



HARPER ADAMS UNIVERSITY COLLEGE

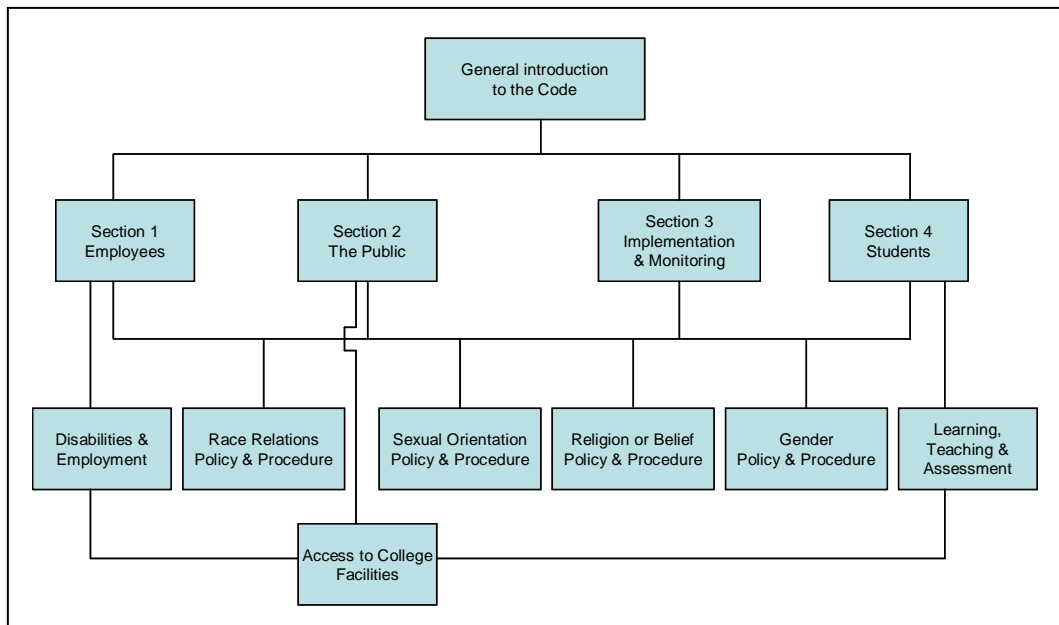
**EQUALITY AND DIVERSITY
CODE OF PRACTICE**

HARPER ADAMS UNIVERSITY COLLEGE

EQUALITY AND DIVERSITY CODE OF PRACTICE

GENERAL INTRODUCTION TO THE CODE

1. Harper Adams University College is committed to the operation of a set of policies (together defined as the Code of Practice or 'the Code') to promote equality and diversity for all of its employees and students (in terms of entry to employment, admission to courses and subsequent involvement in the College community) and to others with whom the College has dealings in its normal course of business.
2. The Code sets out the equality and diversity policies, details of the approach to ensure that equality and diversity practices are implemented and operated within the College and the methods by which the outcomes of the College's policies and practices will be monitored.
3. The Code takes account of the legislative framework that applies to higher education institutions, in particular:
 - a) The Disability Discrimination Act 1995 and Amendment Regulations 2003
 - b) The Special Educational Needs and Disability Act 2001
 - c) The Race Relations (Amendment) Act 2000 and Amendment Regulations 2003
 - d) The Employment Equality (Religion or Belief) Regulations 2003
 - e) The Employment Equality (Sexual Orientation) Regulations 2003
4. Despite the titles attached to the above legislation, there is considerable overlap in the legislative framework between the provisions for employees, students and members of the general public. The Code is therefore structured to reflect the specific needs of employees (Section 1), students (Section 2) and members of the public (Section 3) in their dealings with the College. Section 4 provides information about the way in which the College has assigned responsibilities for the operation of the Code, and how it will monitor and report on the Code's implementation. The structure is described in the following diagram.



5. The College's Board of Governors has overall responsibility for ensuring that the College operates within the legislative framework and will deal specifically with issues concerning the Public (Section 3) and Monitoring (Section 4). The Governors Staffing Committee will hold responsibility for matters concerning Employees (Section 1) and the Academic Board for matters concerning Students (Section 2). The Staffing Committee and Academic Board will be expected to report on the implementation of their respective sections to the Board of Governors.

6. Suggestions on improvements to the Code, or other issues that could usefully be addressed in the College's policy statements, should be submitted to the Director of Corporate Affairs (dllewellyn@harper-adams.ac.uk)

Version 1.0
April 2004

SECTION 1: EMPLOYEES

Equality and Diversity Policy for Employees

The College is committed to a policy of equal opportunities. It is the College's aim that job applicants and employees are treated fairly on the basis of merit regardless of age, disability, family responsibilities, gender, HIV status, mental health problems, nationality, race, religion, socio-economic background sexual orientation or transexualism. The College follows an Employee Code on Equality and Diversity to ensure that this policy is fully effective.

Employee Code on Equality and Diversity

Short Policy Statement for Employees

1. The College will issue a Short Policy Statement for Employees on Equality and Diversity issues, that will summarise the main aspects of the Code on Equality and Diversity. The Short Policy Statement is at Annex 1.

Application of the Code

1. The policy applies to all actual and potential employees. The College will ensure that employment opportunities are available to all by enforcing the policy in strategic areas as identified below. In implementing this policy it is recognised that certain disadvantaged groups may encounter particular difficulties in employment. This policy is designed to be effective in terms of:
 - a) Race discrimination: The aim of the policy is to ensure the avoidance of racial discrimination in all College employment procedures. Equality of opportunity regardless of race is vital, both to give individuals a fair and equal chance of developing their abilities and realising their expectations and also for the College to make full and effective use of its staff
 - b) Sex discrimination: An increasing number of women wish to be employed and many more no longer wish to give up their careers as a result of having children. Social attitudes may deprive women of opportunities to realise their abilities and thereby lead many women to lower their expectations. The aim of the policy is to improve the opportunities available to women. Men and women will be encouraged to apply for posts which hitherto have been staffed predominantly or exclusively by a single sex provided that, in the latter case, there is no genuine occupational qualification
 - c) Religion or belief discrimination: The religion or personal beliefs of a job applicant or member of staff may mean that the College must make reasonable adjustments to account for religious observance.
 - d) Sexual orientation: The College has a duty to ensure that discrimination on account of sexual orientation does not occur in the workplace.
 - e) Disability discrimination: The College has a duty to make reasonable adjustments to its practices, premises and training provision, on a case by case basis, to enable the selection and employment of people with disabilities.

