

Equality and Diversity Policy



ABERDEEN COLLEGE®



HR50

Equality and Diversity Policy

Review Date: January 2012

Equality and Diversity Policy

Contents

Equality and Diversity Policy Statement

1. Introduction
2. Principal Aims of Policy
3. General Principles of Equality.
4. Promoting Good Practice
5. Support and Guidance for Managers and Staff
6. Responsibility for the Implementation of the Policy
7. Equality Monitoring
8. Breach of Policy
9. Appendix: Transsexual, Transgender and Gender Re-Assignment Policy & Procedure

Equality and Diversity Policy

Equality and Diversity Policy Statement

The College aims to provide an environment which engenders respect and values the positive contribution of its staff so enabling them to achieve their full potential and gain benefit and enjoyment from their involvement in the life of the College.

To achieve this the College will ensure that its staff and prospective staff are:

- treated with dignity and respect
- treated fairly with regard to College policies and procedures
- encouraged to reach their full potential.

The College will also expect its staff to recognise the rights of others to be treated similarly and to act in accordance with them in their dealings with other members of the College community.

The College will comply with relevant legislation and good practice and will not tolerate any individual receiving less favourable treatment on the grounds of gender, race, religion or belief, sexual orientation, age, disability, maternity and pregnancy, marriage and civil partnership and gender re-assignment. These are known as protected characteristics.

All staff are required to adhere to this Policy and a breach of it may be regarded as a disciplinary matter and dealt with under the College disciplinary procedures as appropriate.

The College will observe good equal opportunities practice in all of its functions. However, the following areas are considered to be particularly relevant:

- The Curriculum – Learning and Teaching
- Access and Facilities
- Admissions Procedures
- Student Guidance and Support
- Staff Recruitment and Selection
- Staff Induction and Development
- Procurement and Outsourcing

The College aims to:

Ensure that the Equality and Diversity Policy and other relevant policies and procedures are made available to all staff and students via Abnet;

Equality and Diversity Policy

- Provide training for all staff to ensure that equal opportunities principles inform the learning and teaching process;
- Establish support systems for staff who feel they may have been subject to unlawful discrimination;
- Ensure equality of access and opportunity for students by monitoring and reviewing recruitment, selection, retention, achievement and attainment;
- Ensure that principles of equality and diversity are embedded in teaching programmes;
- Ensure equality of access to employment in the College by monitoring staff recruitment, selection and promotion processes;
- Ensure that the physical environment and buildings reflect the needs of disabled students and staff;
- Ensure that contractors, employer clients and partner institutions are made aware of this Policy;
- Regularly review, monitor and assess the impact of College policies and practices to ensure compliance with good equal opportunities practice.

1. Introduction

Aberdeen College seeks to provide a learning and working environment in which there is equality of opportunity and which is free from unlawful discrimination. It is committed to being an equal opportunities employer and educational provider, and will seek to ensure equality of opportunity for its staff and students as well potential staff and students.

The College recognises that an effective Equality and Diversity Policy supported by action plans will contribute to the long-term success of the College. The rationale for the College's commitment to equality and diversity is that, in addition to being unlawful and immoral, discrimination is also wasteful if the talents of individuals are not recognised and developed. The College also recognises and seeks to avoid the negative impact on individuals of discrimination in terms of educational attainment, career progression, self-fulfilment and self-esteem.

The College will not tolerate unfair or unlawful discrimination, harassment or victimisation by staff or students in any areas of its activities.

Equality and Diversity Policy

2. The principal aims of the Equality and Diversity Policy are to ensure that:

- No applicant (student or job applicant) or member of staff receives less favourable treatment on the basis of a protected characteristic or by their association with someone who has a relevant protected characteristic. Protected characteristics are: gender, race, religion or belief, sexual orientation, age, disability, maternity and pregnancy, marriage and civil partnership and gender re-assignment;
- No applicant or member of staff is subjected to harassment or victimisation;
- All staff are made aware of all forms of unfair or unlawful discrimination, including harassment and victimisation, which constitutes unacceptable behaviour;
- The profile of the College student body and staff complement represents, as far as is reasonably practicable, the diversity of the local geographical area;
- The College provides a safe and welcoming environment - for staff, students and visitors;
- The College treats all individuals fairly, with dignity and respect.

