

**AUA**



Equality Challenge Unit



**HEEON**

Higher Education Equal Opportunities Network

# **A – Z Equality & Diversity**

**October 2008**

## Contact Addresses

### **AUA EAG - The Association of University Administrators – Equality Advisory Group**

[www.aua.ac.uk](http://www.aua.ac.uk)

AUA National Office  
University of Manchester  
Oxford Road  
Manchester  
M13 9PL  
Tel: 0161 275 2063  
Fax: 0161 275 2036  
Email: [aua@manchester.ac.uk](mailto:aua@manchester.ac.uk)

Roger Clewett  
Secretary, AUA Equality Advisory Group,  
University of the West of England,  
Frenchay,  
Bristol  
BS16 1QY  
Tel: 0117 328 2729  
Email: [roger.clewett@uwe.ac.uk](mailto:roger.clewett@uwe.ac.uk)

### **ECU - Equality Challenge Unit**

[www.ecu.ac.uk](http://www.ecu.ac.uk)

Equality Challenge Unit  
Queen's House, 55/56 Lincoln's Inn Fields  
London  
WC2A 3LJ  
Tel: 020 7438 1010  
Fax: 020 7438 1011  
Email: [info@ecu.ac.uk](mailto:info@ecu.ac.uk)

### **HEEON - Higher Education Equal Opportunities Network**

[www.heeon.ac.uk](http://www.heeon.ac.uk)

Michele Lefevre  
HEEON Administrator  
HEEO Network  
University of Worcester  
Henwick Grove  
Worcester  
WR2 6AJ  
Tel: 01905 855267  
Fax: 01905 855550  
Email: [m.lefevre@worc.ac.uk](mailto:m.lefevre@worc.ac.uk)

## Acknowledgements

The publishers of this guide would like to thank the members of the Association of University Administrators' Equality Advisory Group, Equality Challenge Unit staff, and members of the Higher Education Equal Opportunities Network for their contributions to it.

Although we have attempted to include the words, phrases and organisations most commonly used in the higher education equal opportunities environment, there will inevitably be some omissions. If you would like more information about any of the entries or would like to know about something related to equal opportunities and diversity that hasn't been included please contact one of the sponsoring organisations – AUA EAG, ECU or HEEON. Contact details for the organisations are listed on the page above.

Every effort has been made to ensure the accuracy of the entries as at October 2008. However nothing in this booklet constitutes legal advice, which should be sought from your human resources department, a legal practitioner or your trade union representative.

The entries for some organisations were derived from their web sites. In these cases the organisation's web address is included at the end of the entry. Similarly, where an entry about a particular topic has been derived from a website, the site's address is given.

**This publication can be downloaded from the AUA website  
([www.aua.ac.uk](http://www.aua.ac.uk))**

The publication is produced free of charge. Information can be reproduced accurately as long as the source is clearly identified.

## Foreword

This is the second edition of the Equality and Diversity A to Z, which is a joint publication of the Association of University Administrators' Equality Advisory Group, Equality Challenge Unit and the Higher Education Equal Opportunities Network. The Guide is designed for all staff in higher education – importantly it is not just for equality and diversity specialists – rather it is for other staff who are not working in the field but who will from time to time come across the terms and phrases which we have tried to explain in the A to Z, and we hope it will be useful to them.

As with many other aspects of life, the language in relation to equality and diversity is constantly changing and evolving, and whilst we hope that at the time of publication the guidance is up-to-date we realise that it will change and therefore we have decided to make this publication web-based so it can easily be revised when necessary.

We hope that you find the document accessible and useful and that you will recommend it to your colleagues. We also welcome any comments you may have.

*Sara Hunter, Chair, Association of University Administrators' Equality Advisory Group*

*Nicola Dandridge, Chief Executive, Equality Challenge Unit*

*Sarah Lewis, Chair, Higher Education Equal Opportunities Network*

# A

## Action Plan

Under the race, disability and gender public sector duties, all public sector authorities in Great Britain (including HEIs) must set out in an action plan what they are going to do to address race, disability and gender equality issues to accompany the respective policy or scheme. There are legal requirements to report annually on progress in carrying out the action plan and for the scheme to be reviewed every three years.

(See **Public Sector Duties**)

## Admin-ee mailbase

Admin-ee is a mailbase for those interested in giving and/or receiving information regarding equal opportunities in higher education. To join admin-ee email in the subject line:

*join admin-ee [your first name and last name] email*

to:

[jiscmail@jiscmail.ac.uk](mailto:jiscmail@jiscmail.ac.uk)

Jiscmail will send you a code which you must return to confirm that you wish to join the list.

## Adoption Leave and Pay

Adoption leave and pay are statutory rights available to employees that allow one member of an adoptive couple to take paid time off work when their new child starts to live with them. Paternity leave and pay may be available for the other member of the couple, or an adopter's partner.

In addition to the statutory minimum rights, individual institutions may also have an occupational adoption leave and pay scheme for employees with a minimum amount of qualifying service. The amount of time and leave available may depend on the age of the child being adopted, and the employee's length of service.

## Affirmative Action

Affirmative action is an American public policy approach that aims to eliminate the current effects of past discrimination. In practice, it means that positive steps are taken to increase the representation of historically disadvantaged groups — women and people from ethnic minorities, in employment and education, for example. Affirmative action programmes seek to remedy the effects of discrimination on the grounds of race, gender or ethnicity, or combat ongoing institutionalised and unintentional practices. Preferential selection i.e. selection on the basis of race, ethnicity or gender (which is not allowable in the UK), is a controversial form of affirmative action and has been legally challenged in the USA.

