

Equality and Diversity Policy

1. Introduction

- 1.1 London Metropolitan University is committed to equality of opportunity and treatment both as a provider of education and as an employer and to the production, implementation, review and monitoring of policies that promote equality for all those who study and work within the institution. London Metropolitan University values the diversity of its students and staff. It recognises that people from diverse backgrounds can bring new ideas and perceptions that help increase organisational efficiency and improve services.
- 1.2 The University recognises its commitments under the law. The University is committed to providing equality of opportunity by aiming to ensure that its practices and procedures follow legal requirements and good practice as recommended by: the Commission for Racial Equality (CRE); the Equal Opportunities Commission (EOC); the Disability Rights Commission (DRC); the Chartered Institute of Personnel and Development (CIPD); and Universities UK (UUK). It is the University's policy to treat all members of staff, students and applicants fairly and equitably regardless of gender, racial or cultural grounds, disability, age, marital status, religious beliefs, sexual orientation, trade union activity, or any other category where discrimination cannot be reasonably justified. The University will ensure that no requirement or condition will be imposed without justification that could disadvantage individuals on any of the above grounds.
- 1.3 This policy sets out how the University intends to meet those commitments. This policy should be read in conjunction with the University's Race Equality Policy, Harassment Policy and Disability Policy.

2. The University's Commitment

- 2.1 The University will strive to create a positive, inclusive atmosphere, based on respect for people's differences, in which students and staff are actively encouraged to reach their full potential. All staff and students have rights and responsibilities in relation to the promotion of equality.
- 2.2 The governing body and all those in management and leadership roles will, through their defined responsibilities, be proactive in promoting diversity and equal opportunities, and in tackling and overcoming unlawful discrimination.
- 2.3 The governing body will maintain an overview of the implementation of the Equality and Diversity policy, and the Finance and Human Resources Committee will consider annually the results of monitoring.

3. Aims

- 3.1 The University's commitment is embodied in the following aims:
- 3.2 The University as an employer
 - 3.2.1 The University aims to eliminate discrimination in employment practices by making all staff fully aware of their responsibilities under this policy and by regularly monitoring its operation and effectiveness.
 - 3.2.2 Employment policies, practices and procedures will be examined and reviewed regularly by the Director of Human Resources to ensure that they do not discriminate unfairly, either directly or indirectly.

- 3.2.3 Job advertisements will carry a statement on the University's Equality and Diversity Policy.
- 3.2.4 In the recruitment and selection of employees the University will seek to ensure that advertising is not unnecessarily restricted.
- 3.2.5 Objective and justifiable job-related selection criteria will be used in the recruitment of staff. Appointments will be made on relevant ability and, where appropriate, qualification and experience.
- 3.2.6 All staff will be provided with information on the University's Equality and Diversity policy.
- 3.2.7 The University will ensure that terms and conditions of employment are applied fairly and consistently.
- 3.2.8 The University will take advantage of the positive action provisions of the relevant equality legislation in circumstances where it deems it to be appropriate.
- 3.2.9 The University recognises the importance of training as a key element in the promotion of equal opportunities. Such training/guidance is viewed as particularly important for those involved in appraising the performance and potential of employees; identifying training needs; and recruitment and selection procedures. Accordingly, the Training and Development programme will seek to ensure that managers and supervisors are given the skills to undertake these activities fairly and consistently.

3.3 The University as an educator

- 3.3.1 The University's principal aim is to provide excellent, flexible, accessible and relevant education and training. It collaborates with local education and training providers to widen local participation in further and higher education and to develop a range of study routes into the University, including the assessment of prior learning and experience. The University will seek to ensure that student applicants with special needs are not disadvantaged. Student admission to the University is based solely on academic criteria.
- 3.3.2 In recognition of the diverse needs of students in London the University offers flexible and responsive course structures and study patterns. Equality of opportunity is a major consideration in the access to and development and delivery of the curriculum.
- 3.3.3 Course publicity materials and exhibitions will include a statement outlining the University's commitment to equality of opportunity and diversity. Such marketing materials will be directed at encouraging the widest representation of cultural and social groups on University courses. All material published by the University will seek to avoid the use of offensive and discriminatory language and images.
- 3.3.4 The University respects the wide diversity of the student body and will endeavour to ensure that systems and practices do not conflict with cultural and religious beliefs. Where there is possible tension, staff will be encouraged to take a sympathetic approach and to seek advice where appropriate.
- 3.3.5 Academic counselling will be available to meet diverse needs and to ensure that students are aware of appropriate study progression routes.

