin, disability, age, sexual orientation or religion or belief.

Equality Analysis - This refers to a detailed and systematic analysis of the actual or potential effects of a formal or informal policy, proposed policy, practice, criterion or service to determine whether it has a differential impact upon identifiable groups of people.

Frivolous – complaints that any reasonable person would regard as trivial e.g. focussing on a trivial matter to an extent which is out of all proportion to its significance and continuing to focus on this point; or making a formal complaint that, even if true, is so trivial that no reasonable person would think it worth pursuing formally; and if it had been raised informally could probably have been resolved.

General Duties – a broad outline of what is required to comply with the Equality Act 2010.

Harassment is broadly speaking, unwanted conduct which may violate a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Indirect Discrimination - This occurs where a provision, criterion or practice is applied equally to everyone but the provision, criterion or practice puts, or would put, members of one group with a particular characteristic at a disadvantage as compared to a group with another protected characteristic and is not a justifiable means of achieving a legitimate aim.

Malicious - where the complainant knows there are no reasonable grounds for the complaint e.g. deliberately intending to deceive or mislead the investigation of a complaint or making the complaint for an ulterior motive.

Positive Action - This refers to a variety of measures designed to counteract the effects of discrimination and encourage members of underrepresented groups to take advantage of opportunities. Unlike positive discrimination, which is unlawful in the UK, positive action is lawful. Examples include the provision of facilities to meet the special needs of people from particular groups in relation

to their training, education or welfare; and the encouragement of applications from particular groups that are under-represented in particular areas of work.

Specific Duties - specific actions which need to be taken to enable compliance with the General Duties and thereby the Legislation.

Vexatious - complaints that are instituted without sufficient grounds, or serving only to cause annoyance.

Victimisation occurs when someone is treated less favourably because they have brought proceedings under equality legislation, have alleged that someone has contravened such legislation or they are giving evidence or information in connection with any such proceedings

Zero Tolerance - This refers to a principle whereby behaviour, attitudes and language which may be deemed to be offensive, derogatory or discriminatory is not overlooked but challenged - with the aim of effecting change or redress. Behaviour deemed to be in violation of this policy may be dealt with through the University Disciplinary procedures.

5 Policy Statement

5.1 The University will comply with its obligations under the Equality Act 2010.

5.2 The University of Northampton is committed to positively promoting equality of opportunity for all former, current and potential students, alumni, staff and its other stakeholders. The University will not discriminate unfairly on the basis of sex, pregnancy, maternity, paternity and adoption, gender, gender identity, disability, race, ethnic or national origin, age, sexual orientation, socio economic background, religion and belief, political beliefs, family circumstances including marriage and civil partnership and trade union or professional association membership.

In fulfilling its commitment the University will:

5.3 Ensure that no requirements or conditions are imposed that could disadvantage individuals on any of the above grounds unless justifiable by means of achieving a legitimate aim. The University aims to create an

environment that enables everyone to fulfil their potential without unnecessary barriers.

- 5.4 Be proactive in promoting equality by embracing, valuing and recognising difference; for example, through the implementation of a wide ranging equality action plan that tackles all facets of inequality and discrimination, creating genuine equality of opportunity and outcomes, and promoting good relations between people of different groups and a commitment to paying equal pay for work of equal value.
- 5.5 Involve different groups, including the Recognised Trade Unions and Students Union, in the development and delivery of the action plans, staff and student Equality forums and in promoting adherence to the policy.
- 5.6 Commit to providing a learning, working and living environment where everyone feels valued and is treated with dignity and respect – an environment that is free from harassment, bullying, victimisation and discrimination.
- 5.7 Commit to a wide ranging Equalities Action Plan. In realising these commitments, The University expresses its opposition to all forms of discrimination and adopts a zero tolerance approach to discrimination, victimisation, harassment and bullying.
- 5.8 Require all students, employees, and other stakeholders to behave in a manner compliant with the policy and equality legislation at all times. Training will be provided to ensure a full understanding of their obligations under the Equality Act and University Equality and Inclusion policy.
- 5.9 Will take Positive Action including seeking, allocating and delivering adequate resources. In addition, The University will review the equality implications of its policies and procedures monitoring their outcomes and ensure continuous improvements are made.

6 Key Principles

6.1 Legislative overview

Discrimination, whether direct or indirect, that is based on a protected characteristic is unlawful and unjust.

