

# Equality, Diversity and Inclusion Policy: appendices

Version No.	Description	Author	Approval	Effective Date
1.0	Equality, Diversity and Inclusion Policy: appendices	Access, Equality and Inclusion	Senate (November 2020)	Academic Year 2020/21

Version 1.0

Equality, Diversity and Inclusion Policy: appendices

the place of useful learning

The University of Strathclyde is a charitable body, registered in Scotland, number SC015263

## Contents

<b>APPENDIX A: DEFINITIONS .....</b>	<b>2</b>
<b>APPENDIX B: RELATED UNIVERSITY POLICIES, PROCEDURES AND GUIDANCE .....</b>	<b>3</b>
<b>APPENDIX C: POLICY IMPLEMENTATION CASE STUDIES .....</b>	<b>3</b>
<b>APPENDIX D: UNIVERSITY AND EXTERNAL SUPPORT, INFORMATION AND ADVICE .....</b>	<b>7</b>

## **Equality, Diversity and Inclusion Policy: Appendices**

### **APPENDIX A: DEFINITIONS**

#### **1. Positive Action**

The Equality Act 2010 allows “positive action” as a proportionate means of enabling or encouraging people with a protected characteristic to overcome or minimise disadvantage, or participate in activity where they are underrepresented.

This includes allowing employers to recruit or promote employees because of their protected characteristic if they are as qualified as other candidates, provided this is done on a case-by-case basis rather than as a matter of policy.

Other examples of positive action measures might include:

- the use of targeted advertising to encourage underrepresented groups to apply to work at the institution
- taking steps to remove barriers in student outreach or admissions for groups of students underrepresented in particular subjects
- providing alternative processes to meet different needs in accessing services

#### **2. Discrimination, harassment and victimisation**

**2.1.** Direct discrimination is defined as treating someone worse than another person or other people because:

- they have a protected characteristic
- someone thinks that they have that protected characteristic (known as discrimination by perception)
- they are connected to someone with that protected characteristic (known as discrimination by association)

**2.2.** Indirect discrimination happens when there is a policy or practice that applies in the same way for everybody but disadvantages a group of people who share a protected characteristic. Indirect discrimination can be justified if it can be shown that the policy or practice is a proportionate means of achieving a legitimate aim.

**2.3.** Harassment is defined as unwanted conduct directed at a person because they have or are perceived to have a protected characteristic, which has the effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for a person, or violating a person’s dignity.

- 2.4.** Victimisation is defined as treating a person less favourably because they have complained or intend to complain about discrimination or harassment, or other potential breaches of the Equality Act 2010, or helped someone else to do so.

## **APPENDIX B: RELATED UNIVERSITY POLICIES, PROCEDURES AND GUIDANCE**

A full list of staff policies and procedures can be found on the [HR Policies and Procedures](#) website. Student policies and procedures can be found on the [Student Policies and Procedures](#) website. Policies, procedures and guidance with particular relevance to this policy and which assist with its implementation include:

1. University Equality Outcomes
2. University Equality Impact Assessment Tool
3. Dignity and Respect Policy
4. LGBT+ Guidance
5. Disability Policy
6. Dress Code and Appearance Policy
7. Data Protection Policy

## **APPENDIX C: POLICY IMPLEMENTATION CASE STUDIES**

The following case studies provide examples of situations and circumstances in which the Equality, Diversity and Inclusion Policy would apply. Any queries related to circumstances in which this policy should be implemented should be referred to the Access, Equality and Inclusion service.

### **1. Case Study: eliminating discrimination, harassment and victimisation**

#### **Situation**

Four students have been assigned to a group to carry out a joint assignment. During a coffee break in one of their meetings, one student, Stephen, repeatedly makes jokes about people from Gypsy and Traveller communities implying that they are dishonest and uneducated. Unbeknownst to Stephen, another member of the group, Beth, is from a Traveller background and finds the jokes to be degrading and offensive. Beth subsequently makes a complaint to the class tutor, Jennifer, regarding Stephen's behaviour.

#### **Policy application**

On referring to the EDI Policy, Jennifer concludes that Stephen's remarks could be classified as harassment related to the protected characteristic of race.

Harassment occurs when an individual/organisation engages in unwanted behaviour which is related to a relevant protected characteristic and which has the purpose or effect of:

- violating a person's dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive environment

The word 'unwanted' means 'unwelcome' or 'uninvited'. It is not necessary for the affected individual to say to the perpetrator that they object to the behaviour for it to be unwanted.

Whether or not the unwanted behaviour constitutes unlawful harassment depends on the purpose or effect of the behaviour. It does not matter what the intention behind the behaviour is if it creates the circumstances described above. In determining if the behaviour has had such an effect, it is necessary to consider not only the perception of the student but also the other circumstances of the case including whether it is reasonable (judged objectively) for the behaviour to have that effect.

In this context 'related to' has a broad meaning and would include situations where the complainant might not have the protected characteristic themselves, provided there is a connection between the behaviour and a protected characteristic.

This would also include situations where the complainant is associated with someone who has a protected characteristic or is wrongly perceived as having a particular protected characteristic.

### **Outcome**

In taking appropriate action to deal with Beth's complaint, Jennifer can highlight the EDI Policy to Stephen and explain why his remarks could constitute harassment under the policy.

