

Equality, Diversity and Human Rights Policy Statement

1. Introduction

The University is committed to promoting equality, diversity and inclusion (EDI) and providing a safe environment where all of our members are treated with dignity and respect, this is encapsulated by our Student Dignity and Respect Policy and Staff Dignity Policy. We are dedicated to ensuring that the University community is a true reflection of the communities we aim to serve. The Equality Act (2010) and the Public Sector Equality Duty provide a legal framework to protect individuals from bullying, discrimination, harassment, and victimisation in the workplace, in study, and in wider society. As a university, we have specific equality duties that require us to:

- Eliminate unlawful discrimination;
- Advance equal opportunities; and
- Foster good relations.

This policy complements other policies and legislations see Appendix **A Relevant legislation, policies and procedures**. Please also refer to: Appendix B **Glossary of Terms** for definitions of key terms used throughout this policy.

2. Legal Framework

The **Equality Act 2010** created 9 Protected Characteristics (age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex and sexual orientation).

The University recognises its requirements to eliminate the following types of unlawful discrimination:

- Direct Discrimination
- Direct Discrimination based on Perception and Association
- Indirect Discrimination
- Discrimination arising from a Disability
- Failure to make a disability-related reasonable adjustment
- Harassment
- Harassment based on Perception and Association
- Victimisation
- Instructing, inducing or causing discrimination

In addition to the Equality Act 2010, the University as a public body, has to comply with the Public Sector Equality Duty, which requires us to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

To ensure transparency, and to assist in the performance of this duty, the Equality Act 2010 (Specific Duties) Regulations 2011 require public authorities, named on, to publish:

- equality objectives, at least every four years (from 6th April 2012)
- information to demonstrate their compliance with the public sector equality duty (from 31st January 2012)

3. Scope

The policy applies to employees, governors, consultants, contractors, volunteers, casual workers, apprentices, agency workers, researchers, all students (including but not limited to undergraduates, postgraduates, postdoctoral and placement students), and applicants/offer holders to work or study at the University. The principles of non-discrimination and equality of opportunity also apply to how employees and students should treat each other, any visitors, contractors, service providers, suppliers and any other persons associated with the functions of the University. This includes in-person, online, and electronic interaction.

It is the duty of each member of staff and every student not to engage in discriminatory behaviour and to implement this policy. Any breach of this policy will be dealt with in accordance with the relevant student or staff disciplinary policies.

The University recognises that the boundaries between freedom of expression and unlawful discrimination and harassment and the intersection with matters of equality, diversity and inclusion, are not easily defined.

Freedom of expression and non-discrimination are complementary, foundational rights, whose realisation is essential for the enjoyment and protection of all human rights. Freedom of expression and academic freedom, as outlined in the University's [Freedom of speech code of practice](#), are protected by law, and by the University's statutes and policies, though these rights must be exercised within UK law.

This policy is non-contractual and may be updated at any time.

4. Statement

- 4.1** Driven by our commitment to social justice, York St John University promotes fairness and challenges prejudice. We inspire and support all members of our community to succeed
- 4.2** The University is dedicated to providing an inclusive, accessible and welcoming environment that supports a diverse and culturally rich community. Our students and staff value equality, diversity and inclusion, and we ensure that all our students are given the opportunity to reach their full potential.
- 4.3** The University is committed to developing, implementing, reviewing and monitoring policies that promote equality, diversity and human rights and ensure an environment that is free from all forms of unfair treatment, discrimination and harassment for all those who study, work and engage with the institution.
- 4.4** At York St John no one should be discriminated against or harassed while working or studying within or visiting the institution on the grounds of, age, disability, gender,

gender identity, presentation or expression, marital or civil partnership status, parental or caring responsibilities, pregnancy and maternity, race (colour, nationality, ethnic or national origins), religion or belief (including non-belief), sex, sexual orientation, socio-economic status, trade union activity, criminal background as well as other relevant characteristics or any combination of these characteristics.

4.5 In exercising its policies, practices, procedures and other functions, the University will have due regard to its duties under the Equality Act 2010¹, Human Rights Act 1998 and other legislation (Appendix A).