An individual may experience discrimination:

- If they are covered by a protected characteristic
- If they are incorrectly perceived to have a protected characteristic
- If they are associated with someone with a protected characteristic
- If it is known they do not have a protected characteristic for which they have been treated less favourably or
- If decisions are made based on stereotype, assumptions or perceptions.

6.2 Respect at the University

Every individual is entitled to participate in University life without fear of intimidation, victimisation or bullying behaviour. Respect is about harnessing an environment where every individual is valued, supported by others and where harassment of any kind is known to be unacceptable.

Victimisation occurs when someone is treated less favourably because:

- They have brought proceedings under equality legislation
- They have alleged that someone has contravened such legislation
- They are giving evidence or information in connection with any such proceedings

Harassment is broadly speaking, unwanted conduct related to a relevant protected characteristic which may violate a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may be persistent or an isolated case and there is no need for the 'harasser' to intend to offend by their conduct.

Conduct which contravenes this policy includes:

Physical Conduct – unwarranted physical conduct including deliberate touching, patting, stroking.

Verbal conduct – unwelcome advances, propositions, or pressure for sexual activity, flirtations, innuendo, lewd comments, or abusive language which ridicules a person, insults which are discriminatory in nature, mimicking accents, speech or mannerisms, offensive comments about dress or religious dress or customs, or speculation about a person's private life/ sexual activities.

Non verbal conduct – the display of pornographic or sexually suggestive pictures, including pin ups, offensive or sexual objects or written materials, the making of abusive or offensive gestures including leering and whistling, the display or creation or transmission of offensive written or verbal material or non verbal conduct that denigrates a person for any other reason.

Bullying is the demeaning and humiliation of others through action or physical, emotional, or verbal conduct that erodes an individual's self-confidence and or undermines their self esteem. Bullying behaviour is often persistent or repeated however can also be an isolated incident. It might include banter, unjustified criticism of performance, unjustified reassignment of a person to a different set of responsibilities, failing to extend opportunities that have been made available to others, refusing to work with a person, unjustified exclusion of a person from normal work and/or social activities, refusing to engage in appropriate conversation, encouraging others to exclude, ignore, ridicule, or otherwise demean or humiliate a person.

Bullying does not normally include:

- Reasonable performance assessment
- Reasonable instructions and advice
- Discipline for cause
- Responding in good faith to a complaint made under this policy.

6.3 Frivolous, Vexatious or Malicious Claims

Allegations or complaints of harassment, bullying or victimisation that are subsequently shown to have been frivolous, vexatious, malicious, otherwise unreasonable or not made in good faith, will be treated very seriously. Such a complaint may amount to a form of harassment itself

and/or an abuse/misuse of this policy. If such an allegation is proven it may be subject to disciplinary action.

6.4 Diversity and Equal Opportunities

All individuals have a right to be treated fairly, with dignity and respect. Since collective group affiliations are often central to people's identities, fair treatment entails acknowledging cultural diversity and respecting cultural differences. The University values the unique perspectives and opportunities a diverse community can bring.

The University will strive to ensure that equality of opportunity is maintained in all areas of the University including:

- Job and study recruitment and selection – all applicants will be assessed on their own merit and in a fair and objective manner, all processes will be carried out in a non-discriminatory way, all processes will be fair and transparent, records of interviews and appointments will be retained, and reasonable adjustments will be made where required to ensure no disadvantage is suffered.
- Learning and teaching, training, and personal development – assessment criteria, performance reviews, and development will be applied in a non-discriminatory manner and to actively promote equality; reasonable adjustment will be made where required to enable participation, to promote inclusion and diversity, and overcome barriers to inclusion.
- Terms of employment and study, benefits, facilities and services – will be free from discrimination and comply with legislation; all students regardless of mode of study and all employees regardless of employment will be treated equitably.
- Termination of contractual relationships– will be conducted in a non discriminatory way and in accordance with the relevant University policies and procedures.

6.5 Public Sector Equality Duty

In addition to The Equality Act 2010, public authorities, including Higher Education Institutions, are subject to general duties which in the exercise of their functions have to give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

Further regulations detail specific duties required by the University:

- To publish information to demonstrate its compliance with the general equality duty at least annually to include information relating to employees and students who share a protected characteristic
- To prepare and publish one or more objectives that it thinks it needs to achieve to further any of the aims of the general equality duty
- Equality information must be published in a manner accessible to the public via the University website.