*[N.B. Affirmative Action is also the term used in Northern Ireland in relation to actions taken under the Fair Employment and Treatments (Northern Ireland) Order 1989.]*

(See **Positive Action**)

## **Age Discrimination (Ageism)**

John MacNicol (Age Discrimination: an historical and contemporary analysis 2006:6) defines ageism as “application of assumed age-based group characteristics to an individual, regardless of that individual’s actual personal characteristics.”

As an example, in an interview the panel may assume that ‘older’ candidates are less able to learn new skills or ‘younger’ candidates are less likely to be committed to the organisation. Such assumptions may mean that the panel members fail to consider the individual’s skills, experience and personal characteristics.

Age discrimination can be experienced by anyone, at any age, young and old.

The Employment Equality (Age) Regulations 2006 prohibit direct and indirect discrimination, harassment and victimisation against anyone on grounds of their age. These laws are designed to protect people in employment and currently they do not extend to ageism in relation to goods and services. However, in the Higher Education context, the regulations do cover the provision of education and services to students.

(See **Discrimination**)

## **Alternative Format**

Standard or traditional ways of presenting information are not always accessible to all people. Whether preparing printed materials or holding an event, consideration should be given to alternative ways of communicating and providing information. Alternative formats include Braille, audio or video formats, large print, human readers, note-takers, British Sign Language interpreters, palantypists and other communication support workers, computer screen readers, CD-ROM, other IT data storage devices and specific IT packages. TechDis has produced a [guide to obtaining publications in alternative formats](#) and a [good practice guide for organising accessible events](#).

Under the Disability Discrimination Act (DDA), disabled students’ and visitors’ requirements for alternative formats must, where possible, be anticipated by an institution, which must offer course and relevant materials in an alternative format, and the DDA requires employers to make reasonable adjustments to accommodate the needs of existing or potential staff. This includes providing any recruitment material in an alternative format if it is requested.

Advice on how to provide materials in an alternative format can be obtained from a number of sources including the EHRC, Royal National Institute of the Blind, TechDis and ECU. In addition, each institution’s student support services or disability team will have good knowledge of local service providers.

The person who has requested an alternative format is the best person to ask about what exactly is required.

(See **Equality Challenge Unit, Equality and Human Rights Commission, Reasonable Adjustments, SENDA**)

## **AMOSSHE – The Association of Managers of Student Services in Higher Education**

AMOSSHE brings together those who are responsible for the management or co-ordination of a range of learner support and guidance services for students. It serves as a forum in which members can discuss matters relevant to the provision, quality and effective management of support guidance services. Its mission is:

To provide comprehensive, professional support for the heads of student services in the UK and, through effective representation, promote policy change to enhance the student experience.

[www.amoshe.org.uk](http://www.amoshe.org.uk)

## **Anti-Semitism**

Anti-Semitism is hostility towards or prejudice against Jews or Judaism.

It has been defined by the European Monitoring Centre on Racism and Xenophobia (EUMC) as ‘a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of Anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.’

## **Assumptions**

Assumptions are the judgements made, or opinions held, about people. For example, assumptions can be based on experience of past behaviour e.g. ‘he has always let me know when he’d be late; therefore (since he hasn’t contacted me to say otherwise) I’m assuming he will be on time for our appointment’.

However, assumptions become problematic when they are based on partial or flawed information, or where the attributes commonly ascribed to particular groups of people are applied to individuals. For example, it might be assumed that there are no female Muslim students in a class because none of the women in it wears the hijab, or that there may be no disabled people in a department because no one uses a wheelchair. Actions that are taken as a result of any erroneous assumptions could result in discriminatory behaviour.

(See **Stereotyping**)

## **AUA-EAG – The Association of University Administrators – Equality Advisory Group**

The AUA-EAG aims to support AUA members in their understanding and implementation of good practice in equality, diversity and widening participation within the higher education sector.

Its five objectives are:

- to promote awareness and understanding of equality and diversity and of widening participation;
- to support members in the implementation of policies and procedures in this area;
- to develop and facilitate appropriate sessions for the AUA annual conference;
- to develop relevant workshops for the HE sector;
- to disseminate good practice, and to liaise with other organisations, networks and sources of expertise within and outside the HE sector.

[www.aua.ac.uk](http://www.aua.ac.uk)

## **B**

### **BAME**

Black and Asian Minority Ethnic

(See **BME**, **BEM**)

### **Barriers**

Barriers are structures or factors, whether physical, social or psychological, which make it difficult for people to make progress or to achieve an objective. In equality terms they are the factors that prevent individuals, or groups of people, gaining access to employment, or services, or from reaching their potential in society. Examples of barriers can include poor arrangements for access to buildings, lack of information, bias in recruitment and selection procedures, lack of transport, poor educational provision and training, absence of role models, and general prejudice and discrimination against particular groups.

(See **Exclusion**)

### **Belief**

Belief is the acceptance of a fact, opinion, or proposition as true, without the full intellectual knowledge to know it's true. Belief is associated with religion in the Employment (Religion or Belief) Regulations 2003.

