

# Equality, Diversity & Inclusion Policy

## 1. Introduction

This policy is discretionary in nature. Whilst the university expects its students, potential students, former, current and potential employees (and workers, as applicable), volunteers, contractors, visitors and associates of The University of Northampton and any wholly owned subsidiaries to comply with this policy, it does not confer contractual rights or form part of any contract of employment. It 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 ultimately lead to dismissal, termination of studies or termination of contractual arrangements. Such breaches will be addressed through 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 Staff Equality, Diversity and Inclusion Forum and the Student Equality, Diversity and Inclusion Forum on a 3 year basis or amended in response to experiences and changes in future legislation and/or case law.

## 2. Ownership

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

## 3. Organisational Scope

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

The Policy applies to all conduct on and off the University's premises, be it locally, nationally or internationally, during all University-related activities. For students this includes periods of off-campus study and work placements.

The Policy is also applicable during normal university hours and out of hours, we see all staff and students as ambassadors of the University and their behaviours should reflect our values.

#### **4. Key Definitions**

**Equality** is equal opportunities in work and study and not treating people unfairly because of protected characteristics.

**Diversity** is the range of people in our workforce and student population, which means different ages, religions, ethnicities, people with disabilities and gender, it means valuing those differences.

**Inclusion** is where everyone feels valued at work or in study. They feel safe to suggest different ideas, raise issues and know this is encouraged and to try to do things differently.

**Bullying** is unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not necessarily always obvious or apparent to others.

Bullying can be between two individuals or it may involve groups of people. It might be obvious, unconscious, or it might be insidious. It may be persistent or an isolated incident. It can occur in all forms of communication for example written communications, by phone, online, through social media and email, and also face-to-face. 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.

**Direct Discrimination** – This occurs where someone is treated less favourably than others because of:

- a protected characteristic (Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion or belief, Sex, Sexual orientation) they possess – this is **ordinary direct discrimination**; and/or

- a protected characteristic of someone they are associated with, such as a friend, family member or colleague – this is **direct discrimination by association**; and/or
- a protected characteristic they are thought to have, regardless of whether this perception by others is actually correct or not – this is **direct discrimination by perception**.

Direct discrimination in all its three forms could involve a decision affecting a students' educational outcomes e.g. making reasonable adjustments of those with a disability, or a member of staff's employment e.g. not employing someone, to dismiss them, withhold promotion or training, offer poorer terms and conditions or deny contractual benefits.

**Equality Impact 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 detrimental impact upon those with protected characteristics and how these may be avoided or minimised.

**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 and the Public Sector Equality Duty

**Harassment** - Harassment is defined as unwanted conduct or bullying because of a protected characteristic or 'of a sexual nature' and is therefore against the law. It must also have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

**Indirect Discrimination** - This type of discrimination is usually less obvious than direct discrimination and may be unintended. In law, it is where a 'provision, criterion or practice' involves all these four things:

- the 'provision, criterion or practice' is applied equally to a group, only some of whom share a certain protected characteristic

- it has (or will have) the effect of putting those who share the protected characteristic at a particular disadvantage when compared to others without the characteristic in the group
- it puts, or would put, an individual at that disadvantage, and
- the organisation is unable to objectively justify it - what the law calls showing it to be 'a proportionate 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 generally 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 of the Public Sector Equality Duty and thereby the Legislation.

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

**Victimisation** - This is when an individual is treated unfairly or less favourably because they made or supported a complaint to do with a protected characteristic, or someone thinks they did. This includes:

- making an allegation of discrimination, and/or
- supporting a complaint of discrimination, and/or
- giving evidence relating to a complaint about discrimination, and/or
- raising a grievance concerning equality or discrimination, and/or
- doing anything else for the purposes of (or in connection with) the Equality Act 2010, such as bringing an employment tribunal claim of discrimination.

**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.

## 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.

5.3. Public Sector Equality Duty – as part of 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.

In fulfilling its equality, diversity and inclusion commitments the University will:

5.4. 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.

- 5.5. 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.
- 5.6. 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.
- 5.7. 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.
- 5.8. Commit to a wide-ranging Equalities Action Plan.
- 5.9. Express its opposition to all forms of discrimination and adopt a zero-tolerance approach to discrimination, victimisation, harassment and bullying.
- 5.10. 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.
- 5.11. 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.

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.

### 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 diversity and respecting differences. The University values the unique perspectives and opportunities a diverse community can bring.

The University will strive to ensure that equality of opportunity and outcomes are 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. Outcomes and processes will be reviewed to ensure that indirect discrimination does not occur.
- 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; and outcomes and processes will be reviewed to ensure that indirect discrimination does not occur. 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.



- Policies and procedures including but not limited to, those dealing with flexible working, disciplinary, absence and complaints will be applied in a non-discriminatory way and will be assessed to ensure equality needs are met.
- Termination of contractual relationships– will be conducted in a non-discriminatory way and in accordance with the relevant University policies and procedures.

## **7. Roles and Responsibilities**

We all have a contribution to make in building and maintaining a culture of dignity and respect at the University.

The University endeavours to provide an inclusive learning, working and research environment defined by respect and dignity, free from harassment, bullying, abuse and discrimination.