Recruitment and Selection

2. The intention of the recruitment procedure is to ensure the widest suitable response to any employment vacancies within the College. Such vacancies shall be advertised in a non-discriminatory form and brought to the attention of disadvantaged groups. All advertisements for employment will be placed through Personnel Office who will scrutinise the content to ensure that no directly or indirectly discriminatory material is included. It is also the responsibility of the Personnel Office to place the advertisement in appropriate media. The following guidelines will apply:

- a) Posts should normally be advertised internally and externally
 - b) The wording of advertisements should not discourage any applicant who is eligible for a post from applying
 - c) Where appropriate the 'positive action' clauses of the legislation should be considered. See Annex 2 for further guidance
 - d) Careful consideration should be given to the most appropriate means of advertising posts and steps should be taken to ensure that notices of job vacancies are advertised in a range of media which are likely to reach potential applicants from all areas of the community.
 - e) Notwithstanding the provisions of this section, the College may create a post for a named individual, or fill a vacant post by invitation, if in its judgement the interests of the College will be best served by so doing. This course of action might be invoked in the following instances:
 - the appointment at a senior level of an outstanding scholar who would bring to the College great distinction;
 - the appointment of co-workers and assistant staff forming the research team of a senior appointee;
 - the appointment of an individual or team of individuals supported by external funds who would complement the activities of the College;
 - the appointment of staff on transfer from another College/University under a Higher Education Funding Council for England or similar initiative;
 - the appointment of an academic member of staff to a personal Chair;
 - the appointment of existing staff to designated posts under a reorganisation;
 - the redeployment of a member of staff at risk of redundancy;
 - the appointment of a named individual to support a research grant or contract
 - f) When this clause is invoked the reasons will be recorded and brought to the attention of the Governors Staffing Committee
3. The selection process is of crucial importance and must therefore be carried out in accordance with the Code of Practice on Staff Selection, which requires that selection is made on the basis of objective, job related criteria. The College will endeavour, through adherence to its Code of Practice on Staff Selection, and through providing appropriate training, to ensure that those making selection decisions do not discriminate unfairly, whether consciously or unconsciously, in making those decisions.

Training

4. The provision of training can greatly facilitate equal opportunities at work. In the first instance, induction is particularly important to give all new employees an understanding of the job and the College. When needs are identified, training opportunities will be available to all employees in accordance with the College's staff development and training policies.

Probation, Progression and Promotion

5. It is in the College's interests to provide equal opportunities during probation, and for progression and promotion to all employees. Where possible, employees with the required aptitudes and skills will be promoted. Those with staff management responsibilities must continuously assess the promotion potential of all employees, having regard to special development and training needs. All promotion decisions for academic staff must be made in accordance with the process described in the documents entitled, 'Criteria and Procedures for Readerships and Senior Lectureships' and 'Criteria for Appointments to Professorial Posts'.

Redeployment, Retirement and Redundancy

6. It is the College's policy that redeployment, retirement and redundancy issues should be resolved by reference to appropriate legislative guidelines. Discrimination on grounds of sex, ethnic origin or other forms outlined in this document, in the application of the College's policies on redeployment, retirement or redundancy will not be allowed.

Conditions of Service

7. National and Local Conditions of Service do not in themselves discriminate against disadvantaged groups. Their implementation and the resultant working arrangements must be applied fairly to all employees.

Decision Making

8. The composition of decision making bodies within the College shall be objectively determined having regard to the College's Instrument and Articles of Government. Selection to serve on committees and working parties within the College shall be on the basis of experience and qualifications.

Operational Arrangements

9. This policy applies to all employees within the College, and particularly those in a position of responsibility with control over other employees. It is the duty of each senior manager and Head of Group/Department actively to promote equality of opportunity. Those with management responsibilities must ensure the full implementation of this policy by introducing specific initiatives in the areas under their control. Such initiatives may take the form of a change of working practices to accommodate the requirements of staff where personal circumstances have changed or change of physical conditions to accommodate disabled staff. In addition each employee has a duty, both morally and legally, not to discriminate against individuals or disadvantaged groups.

Monitoring

10. The Personnel Manager will be responsible for monitoring the operational effectiveness of the policy. The effectiveness of meeting the aims and objectives of the policy can only be judged using feedback on how the policy operates. It will be necessary therefore to use monitoring systems to be able to provide data on the College's performance in this area.

Discipline

11. The objective of the disciplinary procedure is to ensure fair and equitable treatment of all employees. Disciplinary action will be taken within the agreed Disciplinary Procedures which are non-discriminatory in content.

Grievances

12. Any job applicant or employee who perceives inequity in recruitment and selection, training, probation, progression and promotion, or the application of conditions of service, should raise their concerns, in the first instance, with the Personnel Manager.
13. Any grievance arising from the Equality and Diversity Policy will be dealt with using the College's Grievance Procedure, except in cases of harassment or bullying for which a separate procedure applies.
14. The intention of this policy is to prevent unfair discrimination and actively to promote equal employment opportunity, but nothing herein shall prevent an individual or group from pursuing their statutory rights through statutory procedures or at an industrial tribunal.

15. The Commission for Racial Equality and the Equal Opportunities Commission are both available to give advice, information and assistance on employment matters.

The College's Position on Freedom of Expression

16. The College is committed to ensuring that its activities can be conducted effectively in an atmosphere of mutual tolerance and intellectual freedom. All members of the College will seek to ensure that learning is facilitated in an environment free from harassment and unfair discrimination in which individual potential can develop with confident, open and critical enquiry. Freedom of expression, however, may not be exercised to threaten the safety or freedom of expression of others. Staff or students who feel personally threatened, disadvantaged or damaged by the behaviour of other members of the College have recourse to the College's policies (staff and student) on harassment.

Version 1.0
April 2004

EQUALITY AND DIVERSITY**Short Policy Statement for Employees****Policy**

The College is committed to a policy of equal opportunities. It is the College's aim that job applicants and employees are treated fairly on the basis of merit regardless of age, disability, family responsibilities, gender, HIV status, mental health problems, nationality, race, religion, socio-economic background, sexual orientation or transsexualism. The College follows an Employee Code on Equality and Diversity to ensure that this policy is fully effective. In confirming the Policy, the Board of Governors endorses the following procedure for implementation.