Religion or belief is currently defined as 'any religion, religious belief or philosophical belief'. Whether a particular belief comes within the scope of the Regulations will be for individual tribunals and courts to decide. In determining

whether the belief is protected, it is likely that they will consider, among other things, such factors as collective worship, whether there is a clear system of belief, and the profundity of the belief in affecting a way of life or view of the world. 'Philosophical belief' covers not only non-religious beliefs, such as atheism, along with the absence of religious belief, but potentially beliefs that amount to a "world view or life stance". House of Lords debates concerning the latter point indicate that further clarification on this should be provided by the Equalities and Human Rights Commission.

## **Bisexual**

A bisexual person has an emotional and/or sexual orientation towards people of the same sex and people of the opposite sex. Some members of bisexual communities prefer the definition: 'a changeable sexual and emotional attraction to people, where gender may not be a defining factor'.

People who are bisexual sometimes feel they are ignored in equal opportunities provision because society views sexual orientation as binary, i.e. people are commonly construed to be either heterosexual, or lesbian, or gay.

## **BEM**

Black and Ethnic Minority

(See **BAME**, **BME**)

## **Black**

Traditionally, Black was used to describe someone who was of African descent. Politically, it can also encompass those who have Asian ancestry. However, not everyone with Asian heritage defines themselves as Black.

## **BME**

Black and Minority Ethnic

(See **BAME**, **BEM**)

## **British Council**

The British Council is a registered charity that is a non-departmental public body sponsored by the Foreign and Commonwealth Office. Its purpose is to build mutually beneficial relationships between people in the UK and other countries, and to increase appreciation of the UK's creativity and achievement.

As part of its role, the British Council promotes British education by encouraging and sponsoring international student study in the UK. It also offers a range of resources to ensure that students get the most from their education. The resources include information on courses, qualifications, institutions, English requirements, visas and travel.

[www.britishcouncil.org](http://www.britishcouncil.org)

## **Bullying**

Bullying can be defined as offensive behaviour which violates a person's dignity, or creates an intimidating, hostile, degrading or offensive environment, or which humiliates or undermines an individual or group. Such behaviour can be vindictive, cruel or malicious.

Bullying can cause stress and employers may fail in their duty of care to safeguard the health, safety and welfare of employees, if they do not take steps to prevent it. Most HEIs now have policies, guidelines and codes of practice covering bullying, sometimes within a policy framework dealing with 'harassment'.

Bullying can take various forms, from name calling, sarcasm, teasing, and unwarranted criticism, to threats of violence or actual physical violence. The Health and Safety Executive estimates that bullying costs employers up to 80 million working days a year in lost productivity and over £2 billion a year in lost revenue. Bullying can also cause low morale and produce a high turnover of staff.

(See **Duty of Care, Harassment**)

## **Burden of Proof**

The burden of proof refers to the legal standard required to prove a case. In civil cases of discrimination, the person making a complaint has the burden of proving the facts from which unlawful discrimination could be established. If they succeed in doing this, then the burden shifts to the person or organisation alleged to have committed the act(s) to prove that unlawful discrimination did not occur – whether by relying on an exemption or proving a defence.

## **C**

### **CEHR – Commission for Equality and Human Rights**

See 'EHRC' – Equality and Human Rights Commission

### **Civil Partnership**

The Civil Partnership Act 2004 came into force on 5 December 2005 and gives same-sex couples the right to obtain legal recognition of their relationship. Couples who form a civil partnership have a new legal status, that of 'civil partner'.

Civil partners have equal treatment to married couples in a wide range of legal matters, including:

- tax, including inheritance tax;
- employment benefits;
- most state and occupational pension benefits;
- income-related benefits, tax credits and child support;

- duty to provide reasonable maintenance for your civil partner and any children of the family;
- ability to apply for parental responsibility for your civil partner's child;
- inheritance of a tenancy agreement;
- recognition under intestacy rules;
- access to fatal accidents compensation;
- protection from domestic violence;
- recognition for immigration and nationality purposes.

## **Class**

Class is the way society is divided into groups based on significant income and/or wealth and/or occupational differences or inequalities.

The Census acknowledges differences (previously defined as social class groupings) relating to both income and occupational grouping. Previous simple class groupings ('upper', 'middle', 'working' classes) have become more complex and been increasingly sub-divided.

Some argue that class distinctions no longer exist or are reducing, whilst others say that social class distinctions are getting wider and are more entrenched than ever. Global debate is focused on the creation of new 'class' distinctions between rich and poor countries.

The case is often made that widening educational access (e.g. to higher education) to social classes that have previously been excluded will reduce class distinctions over time and create a more equal and fairer society.

(See **Socio-Economic Background, Widening Participation**)

## **Codes of Practice**

Codes of Practice have been issued by the three legacy commissions in Great Britain to explain and illustrate the legislation. They can be either statutory or advisory. Additional Codes of Practice are also in place in Northern Ireland.

A statutory code is one that has been approved by Parliament. It means that the code is admissible in evidence in any legal action, and a court or tribunal should take the code's recommendations into account. On its own, the code does not place any legal obligations on anyone. Only the courts can give a complete statement of the law.

Technically, an advisory code is not a legal document, nor does it constitute professional legal advice. However, it can be used as evidence in legal proceedings under the appropriate equality legislation. Organisations to which advisory Codes of Practice apply are therefore encouraged to follow their guidance in order to develop and implement institutional good practice, and — in the event a discrimination claim is brought against them — to help them avoid institutional liability.

Some codes are specific to certain sections of legislation, and/or certain types of organisation. For example, the former Disability Rights Commission's Code of Practice Post-16 relates to the provisions of the Disability Discrimination

Act 1995: Part 4 (SENDA), and applies to providers of post-16 education and related services.