3.3.6 Student support including learning development will seek to take account of the diversity of the student body in order that the needs of individuals are provided for in service delivery.

3.3.7 Assessment methods will be reviewed to ensure that academic criteria only are used to determine student progress. Systems will be used to ensure that bias and discrimination are avoided during the assessment process.

4. Monitoring and Assessing Effectiveness

4.1 The University will collect, analyse and assess relevant data, in order to measure performance and effectiveness and consider how improvements could be made through the setting of targets or other action. The University is committed to effective action to eliminate all forms of unlawful discrimination.

4.2 Student progress will be monitored at all stages, from application to graduation.

4.3 Staff monitoring will cover all activities that relate to staff recruitment and selection, career development and opportunities for progression.

4.4 Monitoring information will be regularly assessed and reported to the Finance and Human Resources Committee to evaluate the progress that the University is making towards meeting its objectives. These assessments will assist the University to:

- welcome and encourage diversity;
- identify and eliminate barriers to diversity;
- take advantage of the positive action provisions of the relevant equality legislation where necessary and appropriate; and
- decide what more can be done realistically to improve the progression of students and to improve the recruitment and progression of staff.

5. Roles and Responsibilities

5.1 The Governing Body is responsible for ensuring that:

- the University complies with all the anti-discriminatory legislation requirements, in particular the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 1995, Sex Discrimination Acts 1975 and 1985, and the Special Educational Needs and Disability Act 2001;
- with assistance from the Executive Group, Directors and Heads of Department, the policy and its related action plans, procedures, strategies and arrangements are implemented; and
- the policy is continuously reviewed, and all staff are provided with and attend appropriate training.

5.2 The Finance and Human Resources Committee leads on the development of the Equality and Diversity Policy, oversees its implementation, and will have specific responsibilities for:

- co-ordinating equality and diversity work in accordance with the terms of reference; and
- providing guidance to the Board of Governors.

5.3 The Chairs of the University's Committees are responsible for ensuring that the equal opportunities and diversity principles are built into the University's policies and procedures through the work of the Committees they lead.

5.4 The Vice-Chancellor & Chief Executive is responsible for:

- ensuring, with the governing body, that the policy and its related procedures, mechanisms and strategies are implemented effectively;
- providing a consistently high profile lead on issues covered by the policy;
- ensuring that all staff are aware of their responsibilities under the policy; and
- ensuring that appropriate action, under the policy, is taken against staff or students who are found to have acted in any way in an unlawfully discriminatory manner.

5.5 The Director of Human Resources is the member of the Executive Group who has responsibility for the development, co-ordination, dissemination, and monitoring of this policy in respect of staff, with specific responsibility for:

- promoting equal opportunities and the management of diversity and raising awareness of equality issues across the University's core business;
- providing appropriate training and information opportunities to staff and governors in support of the policy and adequately supporting them in order for them to fulfill their responsibilities appropriately;
- providing and publishing monitoring data in respect of staff in support of the policy;
- identifying and designating members of staff throughout the University to deal with reported incidents of racism or harassment; and
- maintaining a contact list of the member of staff within each Department who is responsible for co-ordinating and mainstreaming equality and diversity work; and

5.6 The Deputy Vice-Chancellor (Academic) is the member of the Executive Group who has responsibility for ensuring the University's commitment to equal opportunities and diversity is reflected in the design and delivery of the curriculum and for the development, co-ordination, dissemination and monitoring of this policy in respect of students with specific responsibility for:

- promoting and managing all matters relating to student equal opportunities and diversity; and
- providing and publishing monitoring data in respect of students in support of the policy.

5.7 Directors and Heads of Department should:

- implement the policy and its related procedures and strategies, including local policy planning and review;
- identify and support a person within their area/department who is responsible for co-ordinating and mainstreaming equality work;

- ensure that staff are aware of their responsibilities and give appropriate training and support;
- take appropriate action against staff or students who discriminate unlawfully; and
- ensure external partners are aware of the policy.

5.8 Student Services and the London Metropolitan University Students' Union, under the direction of the Director of Learning, Teaching and Student Affairs, should be active in implementing the University's equal opportunities policies as they relate to students, promoting equal opportunities and raising awareness amongst students.