It is important for Jennifer to highlight to Stephen that the fact that he did not know that Beth was from a Traveller background is not a reasonable defence. Even if Beth had no connection to a Traveller community, she would still have been entitled to complain, as the jokes Stephen made relied on racist stereotypes and could be reasonably said to have created an intimidating, hostile, degrading, humiliating or offensive environment.

The EHRC has further guidance on [what equality law means for students in further or higher education](#).

## **2. Case Study: advancing equality of opportunity**

### **Situation**

An Engineering department is recruiting for a new Professor. They have recently been reviewing the gender balance of their staff and student populations as part of a wider Faculty project and are aware that they have had only one female professor in the past five years. The Head of Department, Phil, is keen to take action to address this but is unsure what steps to take. At a departmental meeting, Mark, who has been a Professor in the department for two years, suggests that targeted advertising of the new post could be

undertaken to try and attract more female applicants. He also suggests that the department should actively try to include as many women as possible on the shortlist to give the best chance of appointing a woman. Phil remarks that he is not sure that Mark's suggestions would be legal and may leave the department open to claims of discrimination against male candidates.

### **Policy application**

Phil refers to the EDI Policy to try and ascertain whether there might be specific steps the department can take to attract female applicants to apply to the new post and to work towards increasing their percentage of female academic staff more generally.

Phil is able to confirm that the University has an obligation and commitment to advancing equality of opportunity, including addressing underrepresentation of specific groups within staff and student populations and encouraging underrepresented groups to work, study and progress at the University.

He also notes that the Equality Act 2010 allows "positive action" as a proportionate means of enabling or encouraging people with a protected characteristic (e.g. sex) to overcome or minimise disadvantage, or participate in activity where they are underrepresented. This includes allowing employers to recruit or promote employees because of a protected characteristic if they are as qualified as other candidates, provided this is done on a case-by-case basis rather than as a matter of policy. He also notes that the use of targeted advertising to encourage underrepresented groups to apply for posts is an example of positive action.

### **Outcome**

Phil discusses recruitment for the post further with the relevant HR Manager and agrees on appropriate and legal wording for the job advertisement that indicates the department's commitment to addressing gender imbalances. They also identify specific job posting sites targeted at women in engineering. Phil raises the possibility of choosing to appoint a woman in the event that the recruitment panel agreed, post interviews, that they had two or more equally qualified candidates. The HR Manager agrees that this is possible, but that any such decision would need to be extremely clearly and objectively demonstrated and that the principal of selection on merit should remain paramount at all stages of the recruitment process. Phil notes this and assures the HR Manager that merit will continue to be the overriding deciding factor in the recruitment, shortlisting and appointment stages for the post.

The EHRC has further guidance on [positive action in the workplace](#).

### **3. Case Study: fostering good relations**

#### **Situation**

The University Muslim Students' Association has been concerned about some recent high-profile press coverage which they feel has contributed to negative stereotypes surrounding Muslims in the UK. There have been some debates on social media sites frequented by current and prospective Strathclyde students on the issues raised in the press, which have included some racist and anti-Muslim posts. The posts have been reported to the University and removed, and the perpetrators identified and disciplined where possible, but the Association is particularly concerned that new, incoming students who are Muslim will be worried about starting University when the academic year begins in a few weeks.

#### **Policy application**

The president of the Muslim Students' Association, Zahra, refers to the University's EDI Policy to determine whether anything might be done to support Muslim students who might be concerned after reading the press reports and social media posts.

She notes that the University has an obligation and commitment to fostering good relations between different groups, including with regard to 'protected characteristics' such as religion and belief. Zahra notes that the University gives consideration to opportunities to tackle prejudice and promote understanding between different groups within University communications, events and activities.

She contacts the Student Experience Directorate and Strathclyde Students' Union to discuss potential activities during Freshers Week and induction that might help to address and dispel negative stereotypes and promote understanding between Muslim students, students from other faith backgrounds and students who do not subscribe to any religion.

#### **Outcome**

A series of events are arranged during Freshers Week, giving incoming students the opportunity to learn about different faiths and belief systems, including non-religious beliefs, and to connect with others from a variety of backgrounds. The University also ensures that its online course in Equality, Diversity and Inclusion for students is promoted to students and that they are asked to complete this as part of their induction.

The University's processes for reporting inappropriate behaviour, verbal or physical harassment, or other actions that make students or staff feel unsafe continue to be promoted during Freshers Week and beyond.

The University, Students' Union and various students' associations also discuss collaborative campaigns that can run throughout the year to help promote understanding of different groups and address prejudices and stereotypes.

The EHRC has published some additional example case studies related to [fostering good relations](#).

## **APPENDIX D: UNIVERSITY AND EXTERNAL SUPPORT, INFORMATION AND ADVICE**

### **Internal contacts**

- Access, Equality and Inclusion Service
- [Disability and Wellbeing Service](#)
- [International Student Support](#)
- [Strathclyde Students' Union Advice Hub](#)
- [Student LGBT+ Society](#)
- [Trans, Non-Binary and Gender Diverse Student Support Group](#)
- [Human Resources](#)
- [Occupational Health](#)
- [Dignity and Respect Advisors](#)
- [LGBTQI+ Staff and PGR Student Network](#)

### **External contacts**

[Equality and Human Rights Commission](#)  
[Equality Advisory and Support Service](#)  
[Advance HE](#) (formerly Equality Challenge Unit)