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UHI Moray, University of the Highlands and Islands

Equality, Diversity, and Inclusivity Policy

POL

Lead Officer (Post):	Rosemary McCormack EDI Lead/Head of Curriculum
Responsible Office/ Department:	Strategic Leadership Team
Responsible Committee:	The UHI Moray Board of Management
Review Officer (Post):	Derek Duncan
Date policy approved:	23/06/2022
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Date of Equality Impact Assessment:	27/05/2022
Date of Privacy Impact Assessment:	27/05/2022

Accessible versions of this policy are available upon request. Please contact the Governance and Policy Officer on 01463 279000.

Policy Summary

Overview	This policy shows our commitment to equality for our students, staff, visitors, contractors, and others who engage with us through any activity.
Purpose	To specify the Equality, Diversity, and Inclusivity Policy of UHI Moray, identify protected characteristics under the Equality Act (2010); outline the principles, responsibilities, and commitments of the institution in realising the statutory obligations of the Equality Act (2010).
Scope	This policy applies to all current and prospective students and employees. This includes temporary staff, agency staff, consultants, UHI Moray Board Members, volunteers and collaborators at the University of the Highlands and Islands and all Academic Partners.
Consultation	The Policy Ownership Group includes representation from all Academic Partners and HISA. The policy received endorsement from Partnership Council prior to approval being sought from UHI Moray Learning and Teaching Quality Committee and UHI Moray Board of Management.
Implementation and Monitoring	The policy will be implemented by all Academic Partners and the University of the Highlands and Islands. The policy will be monitored by relevant local staff on an operational basis and on a strategic basis by the Policy Ownership Group.
Risk Implications	Failure to comply with policy may result in a breach of the Equality Act (2010).
Link with Strategy	Policy relates to statutory compliance and governance arrangements.
Impact Assessment	Equality Impact Assessment: Complete – No further action required.
	Data Protection Impact Assessment: n/a

1.   Policy Statement

1.1   UHI Moray, the University of the Highlands and Islands and all Academic Partners are committed to equality of opportunity and non-discrimination in all aspects of work and study. We recognise that individually we all have differences of some sort, from which we can share and learn. The broader a range of people we employ, the wider a perspective we can adopt; a diverse workforce not only ensures that we are legally compliant but makes good business sense.

1.2   As a provider of education and employment, UHI Moray values diversity and is committed to encouraging everyone to realise their full potential. To this end, UHI Moray continues to work with students, staff, external agencies, and the wider community to develop a positive and enabling culture of work and study.

1.3   In particular, UHI Moray, the University and all Academic Partners strive to ensure that all people engaging with us have the opportunity to:
-    Study
-    Take up employment
-    Be actively involved in their community without discrimination
-    Be treated in a courteous, caring, and sensitive way in all engagement with us

We also expect that contractors, businesses and others who engage with us aspire to the same values.

1.4   Achievement of the above goals requires the promotion of practices to overcome any existing structural barriers (systems or processes that make entry to education or employment more difficult for a person/group), geographical isolation, and the provision of opportunities which reflect the linguistic and cultural diversity of the region. It also involves continuing to attract new and diverse people to the Highlands and Islands, to add to the culture and economy, and help the University and all Academic Partners reach our full potential.

1.5   The Equality, Diversity and Inclusivity Guidelines should be referred to for practical information to support the policy.

2.   Definitions

2.1   **Protected Characteristics:** The Equality Act (2010) ("the Act") prohibits unfavourable treatment on the basis of the following nine protected characteristics. The University of the Highlands and Islands and all Academic Partners recognise that identity can be complex and fluid and strive to keep up with best practice in supporting individuals and groups.

Age: This refers to a person belonging to a particular age group, which can mean people of the same age (e.g., 32-year-olds) or range of ages (e.g., 18–30-year-olds, or people over 50).

Disability: A person has a disability if they have physical or mental needs which have a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. Some disabilities may require reasonable adjustments to be made to remove or minimise barriers to participation (see 2.7: Reasonable Adjustments for Disabled Persons).

Sex: Refers to whether a person is a man or a woman.

Gender Reassignment: Gender reassignment is when a person is proposing to undergo, is

undergoing, or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

Race: Refers to a group of people defined by their race, colour, nationality (including citizenship), ethnic or national origins.

Religion or Belief: Religion has the meaning usually given to it, but belief is defined as religious and philosophical beliefs, including lack of belief (e.g., atheism). Generally, a belief should affect your life choices, or the way you live, for it to be included in the definition.

Sexual Orientation: A person's attraction towards their own sex/gender, another sex/gender, all sexes/genders, or none.

Marriage and Civil Partnership: In Scotland, marriage is no longer restricted to a union between a man and a woman, but also includes same-sex couples.

Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples. In society, civil partnership is generally recognised simply as 'marriage'.