The College has established a Single Equality Scheme and supporting annual action plans. These are all available in the Knowledge Base (Equal Opportunities) section of Abnet.

3. General Principles of Equality

Concepts of Equal Opportunities and Diversity

The terms “equal opportunities” and “diversity” are often used interchangeably and are defined, for the purposes of this Policy, as follows:

Equal Opportunities

Equal Opportunities refers to the elimination of unlawful and unfair discrimination against particular groups, for example, people from ethnic minorities, people with disabilities and women or men. It involves the development of practices that promote fair and equal chances for all to develop their full potential in all aspects of life and the removal of barriers arising from discrimination and oppression faced by certain groups.

Equality and Diversity Policy

Diversity:

This is based on the concept of recognition of differences. These include: gender, race, religion or belief, sexual orientation, age, disability, maternity and pregnancy, marriage and civil partnership and gender re-assignment;

Definitions of other terms used in this Policy are as follows:

Direct discrimination

Direct discrimination occurs when an individual is treated less favourably than others in similar circumstances on the basis of a protected characteristic or their association with a person or persons who share relevant protected characteristics.

Indirect discrimination

Indirect discrimination occurs where a provision, criterion or practice is applied which puts people at a particular disadvantage when compared with others because of a protected characteristic and which cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment.

Harassment is recognised in law as a form of discrimination. Harassment on the basis of a protected characteristic, by association with people who share a relevant protected characteristic and by third parties may, therefore, be unlawful.

Harassment is defined as unwanted and/or offensive conduct affecting the dignity of a person in the workplace. It creates an intimidating, humiliating or hostile environment for the recipient that may be damaging for him or her and the organisation. It includes unwelcome physical, verbal and non-verbal conduct and it can be a single incident or persistent behaviour directed towards one or more individuals.

Essentially, harassment is behaviour that is uninvited, unreciprocated and unwelcome or offensive to the recipient. The behaviour can include comments, looks, actions, suggestions or physical contact. The intention is irrelevant, what is important is how the individual on the receiving end of the behaviour feels. It must never be assumed that an individual's failure to speak out against this type of behaviour means that he or she consents to it, nor does apparent acceptance and reciprocation imply consent.

Equality and Diversity Policy

Discriminatory language:

The College is committed to the use of non-discriminatory language which is non gender specific in its internal and external documents, official correspondence, publications and other communications. All staff and students of the College are expected to ensure that written and spoken material used or produced by them does not contain racist or sexist language or any other language that may cause offence to others. Rather than adopting a prescriptive approach to the use of language, the College asks that its staff and students exercise good judgement and raise concerns when they arise. In particular, they should be aware of inappropriate references to gender, race, religion or belief, sexual orientation, age, disability, maternity and pregnancy, marriage and civil partnership and gender re-assignment.

Victimisation

Victimisation occurs when an individual is treated badly or unfairly because he or she has made a complaint, or has given evidence or information about someone else's complaint. However, an employee is not protected from victimisation if he or she has acted maliciously or made or supported an untrue complaint.

Positive action

Positive action involves taking measures to correct any imbalances by giving encouragement to disadvantaged or under-represented groups e.g. to apply for jobs or undertake training. This includes positive discrimination in favour of a disadvantaged group in relation to recruitment and promotion in certain circumstances.