4.6 In offering a wide range of opportunities for staff and students all policies and procedures are underpinned by the following values:

- a) a learning and work environment that encourages and enables diverse views, values and perspectives to be expressed and that opposes and stands up to all forms of prejudice, discrimination and harassment
- b) eradicating systemic and individual discriminatory policies and practices and advancing equality and human rights
- c) maintaining and promoting an inclusive community, where values of kindness, honesty and integrity underpin all our activities and diversity is celebrated
- d) individual needs are addressed in a sensitive, supportive and flexible manner
- e) individuals are offered opportunities to develop within a culture of reflection and continuous enhancement
- f) processes and procedures are based upon principles of equity, transparency and responsiveness
- g) equality of access, esteem and opportunity permeates all aspects of University provision
- h) [systems for reporting and addressing](#) systemic and individual discrimination, harassment, racism and sexual misconduct are transparent and robust
- i) all members of the University community are able to challenge inequalities without fear of victimisation.

5. Role and Responsibilities

All members of the University community are responsible for acting in a manner consistent with this policy.

[Board of Governors](#)

- will keep under review the University's approach to equality, diversity and human rights
- promote equality, diversity and inclusion in the Board of Governors' own operation and composition
- will actively engage in personal and professional development in line with expectations for YSJ staff.

[The Executive Board and Senior Leadership Team](#)

- foster and cultivate a culture that promotes inclusion and respect and that prevents discrimination, harassment and victimisation
- have in place arrangements for policies and procedures that promote equality, diversity and human rights, and avoid discrimination and harassment

¹ The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

- will promote personal and professional development opportunities to foster understanding of equality, diversity and inclusion, and inclusive approaches
- listen to, and where possible, act on ideas that contribute to the realisation of the commitments set out in this policy
- are accountable and transparent to the University community about their actions to implement the policy.
- Engage and resource staff networks

Managers

- promote the values set out in this policy
- respond sensitively to concerns about discrimination and harassment in line with the University's policies and procedures
- ensure and monitor compliance in their areas.

All employees

- read and understand the Equality, Diversity and Human Rights policy
- undertake continuing personal and professional development, including mandatory EDI and Bias e-learning modules as part of their induction, and further training appropriate to their role
- take appropriate steps if they have concerns about discrimination and harassment.

Students

- read and understand the Equality, Diversity and Human Rights policy
- take [appropriate steps if they have concerns](#) about discrimination and harassment.
- The University will always take appropriate action in response to failure to comply with this policy by applying the relevant procedures for students or staff.
- Appropriate action will be taken where possible if any member of the public, visitor or service provider is involved in discrimination or harassment.
- Serious breaches of the policy may constitute gross misconduct which may lead to exclusion, dismissal or termination of contract.

5.1 University as an Educator

5.2 The University's principal aim is to provide exciting and rigorous education which is accessible to the communities in which we live, work and recruit students from, and which enables all students to succeed.

5.3 Recognising the diversity of students, the University aims to:

- ensure an appropriate and supportive learning and social environment respecting the dignity of all members of the community
- take appropriate steps to meet the particular needs of individuals from protected groups where these are different from the needs of others, and work to eliminate any barriers to their success
- wherever appropriate, offer curriculum content which engages a range of rigorous critical perspectives
- actively work towards decolonising the curriculum

- use non-discriminatory language in module and programme descriptions, and in all student communications
- provide learning materials and facilities which are non-discriminatory
- have in place procedures to make reasonable adjustments for disabled students
- Clearly communicate expectations regarding student behaviour and the treatment of fellow students and staff, including details of how to raise concerns and the subsequent actions outlined in the University Disciplinary Code.

5.4 University as an Employer

The University's principal aim is to provide exciting and rigorous education which is accessible to the communities in which we live, work and recruit students from, and which enables all students to succeed.

The University aims to recruit, develop and retain a diverse community of staff and all policies and procedures will support this aim. Monitoring and review of our activities will inform the development of policies and procedures to ensure the fair and appropriate treatment of all staff.

Recognising the diversity of staff, the University aims to:

- ensure an appropriate and supportive working environment respecting the dignity of all members of the community
- take appropriate steps to meet the particular needs of individuals from protected groups where these are different from the needs of others
- encourage applications from the widest pool of potential candidates, especially where representation is disproportionately low
- ensure recruitment, development and other key HR processes are conducted using appropriate, fair and justifiable criteria
- support career development and progression with the aim of ensuring diverse representation and participation at all levels
- have in place procedures to make reasonable adjustments for disabled applicants and members of staff
- provide [a policy and procedure framework](#) to ensure that staff may raise any concerns relating to equality, discrimination and harassment and that these are dealt with appropriately.

5.5 University as a Purchaser of Goods and Services

The University has a responsibility to promote equality in all its procurement and contracting arrangements. Within the parameters of UK legislation, the University will ensure that it encourages potential suppliers from diverse communities and purchases goods and services fairly.