Marriage and civil partnership are listed in the Act as a protected characteristic. The Act provides protection against discrimination only in respect of the need to eliminate unlawful discrimination in employment.

Pregnancy and Maternity: Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

2.2   **Gender Identity and Gender Expression:** The Equality Act recognises sex as a binary characteristic (i.e., Male/ Female), and protects those who undergo or intend to undergo gender reassignment (i.e., from one gender to another). The University and UHI Moray recognises that gender identity and gender expression are not necessarily fixed or binary; we will treat bullying and harassment on these grounds as seriously as if they relate to any protected characteristic as defined in the Act.

2.3   **British Sign Language (BSL)**: University and UHI Moray recognises that BSL is a language in its own right (with its own vocabulary and syntax) and does not necessarily relate to disability as defined by the Equality Act. We are required to meet the requirements of the Scottish Governments BSL National Plan, to raise awareness of BSL and improve support for BSL users over 2018-30.

2.4   **Gaelic Language**: The Gaelic language is indigenous to the Highlands and Islands, among other areas. As such it is not covered under the definition of race/nationality as defined by the Equality Act 2010. University and UHI Moray recognises responsibilities under the Gaelic Language Scotland Act (2005) to ensure that discrimination is not incurred by Gaelic speaking individuals and communities.

2.5   **Short term disability**: Students may be eligible for Disabled Students Allowance support due to short term disability that may not fulfil the criteria of the Disability protected characteristic (see 2.1). Students who feel they are affected by a short-term disability should discuss this with the local student support staff.

Students with a short-term disability are not entitled to use the legal powers of the Act in the same way as someone who has a disability as defined by the Act, e.g., in relation to discrimination, harassment and victimisation.

> **Short term disability example**: A student suffers a spinal injury and is expected to make a full recovery; however, they will need to use a wheelchair and other assistive measures for 6 months. This may include assistive technology, equipment to study from home and classes scheduled on the ground floor where lifts are unavailable.

2.6 **Discrimination** occurs when prejudices, stereotypes and assumptions prompt actions that result in less favourable treatment of individuals or groups. The Act prohibits discrimination on the grounds of protected characteristics, with types of discrimination listed and described below. There are two different categories of discrimination under the Act, with further sub-categories:

2.6.1 **Direct Discrimination** occurs when someone is treated less favourably than another on grounds of their perceived or actual protected characteristic.
   a. **Associative discrimination** is direct discrimination against someone because they are associated with another person who possesses a particular protected characteristic.
   b. **Direct discrimination by perception** means treating one person less favourably than someone else because you incorrectly think they have a particular protected characteristic.

   There are specific criteria for direct discrimination arising from disability, gender reassignment and pregnancy/maternity, which are available in sections 15-18 here.

   > **Direct discrimination example for students:** Assuming that a student may not be able to reach a certain level of work because they have a disability or rejecting a male applicant's application to a childcare course as they do not think it is appropriate for a male to be working with children. In these cases, the act itself is unlawful, whether or not someone intended to discriminate.
   >
   > **Direct discrimination example for staff**: Deciding not to employ someone, dismissing them, refusing to promote them, denying them training, giving them adverse working conditions, or denying them benefits based their perceived or actual protected characteristic.

2.6.2 **Indirect discrimination** occurs when an organisation has rules or policies, conditions or requirements that are applied to everyone but leave a person with a particular protected characteristic at a disadvantage.

   > **Indirect discrimination example for students:** A college will only allow students to go on placement if they have more than 95 per cent attendance. A student with a disability has missed a lot of classes for health reasons and are told they cannot go.
   >
   > **Indirect discrimination example for staff**: A contract clause which applies to all employees saying that they could be required to work late or travel away from home for work at short notice. Although this applies to everyone in the

> same way, this could potentially put parents or those with care responsibilities at a disadvantage, as they would need to make childcare arrangements at unreasonable notice.

2.7   **Reasonable Adjustments for Disabled Persons**: When a person requires additional support to participate in an activity due to a disability, public bodies have a duty to make reasonable adjustments to enable participation: this may be to work, study or use facilities.

There is no set definition of 'reasonable': this is relative to an organisation's resources and organisational demands: a large company may be expected to spend extensively, where a smaller company may not. The extent to which an adjustment is reasonable cannot be formally defined outside of a tribunal.

Initial requests for reasonable adjustments should be discussed with your line manager (for staff) Learner Development Worker or Personal Academic Tutor (for students), and formally made through Occupational Health and UHI Moray Human Resource or Student Services. Relevant medical evidence may be requested in support of the request for reasonable adjustments.

> **Reasonable adjustment examples**: Provision of a large screen for a partially sighted staff member; relocation of a class to the ground floor to enable a wheelchair-user to participate; or additional time in assessments for a dyslexic student.