4. Promoting Good Practice

The College will promote good practice and, specifically, will seek to:

- Promote equality of opportunity;
- eliminate discrimination, harassment and victimisation on the basis of a protected characteristic;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
- foster good relations between people who share a relevant protected characteristic and people who do not share it;
- Consider how its policies and practices affect under-represented groups, and whether or not they help to achieve equality of opportunity for these groups;

Equality and Diversity Policy

- Monitor the enrolment, retention and achievement by students by sex, race and disability;
- Monitor the recruitment and career progress of all staff by sex, race and disability;
- Monitor applications and uptake of staff development by sex, race and disability;
- Monitor grievance and disciplinary cases by sex, race and disability;
- Ensure fair treatment in the way the College provides or procures services;
- Promote an inclusive culture through the development of codes of best practice, policies, and training;
- Publish this Policy widely together with the results of monitoring and review;
- Ensure that staff are trained and developed on the basis of their abilities and the requirements of the job;
- Ensure fair treatment for individuals seeking redress through the College's complaints and grievance procedures;
- Develop opportunities in, and approaches to, education and employment that take into account patterns of under-representation with a view to encouraging, where possible, greater diversity within the College community;
- Offer staff opportunities to develop knowledge, skills and approaches to meet their professional responsibilities;
- Take positive action wherever reasonable and practicable to support this Policy and its aims.

5. Support and Guidance for Managers and Staff

The College will seek to provide appropriate support to enable staff to act in accordance with the Equality and Diversity Policy.

This includes:

- maintaining effective communication and consultation strategies for the implementation of the Policy and obtaining appropriate feedback on its operations;
- providing and disseminating information on legislation and its implications for the operation of College activities;
- providing programmes of staff training to raise awareness and understanding of equal opportunities and diversity issues;
- ensuring that, in addition to general information, specific guidance is provided to those responsible for carrying out particular functions e.g. staff recruitment and selection, student admissions;
- providing information on legislation in induction and training for members of the Board of Management;

Equality and Diversity Policy

- providing guidance on College procedures for dealing with allegations of discrimination in conjunction with the associated policies and Equalities Duties;
- providing guidance on analysing performance indicator information and carrying out impact assessments.

Support and advice relating to discrimination, harassment and bullying is available from the College's Human Resources Department. The College also has a network of trained mediators who can be called upon to assist in resolving relationship difficulties at work as directed by the HR Team. The College also provides free counselling for staff which is available on a self-referral basis.

Given its importance, equality and diversity training is mandatory for all staff. Specific training on good recruitment and selection practice is also mandatory for all managers.

6. Responsibility for the Implementation of the Policy

The existence of this Policy will not, in itself, promote a culture of equality unless its principles are put into practice. All staff, therefore, have a personal responsibility to adhere to the principles of this Policy in carrying out their duties.

Staff responsibilities

Staff have a personal responsibility for the practical application of equality initiatives. Everyone can contribute to an improved working environment, for example, by not making assumptions about people based on a protected characteristic or by their association with others who share a protected characteristic, by challenging people who express prejudice, and by making suggestions to managers about how the working environment can be improved to enhance equal opportunities. In addition, the staff of the College are expected to:

- Demonstrate consideration, respect and understanding towards colleagues;
- Challenge or report, as appropriate, any suspected discriminatory acts or practices, including literature, language or behaviour that contravene the standards required by this Policy.
- Co-operate and support measures introduced by the College to develop equal opportunities.

Equality and Diversity Policy

Managers' responsibilities

Managers are responsible for promoting equality within their areas of responsibility.

Where problems or complaints arise, managers must take these seriously and make sure they are fully investigated and that any necessary follow-up action is taken. This may include initiating disciplinary action against staff (or in the case of teaching department managers – students) who have committed acts of discrimination or harassment. Managers, therefore, need to ensure that they and their staff;

- are fully aware of the contents of this Policy;
- adhere to the standards of behaviour expected by this Policy and governed by legislation;
- take action to promote a working environment which respects individual differences and is free from discriminatory behaviour;
- challenge unacceptable literature, language or behaviour.
- deal with issues raised by staff or students promptly, fairly and sensitively.
- take actions and make decisions fairly and without bias.