Procedure

1. The College is committed to the promotion of equal opportunity. Equal opportunity is about good employment practices and efficient use of our most valuable asset, our employees. Every Manager and employee has *personal* responsibility for implementation of the policy. Any instance of doubt about the application of the policy, or other questions, should be addressed to the Personnel Manager, as should any requests for special training.
2. This policy applies to the advertisement of jobs, recruitment and appointment to them, training, conditions of work, pay and to every other aspect of employment. The policy also applies equally to the treatment of our students and customers.
3. Employees should note that the imposition of a condition or requirement which has an adverse impact on someone because his or her sex, race, marital status, religion or belief, sexual orientation or disability is unlawful unless it can be justified on grounds of business needs. In all such situations the Personnel Manager should be consulted.
4. Employees who are disabled, or become disabled during the course of their employment, should inform and may wish to advise the Personnel Manager of any "reasonable adjustments" to their employment or working conditions which they consider to be necessary, or which they consider would assist them in the performance of their duties. Careful consideration will be given to any proposals of this nature and, where reasonable and reasonably practicable, such adjustments will be made. There may, however, be circumstances where it will not be reasonable or reasonably practicable for the College to accommodate those proposals and where less favourable treatment may be justified in accordance with the statutory provisions.

Grievance & Discipline

5. Any member of staff may use the grievance procedure to complain about discriminatory conduct. The College is concerned to ensure that staff feel able to raise such grievances and no individual will be penalised for raising such a grievance unless it is untrue and made in bad faith.
6. Any member of staff who harasses any other member of staff or student on the grounds of sex, race, marital status, religion or belief, sexual orientation or disability will be subject to the College's disciplinary procedure. Where such behaviour is deemed to constitute gross misconduct, it will, in the absence of mitigating circumstances, result in summary dismissal.

Monitoring

7. All job applicants will be asked to complete an Equal Opportunities monitoring form requesting details of their date of birth, sex, ethnic origin, nationality, religion, sexual orientation and any disabilities. The College warrants that the information provided will not be available to those involved in the selection process and will be used for monitoring purposes only.

EQUALITY AND DIVERSITY**Guidance Notes****Examples of Direct and Indirect Race and Sex Discrimination**

1. The legislation covers race and sex in terms of direct and indirect discrimination. The following general definitions are based on those in the CRE and EOCs Codes
2. *Direct discrimination* consists of treating a person on racial grounds¹ or on grounds of sex less favourably than others are or would be treated in the same or similar circumstances, and of treating a married person less favourably on the grounds of marital status, than an unmarried person of the same sex would be in the same or not materially different circumstances. For example direct discrimination occurs where a person is refused a job or promotion because of their ethnic origin or their sex or because they are married.
3. *Indirect discrimination* consists of applying, in any circumstances covered by the legislation, a requirement or condition which, although applied equally to persons of all racial groups or equally to both sexes, is such that a considerably smaller proportion of a particular racial group or of one sex can comply with it and it cannot be shown to be justifiable other than on racial grounds or grounds of sex. Indirect discrimination against a married person may arise when a condition or requirement is applied equally to unmarried persons but it is such that the proportion of married persons who can comply with it, is considerably smaller than the proportion of unmarried persons of the same sex who can comply with it; it cannot be shown to be justifiable irrespective of the marital status of the person to whom it is applied; and it is to the person's detriment because they cannot comply with it.
4. Examples of indirect discrimination given in the CRE/EOC etc Codes include:
 - a) Requiring higher language standards than are needed for safe and effective performance of the job.
 - b) A requirement to be mobile.
5. In other non-statutory areas the College should make every effort to prevent both direct and indirect discrimination.

Examples of Positive Action

6. Section 47 of the Sex Discrimination Act 1975 allows an employer to give special encouragement to and provide specific training for female employees only or male employees only where at any time within the twelve months immediately preceding there were no persons of the sex in question amongst those doing that work or the number of persons of that sex doing the work was comparatively small.
7. Sections 37 and 38 of the Race Relations Act 1976 allow an employer to give special encouragement to, and provide specific training for, a particular racial group where an employer is satisfied that at any time within the immediate preceding twelve months:
 - a) there were no persons of the racial group in question amongst those doing that work at that establishment; or
 - b) that the proportion of persons of that group among those doing that work at that establishment was small in comparison with the proportion of persons of that group:

¹ Racial grounds are the grounds of race, colour, nationality - including citizenship - or ethnic or national origins, and groups defined by reference to these grounds are referred to as racial groups.

- i) among all those employed by that employer in that location;
 - ii) among the population of the area from which the employer normally recruits persons for work in employment at that establishment
8. Examples of positive measures given in the Codes include:
- a) Training employees (male or female) for work which is traditionally the preserve of the other sex;
 - b) Giving special encouragement through, for example, special courses, for women or men or people from ethnic minority groups to equip themselves for posts in areas where they are under-represented;
 - c) Placing advertisements which encourage applications from the minority sex or racial group, but which make it clear that selection will be made without reference to sex or race
9. Positive action should not be confused with positive discrimination (or reverse discrimination) which is unlawful. Recruitment and promotion are *not* covered by the positive action provisions. Once applications have been received, applicants should be treated equally and selection should be based purely on the criteria already defined for the post.
10. The College will consider, where appropriate, taking advantage of those sections of the Sex Discrimination Act and the Race Relations Act, as amended, which allow for positive action.

Age Discrimination

11. The College does not discriminate on the basis of age in its employment policies, within the general parameters laid down by the conditions of service that our employees may be employed between the ages of 16 and 65.
12. There are however two exceptions, namely, age requirements as laid down by the Teachers Pension Scheme and the Local Government Pension Scheme and in terms of statutory redundancy payments where age can be a criterion for determining levels of compensation
13. In all other respects age should not be a barrier to recruitment and selection, probation, progression and promotion or opportunities for staff development and training
14. Although at present it is not illegal to discriminate on the basis of age within employment, indirect discrimination should be avoided, so as not to restrict the opportunity for a particular category of candidates (eg women) to fulfil the requirements of the job.

Disabilities

15. The College recognises that, in principle, existing jobs are, potentially, suitable for people with disabilities; disability, of itself, must not be considered an impediment to employment; criteria for the assessment of the suitability and potential of people with disabilities must be objective and valid; and that people with disabilities must be given the opportunity to use their skills and knowledge to the full.
16. The responsibility for the implementation of the College's procedures with respect to disabilities lies with Heads of Groups/Departments, who will ensure that arrangements exist in their areas of responsibility, including:
- a) Special training opportunities;
 - b) Arrangements for trial periods of employment;
 - c) Grants towards adaptations to facilitate employment;
 - d) Special allowances;
 - e) Relevant legislation
17. The Personnel Manager will:

- a) Provide advice and assistance to Groups/Departments in all matters relating to the employment of people with disabilities;
 - b) Maintain liaison with government agencies and other relevant bodies
18. Acceptance of people with disabilities in the workplace will be eased and enhanced by full commitment to the College's procedures by all staff and their representatives.