All students, potential students, former, current and potential employees (and workers, as applicable), volunteers, contractors, visitors and associates of The University of Northampton and any wholly owned subsidiaries, are expected to behave with respect and courtesy at all times. As well as demonstrating due regard for the feelings and rights of others, to support an environment where dignity can be preserved and enhanced. This will promote the University as a safe, welcoming, creative space where there is equality of opportunity and outcome and valuing of diversity, fostered in an environment of mutual respect and dignity.

All staff and students, who are in positions of authority, are responsible for leading by example and advocating others to do the same.

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. Members of the University Management Team have responsibility and overall accountability 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
- Reporting on progress to the Board of Governors

7.4. The Student Equality, Diversity and Inclusion Forum has responsibility for:

- Implementing the equality and inclusion strategy for the University.
- Considering key areas of focus and develop action plans and activities to deal with these.
- Publicly articulating the importance and value of Equality, Diversity & Inclusion.
- Monitoring and supporting progress of strategy implementation, ensuring alignment to the University's business goals and objectives.
- Developing and implement a Student Equality, Diversity & Inclusion Rolling Action Plan
- Establishing Task and finish groups, co-opting relevant experts, for addressing specific EDI issues
- Acting as a forum for discussion, advice and consultation.
- Supporting the University in complying with legislative requirements i.e. The Public Sector Equality Duty, The Equality Act 2010, the Human Rights Act 1998.
- Approving a clear and impactful communications plan for Equality, Diversity and Inclusion including personal narrative relating to staff, students, and our community.
- Ensuring best practice across the University is shared and celebrated.
- Agreeing annual calendar of inclusion events that the University will support and approve budget for.
- Supporting student networks, supporting their agenda and advocating their work across the University.
- Providing recommendations and set standards for improvements.

- Proposing targets where appropriate.
- 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 UMT.
- Being a conduit for staff, students, partners and our community and sharing issues.
- Sharing the work of the group with respective faculty/ department and students Union, for example regularly circulating minutes of the forum, sharing EDI specific issues witnessed or raised within their area, sharing details of EDI events organised by the University.
- Strengthening existing links with the Staff Equality, Diversity and Inclusion Forum.

7.5. The Staff Equality, Diversity and Inclusion Forum has responsibility for:

- Implementing the equality and inclusion strategy for the University.
- Considering key areas of focus and develop action plans and activities to deal with these.
- Publicly articulating the importance and value of Equality, Diversity & Inclusion.
- Monitoring and supporting progress of strategy implementation, ensuring alignment to the University's business goals and objectives.
- Developing and implement a Staff Equality, Diversity & Inclusion Rolling Action Plan.
- Establishing Task and finish groups, co-opting relevant experts, for addressing specific EDI issues .
- Acting as a forum for discussion, advice and consultation.
- Supporting the University in complying with legislative requirements i.e. The Public Sector Equality Duty, The Equality Act 2010, the Human Rights Act 1998.
- Approving a clear and impactful communications plan for Equality and Inclusion including personal narrative relating to staff, students, and our community.
- Ensuring best practice across the University is shared and celebrated.
- Agreeing annual calendar of inclusion events that the University will support and approve budget for.
- Supporting staff networks, supporting their agenda and advocating their work across the University.
- Ensuring that appropriate equality and inclusion training is in place and relevant.

- Providing recommendations and set standards for improvements.
- Proposing targets where appropriate.
- Being a conduit for staff, students, partners and our community and sharing issues.
- Sharing the work of the forum with respective team/faculty members, for example regularly circulating minutes of the forum, sharing E&I specific issues witnessed or raised within their team/faculty, sharing details of EDI events organised by the University and our staff networks with their team/faculty members.
- Strengthening existing links with Inclusive Student Experience Group and Research Committee

7.6. Human Resources have responsibility for:

- Reviewing HR owned policies and procedures on a regular basis and at times of legislative change
- Ensuring 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
- Ensuring 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 are inclusive.

## **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

<b>Version Control</b>	2.1	<b>Approval record</b>	
Author:	HR/SAS	Approval:	TU Liaison 23/09/2020 ISEG SEC UMT 23/09/2020 JCNC Governors 28/10/2020
Date written:	September 2020	Updates:	
Current status:	Approved		
<b>Record of Amendments</b>			
Date	Details of Change	Approval	
Oct 2016	Expanded to include all students and visitors to campus	March 2017	
	Procedure removed	March 2017	
	Inserted responsibilities for ISEG and Staff Equality Forum	March 2017	
	Minor changes for clarity of wording	March 2017	
Apr 2020	Formal Policy review and amendments	October 2020	
	Expanded organisational scope to include conduct on and off premises, during and after normal university hours	October 2020	
	Included Equality, Diversity and Inclusion definitions	October 2020	
	Updated Bullying definition	October 2020	
	Updated Direct discrimination definition – moved from later part of policy	October 2020	
	Updated harassment definition	October 2020	
	Updated indirect discrimination definition – moved from later part of policy	October 2020	

	Updated victimisation definition - moved from later part of policy	October 2020
	Additional point in 6.4	October 2020
	Introduction to section 7 included	October 2020
	Updated roles and responsibilities in 7.4 and 7.5	October 2020