The Vice Principal (HR) has overall responsibility for the Equality and Diversity Policy.

7. Equality Monitoring

The College will monitor by sex, race and disability applicants for posts, candidates interviewed, new appointments, current staff, promotions, applications for training and staff development, grievances and disciplinary cases. This will enable the College to monitor patterns of applications and employment amongst various groups of employees and to identify areas for action. The data will also be used to complete annual Scottish Funding Council returns.

The College will also monitor by sex, race and disability student applications, enrolment, retention, achievement and disciplinary cases.

This information on students and staff will be considered by the College's Equal Opportunities Committee and will be reported to the Human Resources Committee of the Board of Management.

Equality and Diversity Policy

Information gathered from the monitoring process will be used as a basis for assessing the impact of the current policies and the development and planning of future strategies and targets to promote equality

8. Breach of Policy

Any instance of a breach of the Policy, which comes to the College's attention, will be investigated and dealt with in accordance, if appropriate, with the Disciplinary Policy.

In some cases an employee may be able to deal satisfactorily with a minor issue by raising the matter with his or her immediate manager. If this does not resolve the problem the employee may use the College's Grievance Procedure.

If an employee is accused of acting in a discriminatory manner towards a colleague or a student or if he or she is accused of harassment, the complaint will be fully investigated and this will be dealt with through the disciplinary procedures.

Status: approved by:	HR Committee.
Date of version:	January 2011
Responsibility for Policy:	Vice Principal (HR)
Responsibility for Review:	Vice Principal (HR)
Equality Impact Assessment:	November 2010
Review date:	January 2012



TRANSSEXUAL, TRANSGENDER AND GENDER RE-ASSIGNMENT POLICY & PROCEDURE

SCOPE OF THE POLICY

This Policy applies to all Aberdeen College employees 'who intend to undergo, are undergoing or have undergone gender reassignment'. All stages of the gender reassignment process including the initial stage where the individual indicates an intention to commence gender reassignment, are covered by the Policy.

AIMS AND OBJECTIVES OF THE POLICY

Aberdeen College is committed to equality of opportunity both in the provision of services and as an employer. The Policy aims to ensure consistency of approach in line with relevant legislative requirements.

The specific aims of this Policy are to:

- Ensure that transsexual people and individuals undergoing the gender reassignment process are treated with fairness and support in the recruitment process and as employees of the College
- Provide management guidance on the status of transsexual people undergoing the gender reassignment process
- Detail the appropriate procedure to be followed when a person applies to the College following gender reassignment or states that he or she is about to undergo the gender reassignment process
- Explain the support the College will provide to people undergoing gender reassignment.

BACKGROUND

Transgender people are people who identify their gender to be different from their physical sex at birth. Transgenderism, sometimes known as gender dysphoria, is recognised as a medical condition. It is accompanied by a sense of discomfort with one's physical body and a wish to go through a process known as gender reassignment or transition.

THE LEGAL CONTEXT

There are two major pieces of legislation that protect transsexual employees from less favourable treatment at different stages of the gender transition process.

1. The Gender Reassignment Regulations (1999) extends the Sex Discrimination Act 1975. It is unlawful in employment to harass or treat someone less favourably on the basis that she/he intends to undergo gender reassignment, is undergoing gender reassignment or has at some time in the past undergone gender reassignment.

2. The Gender Recognition Act (2004) came into effect on 04 April 2005. The Act enables transsexuals who have permanently assumed an identity in the opposite gender to gain full legal recognition

DEFINITION

The term transsexual is usually used to describe a person who intends to undergo, is undergoing or has undergone gender reassignment. This Policy refers to 'transsexual people', however, it also applies to transgender people.

THE PROCESS OF GENDER REASSIGNMENT OR TRANSITION

The term gender reassignment or transition refers to the process that a person goes through to present themselves permanently in their new gender. This usually includes specialist psychiatric evaluation, hormone treatment, real life experiences and sometimes reconstructive surgery. The process and period of treatment can take anything from a matter of months to a period of years.