Support for members of staff with disabilities

19. A member of staff may approach the Personnel Manager or a designated member of staff to discuss their concerns/requirements in confidence. The purpose of the discussion will be a joint evaluation of any action needed, which might include one or more of the following:
- a) No further action at present;
 - b) Discussion with Line Manager or Head of Group/Department.
 - c) Investigation of internal support or action which may be necessary, eg. - an approach to Estates and Facilities for minor works
 - d) Additional clerical or other support;
 - e) Involvement of a Disability Employment Adviser or other relevant external agency as appropriate to arrange workplace assessment and advise on possible equipment or other needs
20. Action will be taken as determined by the Personnel Manager, including evaluation of any related costs. A regular meeting will take place between the designated member of staff to monitor whether the situation has improved or whether further action is necessary. An annual report of anonymised data on support provided for disabled staff will be provided to the Governors Staffing Committee.

The Access to Work Programme

21. The Access to Work programme is a government funding scheme run by Jobcentre Plus. It provides financial assistance towards the extra costs of employing someone with a disability. It is available to unemployed, employed and self-employed people and can apply to any job, full-time or part-time, permanent or temporary.
22. The type of support available includes:
- a communicator** at a job interview for people who are deaf or have a hearing impairment
 - a reader** at work for someone who is blind or has a visual impairment
 - a support worker** if someone needs practical help because of their disability, either at work or getting to work
 - adaptations to a vehicle**, or help towards taxi fares or other transport costs if someone cannot use public transport to get to work because of their disability
 - equipment** (or alterations to existing equipment) necessary because of an individual's disability
 - alterations to premises** or a working environment necessary because of a person's disability.
23. The funding available depends on the employment status of the disabled individual at the time of application. For:
- unemployed people starting a job and all self-employed people** - the programme will pay up to 100% of all approved costs
 - people changing jobs** - the programme will pay up to 100% of all approved costs
 - employed people who have been with the employer for six weeks or longer** - Access to Work will not make any contribution to costs below £300. Above this sum, the programme will pay up to 80% of the costs up to £10,000 and up to 100% of the costs above £10,000
 - travel to work** - the programme will pay up to 100% of all approved costs irrespective of employment status

communicator support at interview - the programme will pay up to 100% of all approved costs irrespective of employment status.

a support worker - the programme will pay up to 100% of all approved costs irrespective of employment status

24. Access to Work funding is made available for up to three years. A review of an individual's circumstances and support needs will take place if further funding is needed after this time. Applications for Access to Work must be made by the person with the disability on an application form. Forms are available from Access to Work Business Centres. In some cases Access to Work solutions may incur a business benefit, for example, if other members of staff use specialist equipment as part of their own work. In these instances the business benefit costs will be estimated and deducted from the Access to Work costs. The programme will pay a proportion of the remaining amount as described above. Access to Work funding is not available retrospectively. It will not refund any payments that have already been made towards the cost of reasonable adjustments.
25. It is important for disabled staff who think they may be able to qualify for the Access to Work Programme, to contact Personnel immediately on starting work for the College, after discussion with their Line Manager. An application to the Access to Work Programme should be made by the disabled person *within six weeks of starting work for the College*, in order for Access to Work to pay 100% of the costs. Access to Work applies to any paid job, part-time or full-time, permanent or temporary. The applicant must be a disabled person as defined by the Disability Discrimination Act, ie, someone with a physical or mental impairment which has a substantial and long term (i.e. likely to last for 12 months or longer), adverse effect on his/her ability to carry out normal day to day activities. The address is:

Access to Work Business Centre - West Midlands Region

2 Duchess Place
Hagley Road
Birmingham
B16 8NS
Tel: 0121 255 3434
Textphone: 0121 255 3428

26. Unemployed or employed disabled people needing help with a communicator at a job interview can also get help from Access to Work. Unemployed, or employed disabled people needing help with a communicator at a job interview, or transport to the interview should contact Access to Work immediately on receiving notice of a job interview. Hearing impaired applicants can either e mail to: AtWlondonwest@jobcentreplus.gov.uk, or text phone at (020) 8218-2715.
27. Any members of staff who become disabled under the criteria of the Disability Discrimination Act are eligible to apply for a grant from Access to Work irrespective of the length of time at the College, though in these cases the Access to Work Scheme may not meet 100% of the costs. If an application is made after the initial six week period, the College would be expected to pay the first £300 and then 20% towards costs. Access to Work would pay the other 80%. Access to Work will however pay 100% of the approved cost of equipment, or adaptations over £10,000.
28. Once an application is made, a needs assessment is then undertaken in the workplace by an independent assessor from Access to Work, who prepares a report setting out the minimum requirements to meet the disability requirements, and the estimated cost. Copies of this report are sent both to the disabled person and the College. The onus is then on the Group/Department where the disabled person works, to purchase the equipment and then claim the grant back from Access to Work.
29. Practical advice and help is tailored to suit individual needs for a three-year period, after which time an individual's case is reviewed. Practical help can include aids for communication, special equipment, alterations to premises or the working environment, a support worker, (if practical help is needed at work, or getting to work), assistance with

communication (for example a reader at work for someone who is blind, or a communicator for deaf people) and travel where a disabled person is unable to use public transport.

30. If the person leaves the job, the College can either keep the equipment or agree that the person in question takes their equipment with them. The Group/Department must however notify Access to Work. Any equipment remaining at the College should be referred to the College's Disability Coordinator.

Race Relations Amendment Act 2000

26. Further changes to the Race Relations Act 1976, based on the European Union Race Directive, came into effect on 19 July 2003. These Regulations introduced:
 - a) New definitions of unlawful discrimination (direct and indirect)
 - b) New definitions of harassment
 - c) Changes to the definition of victimisation during and after employment.
 - d) Extension to the period during which a claim for harassment can be brought to beyond the end of the employment relationship. This could have implications for anyone giving job references for former members of staff or students.
 - e) A shift in the burden of proof to the respondent in a court or a tribunal, as long as the complainant has established a prima facie case of unlawful discrimination or harassment.
 - f) Implications for the policy and procedure on harassment and methods for dealing with unlawful racial discriminatory practices
27. The College's 'Good Race Relations' Policy and Action Plan provide further details of these changes and the College's response and its responsibilities under the Act.

Use of Non-Discriminatory Language

28. This guidance supports the College's commitment to equal opportunities and is for use by everyone who produces any written material such as teaching and learning documents, letters, memos, minutes and reports, in the course of their work. Language reflects the values of our society and its use can perpetuate prejudice and discrimination. It is important therefore that we use language that is inclusive and that we are sensitive to the risk of patronising, offending or excluding colleagues or students through our use of language. In the setting of examinations, it is particularly important to avoid any ethnic, sex, religious or inappropriate cultural bias in questions.