Our suppliers are expected to align with the University's vision and adhere to our Equality, Diversity, and Human Rights Policy, along with other applicable policies and procedures. They are responsible for ensuring compliance with these guidelines, including any staff or subcontractors they employ for University services. Breaches of these requirements will be addressed following the procedures outlined in the contractual Terms and Conditions.

6.1 Legal Requirements

The University recognises its obligations under the law. It is committed to providing equality of opportunity and upholding human rights by aiming to ensure that its practices and procedures follow legal requirements and good practice. The University will meet all its obligations under UK legislation.

When staff and students are engaged in University business and study overseas, policies and procedures of the host country will apply, in addition to University policies and procedures. The University will make students and staff aware of this before travelling.

7.1 Monitoring and Review

The University will monitor and review its performance on an annual basis about its equality objectives and the effectiveness of this policy and associated procedures. An annual report will be provided for the Executive Board and then onward to the Governing Body for approval, assurance and oversight.

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Appendix A Relevant legislation, policies and procedures

Legislation

Equality Act 2010

Human Rights Act 1998

Section 146 of the Trade Union and Labour Relations (Consolidation) Act 1992

Rehabilitation of Offenders Act 1974

Policies and procedures

Further details of the steps the University has committed to take and support for a diverse community can be found on the web pages. Information about raising concerns can be found on the dignity and respect page and the HROD intranet site.

Details of professional and personal development opportunities can be accessed through the Learning and Organisational Development, Academic Development and Research CPD intranet sites.

An equality impact assessment (EIA) is a structured approach to address inequalities and build an inclusive environment, helping to close gaps between groups. Guidance can be found on the intranet.

The University is committed to inclusive policies, and welcomes suggestions for improvements. Please contact the relevant department.

- Acceptable Use of IT Services
- Admissions Policy
- Freedom of Speech
- Managers' guide: supporting LGBT+ staff (intranet)
- Modern Slavery Statement
- Personal Relationships Policy
- Procurement Policy
- Research ethics and integrity
- Research Misconduct Policy and Procedures
- Safeguarding Policy
- Social Media Policy for Staff (intranet)
- Staff Code of Conduct (intranet)
- Staff Dignity at Work policy and procedures (Intranet)
- Staff Disciplinary Policy & Procedure (intranet)
- Staff Grievance Policy & Procedure (intranet)
- Staff Leave and Work Life Balance (including maternity and flexible working)
- Staff Supporting Disabled Staff
- Staff Workplace Violence Policy Statement (intranet)
- Student Charter
- Student Code of Practice for Assessment
- Student Complaints procedure
- Student Dignity and Respect Policy
- Trans Equality Policy Statement
- Whistleblowing policy

Appendix B: Glossary of Key Terms

This glossary gives definitions to some key terms used throughout this policy, it has been informed by ACAS and Equality Human Rights Commission and adapted to be made relevant to York St John University.

Terminology	Description or example
Adverse impact	Identified where a University operation has a less favourable effect on one or more groups covered by equality law than it has on other groups
Age	A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).
Bullying	<p>The terms bullying and harassment are often used interchangeably. In general, they can be defined as behaviours directed towards an individual that are unwelcome, unwarranted and which cause a detrimental effect.</p> <p>However, there is additional protection within the law for individuals who are subject to harassment in relation to some protected characteristics (see Harassment).</p> <p>Abuse and harassment because of hostility towards an individual's (actual or perceived) disability, gender, gender identity, race, religion or belief, or sexual orientation will not be tolerated, and will be treated as a hate crime.</p>
Dependants	A dependant is a spouse or civil partner, parent, child, someone who lives in the household as part of the family, or someone who "reasonably relies" on the employee for assistance in making care arrangements if they fall ill or are injured.
Differential impact:	Identified where a policy or practice affects a given group or groups in a different way to other groups. Unlike adverse impact, differential impact can be positive or negative
Direct Discrimination	Occurs where a person is treated less favourably on the grounds of being a member of a particular group than a person who is not from that group would be treated in the same or similar circumstances.