AGREEING A PROCESS WITH THE EMPLOYEE

If an employee is planning to undergo gender reassignment, and informs the manager or Human Resources of this, then the manager (or HR Manager) should meet with the employee to agree how he or she would prefer to handle the matter within the workplace. A process as to how it can be dealt with can then be agreed.

Issues that may be considered include:

- The expected timescale of any medical or surgical procedures (if the individual is proposing to undergo surgery – many choose not to) and what time off may be required;
- The expected point or phase of change of name, personal details and social gender;
- Whether the employee wishes to inform colleagues her/himself or would prefer others to do this. An employee may often take a short period of leave prior to returning to work in his or her new social gender and this may be the most appropriate time to tell colleagues;
- Discussing with the employee changes to her/his records;
- What support/training others may need to understand the issue;
- Use of single sex facilities

MEDICAL APPOINTMENTS

While going through a process of gender reassignment an employee may need to attend medical appointments and the normal policy for taking time off for appointments should be followed. If the individual needs to be absent for treatment or surgery then normal sick pay arrangements will apply.

Where possible, flexibility should be given to individuals who may need to take holidays or rearrange working hours in order to attend additional appointments outside of work.

CHANGE IN RECORDS

It is generally easiest that if the employee informs the College of a time at which he/she wishes to have a change in social gender then files/records/the way that the person is addressed are all changed at the same time. Some records e.g. relating to pension will need to be kept in the original name/gender.

1. References

Particular care should be taken in seeking references. The applicant may have been in a different gender role in previous jobs – again confidentiality and respect for dignity should be applied.

2. Records and confidentiality

Generally all employment records for a transgendered person should not refer to someone's previous name. Because of the legal status of transgendered people, it may be necessary for some records (e.g. with regard to pensions or insurance) to retain a reference to legal sex. Where possible new records should be produced.

INFORMING OTHERS OF THE CHANGE/CONFIDENTIALITY

Informing others of the change in social gender is something that can be discussed with the employee. It may be the manager and/or employee who informs others.

Generally it will only be those who knew the person before the change who will have to be informed. There may be some others who need to know for administrative processes e.g. payroll, however confidentiality should be maintained as much as possible.

For staff working with the person there may be some training and support needs. It may be useful to look at these along two levels – specific issues regarding the employee and broader information about gender reassignment. It is recommended that managers should:

- Include sufficient information to convey the facts and satisfy people's curiosity
- Not go into too much detail
- Respect the wishes of the transgendered person and their right to medical confidentiality in terms of discussing detailed personal matters
- Pitch the information at a level and style appropriate to the audience involved
- Include how staff may find out more information
- Remember to include the name that the person wishes to be known by in their new gender role
- If necessary remind staff of the College's Vision and Values particularly concerning respect and courtesy
- Remind employees of the College's position on harassment.

USE OF SINGLE SEX FACILITIES E.G. CHANGING ROOMS OR TOILETS

The manager should in discussion with the employee, agree when the employee should move from using one set of facilities to another. It is likely that this would be at the change of social gender.

Separate facilities e.g. a disabled toilet may be used in the short term but it is not acceptable to insist on the individual using such facilities for the long term. The manager should ensure that the individual is supported in the use of single sex facilities and that the decision is communicated and explained as necessary to other staff.

DRESS CODE

It may be that some flexibility is required around dress codes to accommodate the process of transition from one gender to another. As the process may take some time this is something that may be discussed with the employee at such a time that uniforms are re-ordered (where appropriate).

RECRUITMENT AND EMPLOYMENT

Aberdeen College recognises that the gender of an employee is of no relevance to their ability to do their job. The College is committed to providing an environment in which there is equality of opportunity which is free from unlawful discrimination. It is committed to being an equal opportunities employer, and will seek to ensure equality of opportunity for its employees and potential employees.