Cultural Diversity

29. The College is a multi-cultural environment, and its staff and students have a wide variety of traditions, cultures and values. It is important therefore that the words we use respect the identity of the person or people with whom we are communicating or to whom we are referring. Terms such as 'coloured', 'non-white' or 'non-European' for example are problematic in that they define race from a white or European perspective.
30. The two most common pitfalls in producing culturally inclusive teaching and learning materials are omission and stereotyping. By the inclusion of particular material, an author defines what is important and this can have an influence on the reader's view of the subject. In case studies, training and teaching materials, it is important, wherever possible, to reflect the diversity of contemporary society by including people of different ethnic groups and cultures in a range of different roles, characteristics and lifestyles. A broader perspective on a topic can often improve the material for all users and those from an ethnic minority may be able to better identify with it, as their own heritage and culture will be shown to be valued.
31. Racial stereotyping, the attribution of particular characteristics to all members of a particular ethnic group, carries the danger that those from minority ethnic groups are viewed by those in the majority, as different from the 'norm' and therefore deviant in some way. Avoid making assumptions or stereotyping from people's ethnic origin, religious or linguistic background.

32. The term 'ethnicity' is used to refer to the sense of identity which derives from shared cultural characteristics such as language, religion, history or geographical location. Everyone belongs to an ethnic group, whether they are in the majority or minority.

Disability

33. It is important to avoid characterising people with disabilities as a homogeneous, needy or victimised group. Expressions that define people in terms of their disability, such as 'epileptics', should be avoided in favour of 'people with epilepsy' which helps to put their disability into perspective. It is helpful to use positive images of disabled people in case studies etc. in order to illustrate that disability is incidental to the activity being undertaken.
34. Bear in mind the needs of people with disabilities in the design of written material. In producing typed text consider the size and shape of the typeface to ensure that the maximum number of readers can see it clearly without assistance. For example disability organisations suggest that a font size no smaller than point 12 should be used routinely, with a type face that is round and simple (such as the 'Arial' font) This will help those with poor eyesight to read the text, as smaller and more elaborate fonts are more difficult to read. Glossy paper and coloured print also make reading more difficult for everyone.
35. These are just a few examples; if you would like advice on the production of material which will be accessible to people with sensory disabilities (braille, tape recording, the use of sign language interpreters etc), the College's Disability Co-ordinator will be happy to help.

Sex

36. The English language has traditionally tended to assume the world to be male unless specified otherwise and therefore it is important to be sensitive to ways in which the use of sex neutral words can actively promote equality. Using 'he' to refer to an unspecified person is now generally considered unacceptable and it is preferable to use '(s)he', 'she/he' or 'he or she' and vice versa. A disclaimer that 'he should be taken to include she' looks like the token gesture that it is.
37. Sex has traditionally been associated with the words for particular roles for example 'foreman', 'housewife' and 'chairman'. The test is always to ask yourself whether you would describe someone of the other sex in the same way. Women are also often referred to in terms of the title conferred by their marital status - Miss or Mrs. As you will often not know a woman's marital status, it is safer to use the title Ms, which may not always be their preferred title, but will not be inaccurate.
38. Roughly half of the people in paid work in Britain are now women and a minority of households now take the form of a traditional nuclear family. It is important to reflect this in case studies and teaching materials and you should consider showing women in jobs, hobbies and roles traditionally ascribed to men and vice versa. Use 'partner' instead of spouse routinely, to avoid assuming that anyone is part of a traditional family.

Sexuality

39. As equal members of society, lesbians and gay men should be described in terms that do not demean them, sensationalise their lives or imply deviance. The term 'homosexual' is generally not now used, as it has medical and derogatory connotations and is often considered only to refer to men. Avoid in case studies and teaching materials negative stereotyping that perpetuates the myths that lesbians and gay men are less likely to be in stable relationships or are less suited to be parents.
40. The following illustrates some examples of terms that are best avoided in order to ensure that your language does not offend. It is obviously not exhaustive. There are also some examples of alternative phraseology that you might find useful.

Avoid	Do use
affliction, handicap	impairment, condition, disorder, difficulty
best man for the job	best person for the job
Chairman/Chairwomen	Chair, Chairperson, Convenor, Presiding Officer
Christian name	first name, given name, forename, personal name
cleaning lady	cleaner
craftsman	craftsperson
forefathers	ancestors, forebears
gentleman's agreement	unwritten agreement, agreement based on trust
half-caste	mixed race
housewife	homemaker, shopper , consumer - depending on the context
layman	layperson
man hour	working hour
man or mankind	humanity, human kind, human race
manning	staffing, headcount
manpower	human resources, HR, employees, workforce, labour force, headcount
mental age of	severe or profound learning difficulties
mental handicap	learning difficulty, learning disability
dyslexic	person with dyslexia
spastic	person with cerebral palsy
tax man	tax collector or inspector
the disabled	disabled people or people with disabilities
victim of, crippled by	person who has, person with
wheelchair bound	wheelchair user
workmanlike	efficient, proficient, skilful, thorough

41. If this guide has raised some issues that you had previously not thought about and you would like to attend a further equal opportunity awareness session, please contact the Staff Development Officer who will give you details of forthcoming courses.

SECTION 2: STUDENTS

Equality and Diversity Policy for Students

The College is committed to a policy of equal opportunities. It is the College's aim that prospective and registered students are treated fairly on the basis of merit regardless of age¹, disability, family responsibilities, gender, HIV status, mental health problems, nationality, race, religion, socio-economic background, sexual orientation or transexualism. The College follows a Student Code on Equality and Diversity to ensure that this policy is fully effective.