2.8   **Positive Action**: Anyone recruiting staff, students or volunteers can legally justify 'positive action' if a particular group is underrepresented, to help ensure that a body is informed by the widest set of circumstances, experiences, and identities. This involves taking action to increase the likelihood of underrepresented groups participating.

> **Positive Action examples**: A rural institution may have disproportionately low numbers of Black, Asian, and Minority Ethnic staff. In the event of a tied interview result, the interviewer could legally justify recruiting a black candidate over a white candidate, so that the body can make decisions that are less likely to disadvantage or marginalise subsequent black staff.
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> A college with disproportionately low numbers of female engineering students may target marketing at a certain group or make amendments to wording to encourage certain applicants e.g., advertising engineering courses at all-female schools, or changing entry requirements to include subjects that are over-represented by female secondary school pupils.

2.9   **Prohibited Behaviours**: As well as the above types of discrimination, the Act prohibits other forms of behaviour:

2.9.1   **Harassment** denotes unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment can take many forms, including but not limited to physical contact, offensive language, gossip, slander, graffiti, obscene gestures, exclusion. Harassment can involve persistent conduct or behaviour that continues after the individual states they want it to stop. A single incident can also constitute harassment if it is sufficiently serious.

2.9.2   **Victimisation** is treating someone less favourably because of something they have done under, or in connection with, equalities legislation.

> **Victimisation examples for students**: A member of staff shouts at a student because he thinks she intends to support another student's sexual harassment claim.
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> A student alleges that they have encountered racism from a member of staff, and as a result of making this allegation are ignored by other staff members.
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> **Victimisation examples for staff:** Refusal to promote an employee because he or she has previously invoked a grievance procedure or given evidence against the employer at a tribunal.
>
> The employer brands an employee as a 'troublemaker' because they raised a lack of job-share opportunities as being potentially discriminatory.

2.10   **Public Sector Equality Duty**: as a publicly funded organisation, University and UHI Moray has a statutory duty to fulfil both General and Specific Public Sector Equality Duties under the Equality Act (2010).

2.10.1   **General Duties** direct the way the University/UHI Moray treats its staff, students and visitors and reflect all UK public bodies' responsibility to:
- Eliminate unlawful discrimination, harassment, victimisation, and other prohibited conduct
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- Foster good relations between people who share a relevant protected characteristic and those who do not

2.10.2   **Specific Duties**: Section 153 of the Equality Act enables the Welsh and Scottish ministers to impose specific duties on certain domestic public bodies through secondary legislation: Scottish-Specific Duties relate to how public bodies carry out, evidence and present their commitment to enacting General Duties, and responds to ongoing changes identified by the Scottish Government.

Scottish-Specific Duties are listed and linked below. The University and partner Further Education Colleges have duties to:

- Report progress on mainstreaming the equality duty
- Publish equality outcomes and report progress
- Assess and review policies and practices (complete Equality Impact Assessment)
- Gather and use employee information
- Publish gender pay gap information
- Publish statements on equal pay, etc.
- Consider award criteria and conditions in relation to public procurement
- Publish in a manner that is accessible, etc.
- Consider other matters

2.11   **Equality Mainstreaming** aims to ensure that equality perspectives are central to an organisation's culture and operational delivery, by incorporating these into all strategic

decision-making processes. This aims to ensure that all areas of an organisation carry out their public sector equality duties when delivering day-to-day functions.

Equality Mainstreaming ensures that the needs of underrepresented groups, as well as those of members of historically marginalised or disenfranchised groups, are pro-actively considered when decisions are made. The experiences of frontline staff and service users should inform the decision-making process.

The University and UHI Moray is required to report on its Mainstreaming activities every four years, and to update every two years.

2.12 **Equality Outcome Agreements** set out the equality activities that colleges and universities plan in order to better meet their general duties.

The University and UHI Moray is required to set new Equality Outcomes every four years, and to report on progress every two years.

2.13 **Equality Impact Assessment (EIA):** assesses the potential impact of new or revised policies, practices, or services against the requirements of general public sector equality duties.

Conducting an EIA is a legal requirement for public bodies in Scotland and helps to ensure that everybody's needs are taken into account before changes are implemented. This allows University and UHI Moray to proactively identify and mitigate against barriers to participation, attainment, or wellbeing, and hopefully avert potentially negative experiences.

Forms to carry out Equality Impact Assessments are available from the college intranet.

3.   Purpose

3.1   This policy allows the University and UHI Moray to carry out its general and specific public sector equality duties, and work to improve the experience of all staff and students, regardless of an individual's protected characteristics.