Direct Discrimination based by Association	<p>'Discrimination by association' is a type of direct discrimination. It's also known as 'associative discrimination'.</p> <p>It means discriminating against someone because of their connection with either:</p> <ul style="list-style-type: none"> • someone who has a protected characteristic – for example a family member, friend or colleague • a group of people who have a protected characteristic <p>Discrimination by association does not apply to the protected characteristic of marriage and civil partnership, nor pregnancy and maternity. This is because under the legislation, unlike other forms of discrimination, the legislation states there is no perceived discrimination and no discrimination by association because of marriage and civil partnership, nor pregnancy and maternity. It must be in the form of direct discrimination.</p>
Direct Discrimination based by Perception	<p>Discrimination by perception involves unfair treatment based on mistaken assumptions about protected characteristics. It happens even if the individual does not actually possess that characteristic. This type of discrimination does not cover the characteristic of marriage and civil partnership, nor pregnancy and maternity.</p> <p>Like associative discrimination, perceptive discrimination does not apply to the protected characteristic of marriage and civil partnership, nor pregnancy and maternity, and it must be in the form of direct discrimination.</p>
Discrimination arising from a Disability	<p>Occurs when a disabled person is treated unfairly due to their disability. This unfair treatment is unjustifiable. It differs from direct and indirect discrimination.</p>
Disability	<p>A person has a disability if they have a physical or mental impairment which has a</p>

	<p>substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. This, also includes progressive conditions such as cancer.</p> <p>The social model of disability recognises that people are disabled by the way that society is organised and seeks to remove barriers to inclusion.</p> <p>York St John University includes autism, ADHD and other neurodivergence in our definition of disability. The social model of disability perspective is that the neurotypical society we live in is disabling for neurodivergent folks.</p> <p>Also refer to 'Reasonable adjustment'</p>
Diversity	Diversity is about respecting and valuing the differences between people. It is also recognising and understanding the mix of people and communities who use services and their different needs.
Equal Opportunities	Equal opportunities, or equality of opportunity, may be defined as ensuring that everyone is entitled to freedom from discrimination. There are two main types of equality encompassed in equal opportunities. The term has mostly been replaced by Equality, Diversity and Inclusion (EDI) in recent years.
Equality Impact Assessment (EIA)	A detailed and systematic analysis of how a policy, practice, procedure or service potentially or actually has differential impact on people of different 'protected characteristics'.
Ethnicity	<p>Ethnicity relates to a person's cultural background, national origin, common sets of ancestry, traditions, language, history, society, religion, or social treatment. Ethnicity is protected under Race under the Equality Act, 2010.</p> <p>At York St John University we understand that Ethnicity is self-defined, a social construct and subjective to each individual.</p>
Gender	Gender refers to the social roles, behaviors, and attributes that a particular society considers appropriate for men and women. It includes both gender identity (how individuals perceive themselves) and gender expression (how they present themselves to others).

Gender Reassignment	Where a person undergoes, or proposes to undergo, a process for the purpose of reassigning their sex e.g. transgender. Note: non-binary and genderfluid identities are protected under this protected characteristic refer to Taylor v Jaguar Landrover 2020
Harassment	<p>Unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment.</p> <p>The Equality Act 2010 outlines three types of harassment:</p> <ul style="list-style-type: none"> • Related to protected characteristics • Sexual harassment • Less favourable treatment due to harassment <p>Bullying behaviour qualifies as harassment if it fits these definitions.</p> <p>For behaviour to qualify as harassment, it must either intend to or actually create an intimidating, hostile, degrading, humiliating, or offensive environment. Whether conduct is considered harassment depends on the recipient's perception, the context of the incident, and whether it is reasonable to view the conduct as offensive</p>
Indirect Discrimination	Refers to applying University operations that disadvantages people of different 'protected characteristics'. Indirect discrimination is illegal if it cannot be justified as a proportionate means of achieving a legitimate aim
Institutional Discrimination	When organisations fail to serve everyone fairly. This typically stems from their policies, procedures, and culture, leading to indirect discrimination.
Marriage and Civil partnership	Marriage is a union between a man and a woman or between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

Pregnancy and Maternity	<p>Under the Equality Act, Pregnancy and maternity discrimination is when you're treated unfairly because you're pregnant, breastfeeding or because you've recently given birth. Maternity covers the period of 26 weeks after birth.</p> <p>In relation to the University, the Equality Act prohibits discrimination because of pregnancy and maternity in employment, education and in the provision of goods and services.</p> <p>This means, for example, that an applicant who wishes to study at the University should not be excluded from admittance because she is pregnant or has recently given birth. Similarly, someone who is pregnant should not be demoted or overlooked for training or promotion because of their pregnancy.</p> <p>Breastfeeding parents are also protected. So, for example, it would be discriminatory to ask someone to leave a University restaurant because they are breastfeeding their baby. This protection extends for the period that the parent breastfeeds (even after 26 weeks) and this would fall under Sex.</p> <p>For more information about our approach to refer to:</p> <ul style="list-style-type: none"> • Shared Parental Leave Policy and Procedure • Maternity Policy and Procedure • Breastfeeding Policy
Protected Characteristics	<p>Protected characteristics are personal attributes or characteristics that are safeguarded by law to ensure fair treatment and prevent discrimination. It's important to recognise that everyone possesses one or more protected characteristics, and discrimination based on any of these characteristics is prohibited by law.</p> <p>Protected characteristics include: Age, Disability, Gender Reassignment, Marriage and Civil partnership, Pregnancy and Maternity, Race, Religion or Belief</p>