Student Code on Equality and Diversity

Student Admissions

- 1 College recruitment literature will include the Policy for Students. All recruitment literature will use non-discriminatory language and will encourage applications from groups under-represented in higher education. Prospective students will be given realistic guidance on the costs they can expect to face and of financial support arrangements available to them. In particular, students expected to undertake workplace study will be given full details in advance.
2. The College's aim is to select those students most likely to benefit intellectually from its courses; aptitude for a particular course of study is the primary criterion for selection.
3. A student's academic qualifications provide evidence in the assessment of aptitude. Reliance on academic qualifications for the assessment of aptitude to the exclusion of other factors may, however, be discriminatory so other evidence relating to the student's academic record may also be used by the College if considered relevant.
4. When assessing academic aptitude, the following particular considerations apply:
 - (a) The College recognises many qualifications as meeting the general entry requirement but the requirements of particular courses may indicate that certain levels of performance in specific subjects are normally a prerequisite for admission.
 - (b) As a matter of principle the College will not discriminate against applicants on any of the following grounds:
 - age (see footnote 1)
 - disability
 - family responsibilities
 - gender
 - HIV status
 - marital status
 - mental health problems
 - nationality
 - race
 - religious or political views or affiliations
 - socio-economic background
 - sexual orientation or transexualism
 - (c) The level of non-academic support that an applicant will require is specifically excluded from consideration.
5. Previous and predicted pre-entry examination results will be regarded as only one type of evidence. In assessing a student's potential, weight will always be given to any identifiable factors which may have led the student to 'under perform', for example:

¹ The minimum age for entry to the College is 17. There is no upper age limit for admission

- attendance at poorly equipped or poorly staffed schools/colleges
 - poor facilities, or none, for private study at home
 - early family responsibilities
 - a background in which the candidate's interest in higher education has not been encouraged
 - a disability or prolonged illness which has affected educational development
 - financial hardship
6. Explicit selection criteria will be established in order to eliminate subjectivity and to provide a framework for fair selection. Academic and other staff dealing with admissions will be aware of and conform to the College's Equality and Diversity policy relating to students.
 7. The procedures followed during confirmation and clearing will be reviewed and if necessary revised, to minimise the risk of inadvertent discrimination, particularly in respect of filling vacancies. Students admitted through clearing will be monitored separately to see if the arrangements might give rise to inequality of opportunity.
 8. The College will put in place arrangements to allow the monitoring of applications and admissions for undergraduate or postgraduate studies, by ethnic origin, gender, age and disability. The monitoring statistics will be considered by the Academic Board and circulated to Course Managers on an annual basis. If there is any indication that members of one group have received less favourable treatment than members of another group the situation will be investigated and appropriate action taken. The College will monitor those students who temporarily or permanently withdraw from their programme of study to see if there are implications for the College's approach towards responsible recruitment.
 9. The College recognises the need to strike a balance between the work of selectors who exercise academic judgement on the merits of applicants for places or scholarships and the need to ensure that the Policy for Students is fully met. If a candidate complains that his or her application has not been treated in accordance with the Policy then the complaint will be referred to the Academic Registrar for investigation. An annual report on complaints received will be considered by the Academic Board.

Assessment

10. The College's objective is to provide fair methods of assessment so as to provide equality of opportunity for all of its students.
11. Special arrangements will be made for students with known disabilities, to compensate for the restrictions imposed by the disability without affecting the validity of examinations and assessments.
12. When an External Examiner is appointed to examine a taught course or a research degree the College will draw his or her attention to the Equality and Diversity Policy for Students and the Code of Practice. The College expects all external examiners to act in accordance with this policy.

Curriculum

13. The College recognises the importance of the development of the individual through the educational process and the role of the curriculum in ensuring that this development is fulfilled.
14. The College is therefore committed to the promotion of equal opportunity with respect to course content, approaches to teaching and learning, assessment methods and the structure and timetabling of courses of study. Further, it will aim to ensure that documents such as course handbooks, teaching materials and examination papers reflect the principles of equal opportunities.

15. The College will aim to provide a programme of courses which are of relevance and interest to persons of both sexes and from a wide range of social and cultural backgrounds and which are as accessible as possible to people with disabilities, as far as resources permit.
16. The College will encourage perspectives which reflect the cultural diversity of our society and which are neither gender dominated nor ethnocentric.
17. The College will encourage and appraise from an equal opportunities point of view through the process of validation and monitoring the use of a range of teaching approaches as well as assessment methods and will be sensitive to the special needs of under-represented groups in teaching and learning situations.

Teaching

18. All staff and students of the College will use language that is non-discriminatory and is not gratuitously chosen in order to cause offence to particular groups, in the course of teaching and learning. However, it is a fundamental principle of academic freedom that reasoned argument may be employed to test and challenge views, opinions and assertions of all kinds, and in no circumstances may this clause be used to discourage or prevent the exercise of that freedom.
19. The College will take account of the needs of individual students and, wherever reasonably practicable within existing constraints, consideration will be given to issues such as caring for dependants, when lectures and examinations are timetabled.
20. Students will be allowed to change Personal Tutors without difficulty, and the procedure will be widely publicised.

Services and Facilities

21. The College is committed to the principle of equal access by all of its students in groups or as individuals to the services it provides and the facilities it offers.
22. The College's has an agreement with Edmond Owls, the local playgroup, that offers competitively priced nursery care for pre-school age children. The nursery is open during term time and, subject to availability of places, children of students may attend on a full or part-time basis. Selection is conducted in a non-discriminatory way.
23. The College offers residential accommodation and/or assists full-time registered students to secure accommodation in the area. Owners of properties, that are offered for letting via Student Services, will be made aware of the College's Equality and Diversity Policy for Students and the Code of Practice.
24. The College will not accept properties from owners who seek to impose discriminatory conditions contrary to equal opportunities legislation.
25. The College's catering services will aim to take account, as far as is practicable, of the cultural, religious and dietary needs and wishes of all students in the provision of meals and beverages, without allowing views on dietary matters to inhibit the freedom of choice of those who do not subscribe to them.
26. The College's medical service will aim to promote health care for all students and is committed to the principle of equal access to the services it provides.
27. The work of the Careers Advisory Service will be monitored and subject to scrutiny in respect of equal opportunities.
28. Sports facilities will be kept under regular review to ensure that the provision does not disadvantage any particular groups of students, including people with disabilities.

Health and Safety

29. The College aims to provide its students with a healthy and safe environment in which to work and live. Detailed policies and codes of practice are available and are summarised in the College's Health and Safety Handbook for Students. It is the duty of all students to familiarise themselves with the College's health and safety policies and to comply with the relevant requirements. The enforcement of reasonable health and safety requirements does not constitute discrimination.
30. The College will make every effort to ensure that, so far as reasonably practicable, all parts of the College are accessible and safe. The needs of people with disabilities will be given particular consideration.
31. The College will work as closely as possible with the Students' Union to ensure the security of students on campus.
32. The College will ensure that equal opportunities principles are taken into account in its policy on transport and parking, and will take account of the special safety needs of women and students from minority groups and the parking needs of mature students and students with disabilities.

Disciplinary Procedures

33. The College's Disciplinary Procedures will be kept under review to ensure that they are consistent with the Equality and Diversity Policy for Students.

Training

34. All College staff normally having contact with students will receive a copy of this Policy and Code of Practice supplemented by basic training appropriate to their role in the College.
35. Specific advice and training will be given to Academic Staff in relation to recruitment and selection, assessment, tutoring and student disciplinary procedures.