5.9 The London Metropolitan University Students' Union is responsible to the Board of Governors for:

- implementing the policy and its related procedures and strategies, including local policy planning and review.

5.10 All staff and students have a personal responsibility for:

- Contributing to the maintenance of an environment in which the dignity of individuals is respected;
- actively implementing the Equality and Diversity policy on a day to day basis; and
- staff and officers of the London Metropolitan University Students' Union are responsible for attending training and information events in order to keep up to date with anti-discrimination legislation and current best practice.

5.11 In addition, all teaching staff should:

- promote equality and diversity through their teaching programmes and through relations with students, staff and the wider community;
- ensure that the curriculum covers the knowledge, skills and values which students need to tackle discrimination when they meet it and to help them respect different cultures; and
- ensure that materials used to deliver the curriculum are free from sexist, racist and other discriminatory assumptions, images and languages, unless they are being studied as examples of such.

5.12 It is expected that all visitors to the University and representatives from other organisations attending the University will abide by the principles of this policy. Behaviour which is contrary to this policy will not be tolerated on University premises.

5.13 The University's Purchasing Officer is responsible for ensuring that contractors and suppliers are aware of, and comply with this policy.

6. Breaches of the Policy

6.1 The University expects all staff and students to comply with this policy and will not tolerate any acts of unlawful discrimination or harassment. Any such acts will be investigated and where appropriate dealt with under relevant disciplinary procedures.

7. Complaints

- 7.1 All staff and students have the right to make a complaint of a breach of this policy. This will be dealt with promptly, fairly and confidentially.
- 7.2 The University treats acts of discrimination and harassment extremely seriously and will seek to safeguard all parties during the investigation of allegations. Disciplinary action will be taken, as appropriate, where allegations of discrimination or harassment are founded or where allegations are found to be vexatious and have caused unnecessary distress to colleagues.
- 7.3 The University will ensure that staff and students who make a complaint of unlawful discrimination or harassment are fully supported and are not victimised as a result of making a complaint.
- 7.4 Staff who have concerns about discrimination or harassment should contact the University's harassment advisors, their line manager, Human Resources or, if they are a member of a trade union, their trade union representative.
- 7.5 Students who have concerns about discrimination or harassment should contact the Student Services Department or the London Metropolitan University Students' Union.
- 7.6 Staff and students who consider that they have been subject to harassment have the right to make a complaint under the University's Harassment Policy and Procedures, details can be found in the Student Handbook, or on the Human Resources web pages under Policies and Procedures.
- 7.7 Staff who consider they have been subject to unlawful discrimination or harassment have the right to make a complaint under the University's Grievance Procedure. Full details of the Grievance Procedure can be found on the University's Human Resources web pages under Policies and Procedures.
- 7.8 Students who have been subject to unlawful discrimination or harassment have the right to make a complaint under the Students Complaints Procedures. Full details are available from the London Metropolitan University Students' Union.

8. Maintenance and Review

- 8.1 The University will:
 - ensure that all staff and students are made fully aware of their responsibilities under the policy and informed of their obligations under the relevant legislation;
 - ensure that external work placement providers are aware of the University's policy in relation to equal opportunities and diversity;
 - provide relevant briefing/training to all staff and governors on areas related to the policy and its implementation;
 - welcome diversity and promote equal opportunities, assess, review and revise other University policies for their effectiveness and impact in eliminating discrimination;
 - use cross-referencing to ensure clear links between the Equality and Diversity policy and other University policies and functions;
 - include equal opportunities and diversity impact questions into policy development and planning processes; and

- use the assessment and monitoring findings to expand, revise, update, improve and maintain the Equality and Diversity policy and also establish or revise priorities, targets and initiatives in appropriate strategic plans.

8.2 The University will review the Equality and Diversity policy on a regular basis, ensuring that students, staff and trades unions are involved in the assessment and monitoring procedures and processes and consult with representatives of these bodies to improve the effectiveness of such procedures and processes.

9. Publishing Arrangements

9.1 The University will:

- publicise and promote the policy through the University's internal newsletter, the University's website, the Student Handbook and articles in relevant newsletters;
- make a copy of the policy available to current staff and issue new staff with a copy of the policy with their contract of employment;
- make students aware of this policy when they join the University; and
- make new staff aware of this policy as part of the central induction process.