3.2   We will conduct our statutory duties under the Equality Act 2010 as per section 2.10 of this policy, and demonstrate our commitment to mainstreaming equality and diversity by:

3.2.1   Developing policies, procedures, and processes to achieve the general and specific public sector duties in accordance with the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

3.2.2   Monitoring the potential impact of our policies, procedures, and practices on different protected groups to help tackle inequality, promote equality of opportunity, and foster good relations. We do this through the process of Equality Impact Assessments.

3.2.3   Removing any potential barriers to access, participation, retention and achievement of students and staff by making reasonable adjustments where appropriate.

3.2.4   Creating inclusive learning and working environments and practices that promote respect for all. These environments aim to prevent and challenge stereotyping, prejudice, discrimination and harassment and disadvantage.

3.2.5   Reasonably anticipating and responding to the needs of students through collaboration with individuals, the student body and Highlands and Islands Students' Association (HISA).

3.2.6   Working in conjunction with HISA to take forward their work on equality and diversity and to seek student feedback relevant to equality of opportunity and experience.

3.2.7   Involving and consulting within the wider community, particularly those who share particular characteristics and those who represent their interests, to inform policy and practice.

3.2.8   Ensuring that equality, diversity, and inclusivity are embedded within the Scottish Funding Council Regional Outcome Agreement process through consultation with key stakeholders across the Partnership.

3.2.9   Collecting, analysing, and reporting on and improving the quality of student and staff protected characteristic data in line with public sector equality duties/sector best practice and Data Protection legislation.

3.2.10   Publishing equality outcomes reflecting how we plan to impact positively upon our communities.

3.2.11   Publishing a mainstreaming report, demonstrating our progress against our planned outcomes, and showing what progress we have made to mainstream equality in our policies, practices, and decision-making functions.

4. Scope

4.1   This policy applies to all current and prospective students and employees. This includes temporary staff, agency staff, consultants, UHI Moray Board Members, volunteers, and collaborators.

4.2   The principles of non-discrimination and equality of opportunity apply to the way in which staff and students, as well as visitors, contractors, sub-contractors, temporary and agency staff, service providers, suppliers, former staff and students and any other persons associated with the functions of UHI Moray treat one another.

5. Exceptions

5.1   This policy applies without exceptions, exclusions, or restrictions.

6. Notification

6.1   This policy will be available on UHI Moray's website.

6.2   All individuals with responsibilities outlined in Section 7 will be notified of changes.

7. Roles and Responsibilities

7.1   The UHI Moray Board of Management is responsible for approving the policy and for ensuring that UHI Moray complies with its statutory obligations in terms of meeting the requirements of the Equality Act 2010 and the Public Sector Equality Duty for Scotland.

7.2   UHI Moray Strategic Leadership Team is responsible for operational oversight of the policy. They must ensure that Managers, Staff and Students operate in an environment where they can fulfil their responsibilities in relation to the policy.

7.3   Line Managers are responsible for implementing this policy, ensuring that our commitment to equality is followed through and adequately communicated both internally and externally.

Line Managers are responsible for ensuring selection for recruitment, promotion, training, and work allocation is carried out in a non-discriminatory manner and in accordance with the law.

Line Managers are responsible for ensuring that selection for admission and ongoing assessment of students is carried out in a non-discriminatory manner.

7.4   All staff and students have a responsibility to ensure the continuing success of this policy by:

- Treating other people with respect
- Bringing to the attention of management any suspected breaches of this policy
- Working together to promote an environment that eliminates discrimination and harassment.
- Seeking opportunities to identify, implement, share, and reflect upon potential improvements to inclusive practice
- Seeking opportunities to include staff and students who may be or feel peripheral to the University and Academic Partner communities.

7.5   Contractors, temporary staff, agency staff, consultants, volunteers, collaborators, and providers of services on behalf of UHI Moray are responsible for adhering to the principles of this policy in the context of their engagement with UHI Moray.

8. Legislative Framework
- British Sign Language (Scotland) Act 2015
- Children and Young People (Scotland) Act 2010
- Counterterrorism & Security Act 2015
- Data Protection Act 2018
- Equality Act 2010
- Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012
- Gaelic Language (Scotland) Act 2005
- Higher Education Governance (Scotland) Act 2016
- Islands (Scotland) Act 2018

9. Related Policies, Procedures, Guidelines and Other Resources
- Local Complaints Policy (SPSO dictated)
- Local Equality, Diversity, and Inclusivity Guidelines
- Local Promoting a Positive Learning Environment Policy (tertiary single policy)
- Local Safeguarding Policy (Tertiary single policy)
- Local Student Code of Conduct (Tertiary single document)

10.   Version Control and Change History

Version	Date	Approved by	Amendment(s)	Author
0			New policy for 2019	Equality, Diversity, and Inclusivity Policy Ownership Group
1	27.5.22		Addition to UHI Moray and roles	Rosemary McCormack UHI Moray EDI lead/Head of Curriculum
2				
3				
4				