Harassment and Bullying

36. The College has a Policy Statement on Harassment and Bullying and wishes to encourage a culture where harassment and bullying are unable to thrive. Incidents of harassment and bullying are regarded extremely seriously and may be grounds for disciplinary action including expulsion from the College.

The College's Position on Freedom of Expression

37. The College is committed to ensuring that its activities can be conducted effectively in an atmosphere of mutual tolerance and intellectual freedom. All members of the College will seek to ensure that learning is facilitated in an environment free from harassment and unfair discrimination in which individual potential can develop with confident, open and critical enquiry. Freedom of expression, however, may not be exercised to threaten the safety or freedom of expression of others. Staff or students who feel personally threatened, disadvantaged or damaged by the behaviour of other members of the College have recourse to the College's policies (staff and student) on harassment.

SECTION 3: IMPLEMENTATION AND MONITORING

Introduction

1. The College acknowledges that the implementation of its Equality and Diversity Code of Practice is a continuing process that will need to be kept under review. This will involve establishing appropriate best practice standards and related procedures; ensuring that the College community is aware of its obligations and expectations with regard to equality and diversity; undertaking training and guidance to assist staff and students understand and implement the Code; and setting appropriate goals to ensure that adequate progress is being made with the implementation of the Code.

Dissemination of the Equality and Diversity Code of Practice

2. The College will make every reasonable effort to ensure that potential and actual students, staff, service users and suppliers are informed about the College's Equality and Diversity Code of Practice. In particular, the Code will:
 - Form part of the Terms and Conditions of Employment for all staff groups
 - Be made available (in short form) to all applicants for staff vacancies, all applicants for student places and to all potential suppliers of services
 - Form part of staff induction training, and further training on equality and diversity issues
 - Be brought to the particular attention of Personnel Staff, Line Managers and those with responsibilities for the admission of students and the management of accommodation or other services
3. The College will seek to provide appropriate equality and diversity training for all staff, and to lay members of the Board of Governors and other College committees. The nature and extent of that training may vary depending upon the requirements of trainees. The College will further seek to ensure that its students are provided with appropriate training in equality and diversity issues in order to help prepare them for their future careers.

Implementation of the Code

4. The College's Board of Governors has overall responsibility for ensuring that the College operates within the legislative framework and will deal specifically with issues concerning the Public (Section 3) and Monitoring (Section 4). The Governors Staffing Committee will hold responsibility for matters concerning Employees (Section 1) and the Academic Board for matters concerning Students (Section 2). The Staffing Committee and Academic Board will be expected to report on the implementation of their respective sections to the Board of Governors.
5. The Principal has overall delegated responsibility from the Board of Governors for ensuring the day to day operation of the Code with the following College Officers:
 - Personnel Manager for all staff matters and training of staff
 - Academic Registrar, with the Student Services Manager and Learning Support Staff for all student matters
 - Director of Corporate Affairs for the College's Race Relations Policy
 - Heads of Academic Groups and Line Managers for implementation of the Code in their operational and planning activities, including access to staff training and development, and academic/service development plans
 - Staff Consultative Group members for their proactive support in the implementation of the Code

Members of staff and students will be required to assist the collection of information required to monitor the operation of the Code in a timely manner.

Monitoring of the Code

6. Monitoring is required to provide information to assess and improve the effectiveness of the College's Equality and Diversity Code of Practice. It is also necessary to demonstrate that the College is complying with legal requirements arising from equality and diversity legislation. The College will collect information from staff and students (and where required from other visitors to the College) in accordance with best practice guidelines¹. Data from the National Census, the Higher education Statistics Agency (HESA) or other sources may be sought in order to benchmark the College's performance and its progress towards agreed equality and diversity goals.
7. The Personnel Manager will arrange for appropriate equality and diversity records to be kept in respect of current and potential staff, and for staff selection procedures (including those for staff training and development activities and for promotion) to be monitored. The Personnel Manager will further arrange for the monitoring of aspects of gender equality in pay, including performance related pay, access to training and development, promotion and regrading and reasons for leaving and will prepare data annually for consideration by the College's senior management. An annual report will be submitted by the Personnel Manager to the Governors' Staffing Committee on these aspects of the College's monitoring systems.
8. The Academic Registrar will arrange for appropriate equality and diversity records to be kept in respect of current and potential students, and for student selection procedures to be monitored. The Academic Registrar will further monitor aspects of equality and diversity in respect of other aspects of student service delivery, student assessment, student complaints and reasons for leaving and will prepare data annually for consideration by the College's senior management. An annual report will be submitted by the Academic Registrar to the Academic Board on these aspects of the College's monitoring systems.
9. The Director of Corporate Affairs, in conjunction with the Personnel Manager and Academic Registrar, will monitor the implementation of the College's Race Relations Policy and Procedure and its Race Relations Action Plan. An annual report will be presented on work associated with the policy and action plan to the Governors' Staffing Committee (on aspects concerning College staff) and to the Academic Board (on aspects concerning students).
10. Line Managers and Course Managers will be required to assist with the compilation of data required for the monitoring and annual reporting exercises as required by the Personnel Manager, Academic Registrar and Director of Corporate Affairs.
11. The effectiveness of the College's monitoring procedures will be reviewed regularly in consultation with locally recognized trades unions, the Staff Consultative Group and appropriate student representatives.
12. Complaints raised about the College's monitoring procedures should be raised with the Personnel Manager or Academic Registrar in the first instance. Complaints that cannot be resolved via this route may be handled under the College's grievance procedures.

Publication of Monitoring Information

13. Information collected for monitoring purposes will be published on the College's website annually, after presentation of annual reports to the Governors' Staffing Committee and Academic Board. The annual reports will also be made available to the Staff Consultative Group.
14. The presentation of information shall observe the College's legal responsibilities in respect of individual confidentiality, particularly with regard to sensitive data, and will not unnecessarily identify individuals.

¹ *Equality and diversity monitoring in higher education institutions*, HEFCE Circular 2004/14, April 2004

Equal Opportunities Officer

15. The Principal may nominate an appropriate individual to act as Equality and Diversity Officer to work alongside the Personnel Manager and Academic Registrar in the operation and monitoring of the College's Equality and Diversity Code of Practice. The person so appointed will also be expected to work with Line Managers and other staff to ensure that the Code is properly implemented across the College. The Equality and Diversity Officer will be expected to keep up to date on legislative developments and guidance in the field of equality and diversity, and also to work with relevant Learning Support Staff in addressing equality and diversity issues relating to students.