(See **Legacy Commissions**)

## **Community Cohesion**

Although currently this term relates in the main to schools and local government, the principal of community cohesion is equally relevant within higher and further education (for example in relation to the Widening Participation agenda), and the terminology is becoming increasingly familiar as part of the overall equality and diversity picture.

The *Education and Inspections Act 2006* inserted a new section 21(5) to the Education Act 2002 which introduces a duty on schools' governing bodies to promote community cohesion. This came into force in September 2007. Ofsted have included the implementation of the duty in their inspection from September 2008. The legislative requirements on schools to meet this duty are in the Equality Act 2006 and outlined in the Race Relations Amendment Act (2000).

The national *Community Cohesion Standards* are framed by four strategic aims, which are to:

- Close the attainment and achievement gap.
- Develop common values of citizenship based on dialogue, mutual respect and acceptance of diversity.
- Contribute to building good community relations and challenge all types of discrimination and inequality.
- Remove the barriers to access, participation, progression, attainment and achievement.

The accepted definition of 'community cohesion' agreed by the Improvement and Development Agency (IDeA), the Local Government Association (LGA) and the Home Office was first published in the LGA's 2002 'Guidance on Community Cohesion'. The definition states that a *cohesive community* is one where:

- there is a common vision for all communities, with emphasis on what binds communities together rather than the differences which divide them, a sense of belonging, of identifying with the neighbourhood and of 'looking out for each other';
- there is a commitment to equality and social justice;
- the diversity of people's different backgrounds and circumstances is appreciated, respected and protected, in order to support integration and cohesion in changing communities;
- people have similar life opportunities, irrespective of background;
- everyone understands their rights and responsibilities and is encouraged to participate at all levels;
- strong and positive relationships are developed between people from different backgrounds in the workplace, in schools and within neighbourhoods.

(See **Social Inclusion**)

## **Competence Standards**

A competence standard is defined by Section 28S of the DDA Part 4 as “an academic, medical or other standard applied by or on behalf of an [education provider] for the purpose of determining whether or not a person has a particular level of competence or ability”.

Competence standards apply to all aspects of courses: in admissions (entry criteria), on-course assessments (exams) and awarding qualifications. All HEIs are responsible for implementing competence standards in a non-discriminatory way. It will therefore be important for institutions to review their competence standards for all courses and exams to ensure that they are non-discriminatory.

For further advice on competence standards refer to “Understanding the Disability Discrimination Act – A guide for colleges, universities and adult community learning providers in Great Britain”, Disability Rights Commission, 2007, also available online from the Equality and Human Rights Commission.

## **CRE – Commission for Racial Equality**

The CRE was an independent, non-departmental public body, which had (until 2007) statutory responsibility for overseeing the advancement of race equality.

From October 2007 the CRE merged with the EOC and DRC to form the Equality and Human Rights Commission (ECHR).

(See **Equality and Human Rights Commission**)

## **Cultural Diversity**

Cultural diversity reflects the characteristics that make one individual culturally different from another. This may include race, ethnicity, nationality, religion, language, gender, age, class, socioeconomic group and education, but may also be applied to patterns of lifestyle – such as dress, morality, traditions, ideals, values and beliefs.

A community, group or institution is said to be *culturally diverse* or *multi-cultural* if its members are drawn from a variety of different groups - representing a multiformity of races, ethnicities, nationalities, languages, religions, socioeconomic groups, etc.

## **D**

### **DDA – Disability Discrimination Act 1995**

The Disability Discrimination Act (DDA) 1995 introduced anti-discrimination legislation to protect disabled people. Disabled people's rights are now protected in the areas of:

- employment;
- education;
- access to goods, facilities and services;
- membership of private clubs;
- buying or renting land or property, including making it easier for disabled people to rent property and for tenants to make disability-related adaptations;
- use of public and private hire transport.

Part 4 of the DDA, which covers education, was brought into force by the Special Educational Needs and Disability Act 2001 (SENDA), with the result that staff in higher education institutions often refer to the education provisions of the DDA as 'SENDA'. *[N.B. In Northern Ireland the relevant legislation is the Special Educational Needs and Disability (Northern Ireland) Order or 'SENDO'.]*

Since 2006 the Act has required public bodies, including higher education institutions, actively to promote equality of opportunity for disabled people. This 'positive duty' requires higher education institutions to review the way they operate, in partnership with disabled people, so that any institutionalised disability discrimination can be eliminated.

(See **Disability, SENDA**)

## **Dependants**

Employees are entitled to take time off for unforeseen emergencies in respect of their dependants. Dependants are defined as being the employee's spouse, child or parent, or anyone who lives in the same household (except employees, tenants, lodgers or boarders). The right provides for immediate, short-term absence to attend to the dependant's immediate needs and make provision in the longer term. It does not allow for longer-term absence from work.

There is no statutory right for dependency leave to be paid, though in practice many institutions do in certain circumstances provide for some pay.

## **Dignity**

Dignity is the human quality of being worthy of esteem or respect. Dignity at work refers to a set of principles, values and practices which ensures that all individuals are able to maintain their self-esteem and work in an environment free from all types of harassment and bullying.

(See **Harassment, Indirect Discrimination, Victimisation**)

## **Direct Discrimination**

Direct discrimination is one of the four main categories of unlawful discrimination, and applies where a person is treated less favourably on the grounds of gender, race, disability, sexual orientation, religion or belief or age. For example, recruiting a male applicant to a position rather than a more

appropriately qualified woman because of irrational, prejudicial or stereotypical views, or not accepting a disabled person on to a course because it is assumed they would not be able to meet the required course standards due to their being disabled, would constitute direct discrimination.