10. Vicarious Liability

10.1 Heads of Department and line managers should be aware that any form of discrimination against members of staff or colleagues might result in formal proceedings against them at an Employment Tribunal. In such cases the Head of Department or line manager would be required to attend the Tribunal and could, if the case were proven, be deemed to be vicariously liable for any such discrimination.

11. Definitions

11.1 Race Discrimination

11.1.1 Direct Discrimination on the grounds of Race¹

This is treating one person less favourably than another on racial grounds. Direct discrimination is unlawful under the Race Relations Act.

For example²

Racist abuse and harassment are forms of direct discrimination.

Racial harassment would include someone engaging in unwanted conduct which has the purpose or effect of violating another person's dignity or is creating an intimidating, hostile, degrading, humiliating or offensive environment.

11.1.2 Indirect Discrimination on the grounds of Race¹

This occurs when a rule or condition which applies equally to everyone:

- can be met by a considerably smaller proportion of people from a particular racial group;
- is to the disadvantage of that group; and
- can not be justified on non-racial grounds.

All three conditions must apply.

Indirect discrimination on the grounds of Race also occurs when a provision, criterion or practice, which applies equally to everyone, substantially disadvantages people from a particular racial group.

For example²

A rule that employees or students must not wear headgear could exclude Sikh men and boys who wear a turban, or Jewish men or boys who wear a yarmulka, in accordance with practice within their racial group.

Note²: The Race Relations Act 1976 (Amendment) Regulations brought in a new definition of indirect discrimination on grounds of race or ethnic or national origin. However, the original definition of indirect discrimination applies in complaints of discrimination based on grounds of colour or nationality.

11.1.3 Victimization on the grounds of Race¹

This is punishing or treating someone unfairly because they have made a complaint of racial discrimination, or are thought to have done so; or because they have supported someone else who has made a complaint of racial discrimination. Victimization is defined as unlawful under the Race Relations Act

11.2 Sex Discrimination³

11.2.1 Direct discrimination³

Direct sex discrimination is less favourable treatment of a woman than a man (or vice versa) because of her sex. If the less favourable treatment is for reasons connected with pregnancy, or maternity, this is automatically direct sex discrimination since men do not get pregnant and would, therefore, not be treated in the same way. Direct discrimination is unlawful under the Sex Discrimination Act.

Most sexual harassment is direct discrimination, because you are being treated in a way a person of the other sex would not be treated.

Direct discrimination on the grounds of marital status is less favourable treatment of a married person compared with a single person of the same sex. Discrimination on grounds that someone is not married is not unlawful.

For example³

Not giving a married woman equal treatment compared with other single women competitors for a post, because she might have a baby in the near future.

11.2.2 Indirect discrimination on the grounds of gender³

Indirect sex discrimination occurs when an employer applies a provision, criterion or practice, which is to the detriment of a considerably larger proportion of women than men (or vice versa) unless the provision, criterion or practice is genuinely necessary.

For example⁴

A mortgage provider who will only lend to full time workers. Many more women than men work part time but not all of them are on the low wages typically associated with women's part time work. Some will be in well-paid secure jobs, so it may be unreasonable to have a blanket ban on part time workers.

A rule saying that only people more than 6 feet tall will be hired will exclude far more women than men and will be unlawful sex discrimination unless the employer can show the rule is an appropriate and proportionate way of meeting a genuine business need.

11.2.3 Victimization on the grounds of gender³

Victimization occurs when you are treated less favourably than others because you acted in good faith to assert your rights under the SDA or the Equal Pay Act.

For example³

Being taken off more challenging work because you complained about not being allowed reasonable time off for antenatal visits.

11.3 Staff and students are strongly encouraged to consult the Equal Opportunities Commission (EOC) codes of practice and web site (www.eoc.gov.uk).

1 Commission for Racial Equality (May 2002), Statutory Code of Practice on the Duty to Promote Race Equality.

2 Commission for Racial Equality Web Pages http://www.cre.gov.uk/legaladv/rights_disc.html (September 2003)

3 http://www.eoc.org.uk/EOCeng/EOCcs/TribunalAndCourtProcedures/unlawful_sexual_discrimination_and_victimisation.asp (Jan 2004)

4 <http://www.eoc.org.uk/EOCeng/EOCcs/AboutEOC/04.asp> (January 2004)