	(including non-belief), Sex/Gender Sexual Orientation
Race	A race includes individuals identified by their colour, nationality, ethnicity, or national origins. It may encompass multiple racial groups, like Black British.
Reasonable Adjustment	<p>Where a disabled person is at a substantial disadvantage in comparison 9 with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage.</p> <p>Reasonable adjustments are changes an employer makes to remove or reduce a disadvantage related to someone's disability. For example:</p> <ul style="list-style-type: none"> • making changes to the workplace • changing someone's working arrangements • finding a different way to do something • providing equipment, services or support <p>Reasonable adjustments are specific to an individual person. They can cover any area of work.</p> <p>It's not enough for employers to provide disabled people with exactly the same working conditions as non-disabled people. Employers must make reasonable adjustments by law.</p> <p>Some disabled people might not need or want adjustments, although this might change over time.</p> <p>What is reasonable depends on each situation. The employer must consider carefully if the adjustment:</p> <ul style="list-style-type: none"> • will remove or reduce the disadvantage – the employer should talk with the person and not make assumptions • is practical to make • is affordable

	<ul style="list-style-type: none"> could harm the health and safety of others
Religion and belief	Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
Sex	<p>'Sex' is understood as a spectrum and at YSJ we recognise this spectrum for example it could include intersex, male and female, or other sex identities. However, UK legislation only recognises male and female with a person's legal sex being determined by a doctor, this is framed as assigned gender at birth this is then recorded on the birth certificate. Gender and Sex are often used interchangeably partly in recognition that much of the inequality between women and men is driven by underlying social and power structures rather than by biology. Although the Equality Act protects people from discrimination because of their sex, other UK legislation (such as the regulations requiring employers to publish their gender pay gap) refers to gender.</p> <p>Trans individuals are also protected under gender reassignment,</p>
Sexual orientation	Whether a person's sexual attraction is towards their own sex/gender, the opposite sex/gender or to more than one sex/gender.
Trans	Trans is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more a wide variety of terms, including but not limited to, transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.
Victimisation	A specific legal term under the Equality Act (2010) and specific to the workplace. It means treating someone worse for

	<p>complaining about discrimination or harassment.</p> <p><i>The law says victimisation means 'suffering a detriment' because you've done or intend to do a 'protected act'.</i></p> <p><i>A 'protected act' means taking action related to discrimination law. This includes:</i></p> <ul style="list-style-type: none"> • <i>making a complaint of discrimination or harassment</i> • <i>supporting someone else's complaint</i> • <i>gathering information that might lead to a complaint</i> • <i>acting as a witness in a complaint</i> • <i>saying something or giving evidence that does not support someone else's complaint</i> <p><i>The law also protects a person from victimisation when someone else thinks the person has done or intends to do any of the things above.</i></p> <p><i>'Detriment' means someone experiences one or both of the following:</i></p> <ul style="list-style-type: none"> • <i>being treated worse than before</i> • <i>having their situation made worse</i> <p>Examples</p> <ul style="list-style-type: none"> • Called a troublemaker • Excluded • Denied opportunities <p>It differs from bullying.</p>
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Guidance notes

Inducing, Instructing or causing Discrimination	<p>It's illegal to cause discrimination.</p> <ul style="list-style-type: none"> • Don't tell anyone to discriminate, harass, or victimise others. • Persuasion is enough to count as inducing. It's illegal even if not acted on. • Helping in discrimination is as bad as doing it yourself. <p>This applies even after relationships end, like with ex-employees</p>
Positive Action	Positive action helps overcome disadvantages faced by specific groups

	<p>with protected characteristics. It's legal and optional, unlike positive discrimination.</p> <p>When to Use Positive Action</p> <ol style="list-style-type: none"> 1. Disadvantage: The group faces unique disadvantages. 2. Different Needs: They have different needs from others. 3. Low Participation: Their activity participation is low. <p>University's Actions</p> <p>The University can take proportional actions to:</p> <ul style="list-style-type: none"> • Help overcome disadvantages. • Meet different needs. • Encourage participation in activities. <p>These actions must be based on reasonable evidence and be proportionate to their goals.</p>
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