Intentions and motives are irrelevant in cases of direct discrimination, because it is the act that is unlawful, not the intention behind it.

The other categories of unlawful discrimination are harassment (which may be regarded as a form of direct discrimination), indirect discrimination (or failure to make reasonable adjustments in relation to disability), and victimisation.

(See **Harassment, Indirect Discrimination, Reasonable Adjustment, Victimisation**)

## **Disability**

The Disability Discrimination Act's definition of disability was amended in 2005. For the purposes of the Act, a person is considered to be disabled and is therefore protected from discrimination if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

Long-term effects are those which have lasted longer than 12 months, or are likely to last at least 12 months or for the rest of a person's lifetime. A recurring condition is also considered to be a disability if it is likely both to recur, and to do so at least once beyond the 12 month period following the first occurrence. A 'substantial' adverse effect is a relatively low threshold and has been defined in case law as an effect that is greater than minor or trivial.

People who have had a past disability are also protected from discrimination under the DDA.

Anyone who has a diagnosis of HIV, cancer or multiple sclerosis is automatically treated as being disabled under the DDA 2005.

(See **DDA, SENDA**)

## **Disability Leave**

Disability leave is paid time off work for a reason related to someone's disability. It may be for a long or short period of time, and may or may not be pre-planned. Disability Leave is distinct from Sick Leave, and includes time when an employee is well but absent from work for a disability-related reason.

Disability leave is a 'reasonable adjustment' under the Disability Discrimination Act, and is in accordance with good employment practice. However, not all disabled employees will necessarily need to take disability leave.

Disability leave should not be included for the purposes of assessing performance, promotion, attendance, selection for redundancy, and similar issues. To do so might discriminate against the disabled employee.

There is no maximum duration of disability leave. All employees who are disabled using the definition in the Disability Discrimination Act 1995 are entitled to disability leave.

(See **Disability**)

## **Disability: Medical Model**

The medical model of disability is a deficit model which defines disability with reference to how a disabled person is different from non-disabled people. The 'problem' of disability is situated within the individual's impairment and any effect it has on the functioning of that person's mind or body; the causation of pain and fatigue, and the effect on communication. Modern disability equality legislation is based on both the medical and social models of disability.

(See **Disability, Disability: Social Model**)

## **Disability: Social Model**

In the social model, disability is defined as a problem created by society – specifically the way in which organisations, services and systems are designed or organised, which have historically taken little or no account of people who have impairments. People with impairments are therefore frequently disabled by society and excluded from mainstream activities. Thus 'disability' is not about medical terms but is about the barriers (physical, social, attitudinal and environmental) that result from the way society is organised and the way people with impairments are viewed.

In the social model, disability should be distinguished from impairment and ill health and should be seen as disadvantage experienced by an individual resulting from barriers to independent living or educational, employment or other opportunities that impact on people with impairments and/or ill health.

Regardless of the model we use to define disability, it is essential that we ensure that everyone is treated equally and is valued.

(See **Disability, Disability: Medical Model**)

## **Disclosure**

Disclosure is the process by which an individual declares personal equality information, such as their sexual orientation, ethnicity or whether they are disabled.

Equality legislation imposes specific duties on institutions with regard to monitoring the diversity of prospective, current and past staff and students. If institutions want to ensure they have an accurate picture of the diversity of their workforce and student profile they must create an appropriate atmosphere in which individuals feel comfortable in disclosing. It is important that the reasons and benefits for disclosure, and the support services available, are effectively communicated to staff and students. For example, information disclosed in regard to disability status can be used to provide reasonable adjustments that will help the individual to realise his/her full potential in their career or studies.

## **Discrimination**

Unlawful discrimination is understood as unlawful behaviour which encompasses the legally defined 'prohibited acts', namely direct and indirect discrimination, harassment and victimisation

In terms of the equality legislation, it is unlawful to discriminate against someone on the grounds of their gender (including pregnancy/maternity, marital status and gender reassignment), race, disability, sexual orientation, religion or belief, and age.

In addition, in Northern Ireland it is unlawful to discriminate against someone on the grounds of their perceived 'community background' (i.e. Protestant or Roman Catholic) or political opinion.

Outside the equality field, there is also separate legislation providing protection on grounds of for example membership of a trade union, and part time status.

(See **Age Discrimination, Direct Discrimination, Duty of Care, Harassment, Indirect Discrimination, Victimisation**)

## **Diversity**

Diversity recognises that everyone is different in a variety of visible and non-visible ways, and that those differences are to be recognised, respected and valued. They may include, but are not limited to, differences protected by anti-discrimination legislation. marital status and gender reassignment), race, disability, sexual orientation, religion or belief, and age.

## **DRC – Disability Rights Commission**

The DRC was an independent, non-departmental public body, which had (until 2007) statutory responsibility for overseeing the advancement of disability equality in society.

From October 2007 the DRC merged with the CRE and EOC to form the Equality and Human Rights Commission (EHRC).

(See **Equality and Human Rights Commission**)

## **Duty of Care**

As employers, HEIs have a duty of care for all their staff while they are at work or otherwise deemed to be on institutional business. The duty of care covers health, safety and welfare, which includes such things as ensuring stress levels are not unreasonable. HEIs must ensure that members of staff do not suffer undue stress from such things as discrimination, harassment and bullying.