7 Responsibilities

7.1. The Governors have responsibility for:

- Ensuring compliance with legislation
- Ensuring the implementation and review of the policy, objectives and action plan

7.2. The Vice Chancellor has responsibility for:

- Ensuring the implementation and review of the policy, objectives and action plan
- Ensuring that staff are aware of their responsibilities and accountabilities
- Ensuring any breaches of the policy are dealt with in line with appropriate procedures

7.3. The Faculty Deans, Executive Deans, and Directors of Professional Services have responsibility for:

- Promoting equality and good relations between different groups
- Ensuring issues of discrimination and/or breaches of policy are dealt with through appropriate procedures
- Staff are provided with development and training in relation to diversity and equality
- The inclusion within annual reviews and development plans of specific objectives relating to equality

7.4 The Inclusive Student Experience Group (ISEG)

- To review and monitor the University Equality and Diversity Action Plan on behalf of the Student Experience Committee (SEC) to ensure compliance with the Equality Act 2010
- To oversee the audit of published information to ensure that the University demonstrates, at least on an annual basis, compliance with the specific duties of the public sector equality duty (PSED)
- To audit that the University sets and publishes equality objectives on a regular basis but at least every four years
- To review and monitor diversity information, analysed wherever possible across all the protected characteristics, on University, Faculty and Departmental performance and refer matters of concern and good practice to SEC
- To review and monitor the implementation of Equality and Diversity priority projects approved by SEC
- To review and monitor processes in relation to the development and implementation of University Access Agreements and to refer issues, themes and good practice to SEC
- To undertake Equality Analysis on all policies to evaluate the impact on equality and diversity in relation to student experience
- To produce an annual report to SEC of the main issues which have arisen during the relevant academic year

7.5. Staff Equality Forum

- To review and monitor the Staff Equality and Diversity Action Plan
- To oversee the audit of published information to ensure that the University demonstrates, at least on an annual basis, compliance with the specific duties of the public sector equality duty (PSED)

- To audit that the University sets and publishes equality objectives on a regular basis but at least every four years
- To review and monitor staff diversity information, analysed wherever possible across all the protected characteristics

7.6. HR have responsibility for:

- Reviewing HR owned policies and procedures on a regular basis and at times of legislative change
- Ensure completion of an Equality Analysis for all policies and procedures owned by the HR department
- Providing training for all managers in equality and respect at work, and completion of Equality Analysis
- Supporting managers in the application of the policy and procedures
- Monitoring equality data and retaining it in a secure manner
- Conducting equal pay audits
- Ensuring all other HR policies and procedures comply with the Equality Act 2010 and this policy
- Ensure equality action plan for staff related matters is completed

7.7. Managers have responsibility for:

- Actively participating in proactive measures in relation to equality utilising a variety of tools including the Equality Analysis process
- Ensuring that discrimination, bullying and harassment are not tolerated and all claims are thoroughly investigated, and the disciplinary and grievance processes are effectively implemented where relevant
- Ensuring that they are not carrying out or requesting to be carried out tasks which may be deemed to be discriminatory
- Facilitating effective communications between management and staff
- Ensuring staff are fully trained to perform their jobs in line with the Equality and Diversity policy
- Leading by example and ensuring that all procedures are carried out in a non-discriminatory manner, including but not limited to recruitment and selection, selection for training, performance management, dealing with applications for flexible working

7.8. Individuals have a responsibility for:

- Co-operating in ensuring that the aims and objectives of the policy statement are achieved

- Attending any training provided in equality and diversity
- Taking reasonable steps to ensure they encourage equality and diversity within the University and to ensure their actions do not contribute to unfair or discriminatory treatment of others
- Supporting colleagues and students who may be experiencing unfair or discriminatory treatment through bringing this to the attention of the perpetrator and/or by encouraging the recipient to take action through the appropriate procedures
- Take all reasonable steps to ensure learning and teaching materials, methods and tools encourage equality and diversity.

8 Associated Documents

Employees

Equality and Inclusion Procedures

Disciplinary Policy and Procedure

Conflict Resolution and Grievance Policy and Procedure

Equality Analysis Guidelines

Recruitment Guide for Managers

Staff Learning and Development Policy

Students

Student Complaints Policy

Student Bullying and Harassment

Student Disciplinary Policy

9 Equality Analysis

An Equality Analysis available.

10 Version Control

Version Control		Approval record	
Author:	HR/SAS	Approval:	TU Liaison ISEG SEC UMT JCNC Governors
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Record of Amendments			
Date	Details of Change	Approval	
Oct 2016	Expanded to include all students and visitors to campus	March 2017	
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	Inserted responsibilities for ISEG and Staff Equality Forum	March 2017	
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