The College's Position on Freedom of Expression

16. The College is committed to ensuring that its activities can be conducted effectively in an atmosphere of mutual tolerance and intellectual freedom. All members of the College will seek to ensure that learning is facilitated in an environment free from harassment and unfair discrimination in which individual potential can develop with confident, open and critical enquiry. Freedom of expression, however, may not be exercised to threaten the safety or freedom of expression of others. Staff or students who feel personally threatened, disadvantaged or damaged by the behaviour of other members of the College have recourse to the College's policies (staff and student) on harassment.

Liability

17. All members of staff remain personally responsible for ensuring that they act within the law. The Board of Governors and College Officers are responsible for ensuring that College staff perform their duties in a lawful manner and that appropriate training and support on equality and diversity issues is provided. In certain circumstances the Board of Governors and College Officers could be held vicariously liable for actions carried out by staff purportedly in the College's name. Any member of staff or student may be personally liable if, whilst on College business, and despite guidance and training from the College, they behave illegally.
18. Providing that members of staff are carrying out their normal duties (as described in their job description or otherwise) in accordance with College policies, they will be supported by the College in any proceedings relating to equality and diversity issues brought against them., including payment, where appropriate, of legal costs. The Principal retains discretion to determine whether support would be appropriate in other circumstances.

SECTION 4: THE PUBLIC

Introduction

1. The College acknowledges that the implementation of various aspects of its Equality and Diversity Code of Practice will have an impact on the way in which it engages with visitors to the College (other than job or student applicants who are covered in the Employee and Student Sections of the Code (Sections 1 and 4 respectively)), clients and members of the public using the College's facilities. This section of the Code is intended to outline the major features of the College's approach to equality and diversity issues for these groups.

The College's Equality and Diversity Policy

2. The College is committed to a policy of equal opportunities. It is the College's aim that members of the public with whom the College has dealings are treated fairly on the basis of merit regardless of age, disability, family responsibilities, gender, HIV status, mental health problems, nationality, race, religion, socio-economic background, sexual orientation or transexualism.

The College's Equality and Diversity Code of Practice

3. Harper Adams University College is committed to the operation of a set of policies (together defined as the Code of Practice or 'the Code') to promote equality and diversity for all of its employees and students (in terms of entry to employment, admission to courses and subsequent involvement in the College community) and to others with whom the College has dealings in its normal course of business.
4. The Code sets out the equality and diversity policies, details of the approach to ensure that equality and diversity practices are implemented and operated within the College and the methods by which the outcomes of the College's policies and practices will be monitored. Further information about the Code can be obtained by writing to the College's Director of Corporate Affairs (e-mail: dllewellyn@harper-adams.ac.uk).

Legal Framework

5. The Code takes account of the equality and diversity legislative framework that applies to higher education institutions, in particular:
 - a) The Disability Discrimination Act 1995 and Amendment Regulations 2003
 - b) The Special Educational Needs and Disability Act 2001
 - c) The Race Relations (Amendment) Act 2000 and Amendment Regulations 2003
 - d) The Employment Equality (Religion or Belief) Regulations 2003
 - e) The Employment Equality (Sexual Orientation) Regulations 2003

Implementation of the Code

6. The College's Board of Governors has overall responsibility for ensuring that the College operates within the legislative framework and will deal specifically with issues concerning the Public (Section 3) and Monitoring (Section 4) of the Code. The Governors Staffing Committee will hold responsibility for matters concerning Employees (Section 1) and the Academic Board for matters concerning Students (Section 2). The Staffing Committee and Academic Board will be expected to report on the implementation of their respective sections to the Board of Governors.

The Purpose of this Section of the Code

7. The College has a duty to ensure that it operates within the statutory framework for equality and diversity. The College is also committed to ensuring that its activities can be conducted

effectively in an atmosphere of mutual tolerance and intellectual freedom. All members of the College will seek to ensure that learning, and other College activities, are facilitated in an environment free from harassment and unfair discrimination in which individual potential can develop with confident, open and critical enquiry. Freedom of expression, however, may not be exercised to threaten the safety or freedom of expression of others. Members of the public who feel personally threatened, disadvantaged or damaged by the behaviour of members of the College have recourse to a complaints process, further details of which may be obtained from the office of the Director of Corporate Affairs.

What does this mean for me?

If you are a visitor to the College (eg visiting a member of staff or attending a formal visit):

8. You are entitled to courteous and equal treatment from all members of College staff. If you have particular access requirements because you are disabled we will endeavour to assist. Please make these known to the person you are visiting before you arrive, or to our reception staff on arrival.

If you are a client of the College (eg attending a Short Course or Conference):

9. You are entitled to courteous and equal treatment from all members of College staff. If you have particular access requirements because you are disabled we will endeavour to assist. Please make these known to our Short Courses and Conference Office (via the person organising your booking) before you arrive. The College has a limited amount of accommodation for those with mobility disabilities, and will try to provide these if adequate notice of your visit is given and they are not otherwise already booked. The College is also able to make available a limited number of rooms with induction loop systems if these are requested in advance by the person organising your booking.

If you are a member of the public otherwise using College facilities:

10. On occasion, members of the public may access the College estate or farmland (on the network of public footpaths that cross the College farm). The College has made a number of adjustments to paths and access gates to accommodate those with mobility difficulties. Certain areas of the College site (including areas where there is no right of way) may not have such adjustments made to them. Disabled users of the College's sports facilities, where approval for such use has been granted, should liaise with the College's Sports and Societies Co-ordinator about their particular requirements so that reasonable adjustments can be made to provide access to these facilities.

If you supply services to the College:

11. We will ask, in our terms and conditions of supply, that you abide by our Equality and Diversity Code of Practice in all of your dealings with the College. This places an obligation you, and your employees, to treat members of the College (students and staff) and other members of the public at the College when you are present, equally and without discrimination.

What we expect from visitors to the College

12. The College's equality and diversity policy, and its obligations under the relevant legislation, mean that the College will make every effort to train and support its staff and students to be aware of, and abide by, measures that will help build a climate of tolerance towards all members of the College community, including members of the public. We ask that members of the public respect our intentions and work with us towards this goal, particularly in your dealings with the groups outlined in our policy statement.

Monitoring the Implementation of our Policies

13. We may, from time to time, request information from you so that we can monitor the implementation of our Equality and Diversity Code and make improvements to our services and facilities. Please help us by responding to requests for such information. In the collection and presentation of any resulting information the College will observe its legal responsibilities in respect of individual confidentiality, particularly with regard to sensitive data.

Questions and Comments

14. Questions and comments about the College's Equality and Diversity Code of Practice should be directed to the College's Director of Corporate Affairs, from whom a copy of the full Code can also be obtained.

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