HEIs are not regarded as being in place of parents (*in loco parentis*), but they do have a duty of care in respect of the health, safety and welfare of their students when they are taking part in any institutionally directed activity including while on placements, overseas study, etc. This also includes protection from discrimination, harassment and bullying. There are additional

duties of care for students who are under the age of 18 and for students with disabilities.

HEIs also have a public liability duty of care towards visitors and members of the public when they are on the institution's premises and/or using other institutional facilities.

(See **Bullying, Disability, Discrimination, Harassment, SENDA**)

## **E**

### **ECU**

See 'Equality Challenge Unit'

### **EHRC**

See 'Equality and Human Rights Commission'

### **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.

Equality of treatment is concerned with treating everyone the same. Thus, in an organisational context it recognises that institutional discrimination may exist in the form of unfair procedures and practices that favour those with some personal attributes, over others without them. The task of equal opportunities is therefore concerned with the elimination of these barriers.

Equality of outcome focuses on policies that either have an equal impact on different groups or intend the same outcomes for different groups. The term Equal Opportunities has mostly been replaced by Equality and Diversity (E & D) in recent years.

(See **Equality and Diversity**)

### **Equal Opportunities Commission - EOC**

The EOC was an independent, non-departmental public body, which had (until 2007) statutory responsibility for overseeing the advancement of gender/sexual equality.

From October 2007 the EOC merged with the CRE and DRC to form the Equality and Human Rights Commission (ECHR).

(See **Equality and Human Rights Commission**)

### **Equal Pay**

Equal pay generally is used to refer to the provisions of the Equal Pay Act 1970 which requires men and women to be paid the same where they are employed on like work, work rated as equivalent under a valid job evaluation

scheme, or work of equal value, unless the pay difference can be objectively justified.

In order to comply with equal pay legislation it is recommended that employers have a job evaluation scheme in place and that they carry out an equal pay audit to highlight and rectify any disparities. Within the higher education sector, the Framework Agreement seeks to address many issues of unequal pay.

There may also be pay gaps on grounds other than gender, such as on grounds of race, and disability. The Equal Pay Act does not specifically cover these other areas, though the other discrimination legislation may apply.

## **Equality**

A revised term for 'equal opportunities'. It is based on the legal obligation to comply with anti-discrimination legislation. Equality protects people from minority groups from being discriminated against and gives people the same opportunities regardless of their group membership, i.e. sex, race, disability, sexual orientation, religion or belief, or age.

## **Equality Challenge Unit - ECU**

Equality Challenge Unit was established in 2001 to promote equality for staff employed in the higher education sector. Its role was expanded in 2006 to cover equality and diversity issues for students as well as staff.

The Unit is funded by Universities UK, GuildHE, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales and the Department for Employment and Learning in Northern Ireland. The Scottish Funding Council also funds the Unit to collaborate with Equality Forward in Scotland.

Under the Unit's strategy for 2007-2010, it will:

- develop an authoritative system for identifying and measuring equality and diversity in the higher education sector, and to assess the impact of equality initiatives
- support higher education institutions in implementing effective equality practices and to disseminate the many examples of excellent practice in individual institutions for the benefit of the whole sector
- develop programmes that support sustained institutional change in relation to equality and diversity

In implementing this strategy, Equality Challenge Unit will work in close partnership with higher education institutions and sector organisations. Further information can be found at [www.ecu.ac.uk](http://www.ecu.ac.uk).

## **Equality Commission for Northern Ireland**

The Equality Commission for Northern Ireland is an independent public body established under the Northern Ireland Act 1998. The Commission's general duties include:

- working towards the elimination of discrimination;
- promoting equality of opportunity and encouraging good practice;
- promoting affirmative/positive action;
- promoting good relations between people of different racial groups;
- overseeing the implementation and effectiveness of the statutory duty on public authorities;
- keeping the relevant legislation under review.

[www.equalityni.org](http://www.equalityni.org)

## **Equality and Diversity**

Equality and diversity describes an approach that embraces difference, treats each individual fairly and with dignity and respect, free from harassment and bullying.

(See also **Bullying, Diversity, Equal Opportunities, Harassment**)

## **Equality Duties**

Following legislation passed in recent years in respect of race, gender and disability, there are now a number of legal duties placed on all public bodies including HEIS, often referred to as the **Public Sector Duties**. These are divided into **General** and **Specific** Duties. For HEIs in Great Britain the following table summarises these duties:

*[N.B. There are different public sector duties in Northern Ireland, under section 75 of the Northern Ireland Act 1998.]*

(See also **Action Plan, Equality Schemes, Public Sector Duties**)

## Summary of specific and general duties in respect of HEIs

	<b>Race</b>	<b>Gender</b>	<b>Disability</b>
<b>General Duties</b>	<ul style="list-style-type: none"> <li>• Eliminate racial discrimination and harassment;</li> <li>• Promote equality of opportunity;</li> <li>• Promote good race relations between people of different racial groups.</li> </ul>	<ul style="list-style-type: none"> <li>• Eliminate unlawful gender discrimination and harassment</li> <li>• Promote equality of opportunity between men and women.</li> </ul>	<ul style="list-style-type: none"> <li>• Eliminate unlawful disability discrimination</li> <li>• Eliminate unlawful harassment</li> <li>• Promote equality of opportunity between disabled persons and other persons</li> <li>• Promote positive attitudes towards disabled people</li> <li>• Encourage participation by disabled persons in public life</li> <li>• Take steps to meet disabled peoples needs, even if this requires more favourable treatment</li> </ul>
<b>Specific Duties</b>	<ul style="list-style-type: none"> <li>• Produce a race equality policy and action plan;</li> <li>• The policy and plan should include measures to assess the impact of all institutional policies;</li> <li>• The policy and plan should include measures to monitor application, admission and progress of students</li> <li>• monitor the recruitment and career progress of staff</li> <li>• To publish the results of monitoring, assessment and reviews (including an annual review).</li> </ul>	<ul style="list-style-type: none"> <li>• Produce a gender equality scheme setting out how the general and specific duties will be fulfilled and setting out gender equality objectives</li> <li>• Consider the need to include objectives to address the causes of any gender pay gap</li> <li>• Gather and use information on how policies and practices affect gender equality in the workforce and the delivery of services</li> <li>• Consult stakeholders and take account of relevant information</li> <li>• Implement the actions set out in the scheme</li> <li>• Publish the results of monitoring, assessment and reviews (including an annual review).</li> </ul>	<ul style="list-style-type: none"> <li>• Produce an action plan and report annually on progress</li> <li>• The active involvement of disabled students and staff in the development, agreement and implementation of the action plan. This should be “effective and influential”</li> <li>• Robust methodology to assess the impact of current and proposed activities to improve provision for disabled students, staff and visitors (impact assessments)</li> <li>• To publish the results of monitoring, assessment and reviews</li> <li>• Review and revise the disability scheme every three years</li> </ul>

## Equality and Human Rights Commission - EHRC

The new Equality and Human Rights Commission opened on 1 October 2007.

The EHRC takes over the work of the three previous commissions established to tackle discrimination and promote equality in Great Britain – the Equal Opportunities Commission (EOC), the Commission for Racial Equality (CRE), and the Disability Rights Commission (DRC) as well as combining the responsibilities and powers of the three previous equality commissions. The new commission also takes on responsibility for furthering equality in the areas of age, sexual orientation and religion or belief, as well as human rights.

The EHRC is a non-departmental public body (NDPB) established under the Equality Act 2006 – accountable for its public funds, but independent of government.

The EHRC covers England, Scotland and Wales, but not Northern Ireland, which is under the remit of the Equality Commission for Northern Ireland. The commission has offices in Cardiff, Edinburgh, Glasgow, London and Manchester.

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

## Equality Impact Assessment (EIA)

See **Impact Assessment**

## Equality Scheme(s)

The Race Relations Amendment Act 2000, Disability Discrimination Act 2005 and Equalities Act 2006 require all public bodies (including HEIs) to have Equality Schemes which set out how the organisation will meet its general and specific duties in respect of race, disability and gender equality.

Some organisations have developed separate schemes covering these three equality stands. Others have adopted an over-arching or generic approach and have developed a single equality scheme (sometimes including additional equality stands such as age, sexual orientation and religion/belief).

*[Equality Schemes in Northern Ireland are covered by Section 75 of the Northern Ireland Act.]*

(See **Equality Duties**)

## Ethnic Group

Unfair treatment on grounds of “ethnic origin” is unlawful discrimination under the RRA 1976. The term ‘ethnic group’ was given a legal definition by the House of Lords in 1983 (*Mandla - v - Dowell Lee*). For a group to constitute an ethnic group, its members must regard *themselves*, and must be regarded by *others*, as a distinct community by virtue of certain characteristics (not all of which have to be met). The characteristics to be considered were set out as:

- a long shared history;
- a cultural tradition of its own;

- common geographical origin;
- a common language;
- a common literature;
- a common religion; or
- a sense of being a minority, or being oppressed, within a larger community.

It should be noted that subsequent caselaw has determined that the following are ethnic groups under the RRA: Gypsies, Irish Travellers, people of Jewish origins/religion, Sikhs.

Within a sociology/cultural studies context, ethnicity is often a controversial and contested concept, related to questions of identity as it changes over time and in different locations.

*Ethnicity is a multi-faceted phenomenon based on physical appearance, subjective identification, cultural and religious affiliation, stereotyping and social exclusion. It is not possible to prescribe what the key distinguishing characteristics might be; the components of ethnicity will be different in Britain compared with Northern Ireland, Belgium, Bosnia, United States....', (Berthoud 1977).*

Ethnic categories and classifications also change to reflect social and political attitudes and realities. Many HEIs undertaking ethnic monitoring (for staff and students) will currently use the 2001 Census classifications. This uses a combination of national/geographic origins with skin colour or 'race' e.g. 'Black/Black British' 'White Irish', 'Chinese'. The categories used in the next Census, in 2011, may be different.

## **Exclusion**

In equal opportunities terms, exclusion means being prevented from doing something because you are of a certain race or ethnicity, sexual orientation, gender, age, social class, religion or belief, or are disabled. The reason for exclusion might not be explicit, but will be based on a perception created by the characteristics of the people who form the dominant group in a subject area or occupation. So, while women might become, for example, engineering professors, they may feel, because of their gender, excluded from the male-dominated social circles that allow them enhanced chances of progression.

(See **Barriers**)

## **Extremism**

A term used to describe the actions or ideologies of individuals or groups outside the perceived political centre of society; or otherwise claimed to violate common moral standards. The term is invariably, or almost invariably, used perjoratively. Extremism is usually contrasted with moderation, and extremists with moderates.

## **F**

### **Family Friendly**

Family friendly refers to the policies, procedures or practices (mainly in an employment context but they can also be in other areas such as welfare benefits, social care and health) that aim to be more sympathetic to life events such as the birth of children, bringing up and caring for children, illness in the family, caring for sick or elderly relatives, death, and dealing with the unexpected. The intention is to create a more flexible way of organising society, and especially the world of work, that is more supportive of family life. Examples of family-friendly policies include: time off when children are ill; flexible working hours; career breaks; increased holiday entitlement; improved maternity/paternity leave; and part-time working.

Recent developments in UK family-friendly law:

- Statutory maternity pay extended from 26 to 39 weeks.
- Qualifying period for additional maternity leave removed.
- Introduction of keeping-in-touch days for women on maternity leave.
- Right to request flexible working extended to people who care for adults and to private foster carers.
- Consultation on proposals to give fathers the right to take up to 26 weeks' additional paternity leave.

(See **Flexible Working, Work/Life Balance**)

### **Flexible Working**

For a number of years, employees with dependants have had a statutory right to request a flexible working arrangement. Flexible working can be broadly defined as any variation to the standard working day/week. Employers do not have to agree but they have to have sound business reasons for refusing. A number of employers, including universities have chosen to widen the eligibility pool to all staff.

It is important for line managers to respond flexibly themselves to such requests and resist instant refusals on the assumption that because a job has always been carried out on a full time basis that there is no possibility for it to be done just as effectively in a different way. If a member of staff has requested a peculiar working arrangement, for example different hours on different days, there may be room on both sides for compromise. Line managers should also be wary of assuming that because they personally don't like the idea of working certain hours that it will be impossible to recruit someone to do it.

(See **Family Friendly, Work/Life Balance**)

## **FtM**

A person transitioning from female to male, or undergoing gender reassignment from female to male.

(See **Gender Reassignment, MtF, Trans**)

## **G**

### **Gay**

Gay is a term that is generally used to describe a man who has an emotional and/or sexual orientation towards men. Some women also define as gay, rather than lesbian; it is a generic term for lesbian and gay sexuality. A person should not be referred to as 'a gay', rather, they 'are gay'.

### **Gender**

'Gender' refers to the *socially constructed* roles, behaviours, activities, and attributes that a given society *considers appropriate* for men and women. It is often confused with 'sex', which refers to the *biological and physiological* characteristics that define men and women.

An example of this in higher education is that certain academic disciplines, such as science, engineering and technology, have far more male than female students, as they are subjects traditionally viewed as 'masculine'.

(See **Sex**)

### **Gender Dysphoria**

Gender dysphoria is a recognised medical condition where a person has persistently uncomfortable feelings about their birth gender. Someone with gender dysphoria will experience anxiety, uncertainty, or persistently uncomfortable feelings about their birth gender, often from a very young age. Sometimes, that person will assume an identity in the opposite sex to their birth sex. This may involve undergoing hormone or perhaps surgical treatment to change their sex physically.

(See **Gender Reassignment, Intersex**)

### **Gender Reassignment**

Gender reassignment is a process which is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of their sex, and includes any part of such a process. A person does not have to undergo gender reassignment in order to transition fully from one sex to another. Furthermore, someone may have gender dysphoria but not want to transition fully. Gender dysphoria is an essential legal prerequisite for obtaining a Gender Recognition Certificate (GRC), a legal document which affords them all the rights and responsibilities appropriate to the acquired gender. If their birth was registered in the UK they will receive a new birth certificate.

## **General Duty**

See **Equality Duties**

## **Glass Ceiling**

The 'glass ceiling' originated as a metaphor for an invisible barrier which prevents qualified women from advancing upward into senior positions in their organisations. Women can see, but not reach the high level jobs. The term was coined in 1986 by the Wall Street Journal's 'Corporate Woman' column, and it quickly caught on and entered the public lexicon. The term has been extended to refer to the similar invisible barrier that operates in respect of people from ethnic minorities and other social groups who seek to reach the senior positions.

(See **Leaky Pipeline, Sticky Floor**)

## **GOR - Genuine Occupational Requirement**

A genuine occupational requirement may allow for a valid defence to what would otherwise be unlawful direct discrimination. It applies in limited circumstances where having a particular characteristic can be a genuine requirement for a job. For example, being of a particular race, gender, religion, age and sexual orientation may be essential criteria in the job description and person specification, such as requiring that a female part in a play be acted by a female actress, or that the Chief Executive of an organisation established to promote gay rights be gay him or herself.

(See **Positive Discrimination**)

## **H**

### **Harassment**

Harassment can be defined as unwanted conduct which may create the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment which interferes with an individual's learning, working or social environment or induces stress, anxiety, fear or sickness on the part of the harassed person. Differences of attitude, background or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another; nevertheless, this does not make it acceptable.

It is unlawful to harass someone because of their race, gender (including gender reassignment), disability, age, sexual orientation or religion/belief. It is also a criminal offence to harass (or stalk) someone persistently.

### **Hate crime/incident**

A hate crime is a criminal act committed against a person, group (or the property of a person or group) where the motivation is believed to be hatred of, or prejudice against, that person or group because of their sexual orientation, race/ethnicity, religion/belief, or disability. This can include

physical attacks, the threat of attack and/or verbal abuse or insults (Source: Home Office). Some police forces also include domestic violence in their definition of hate crime.

The definition of a hate incident (“*an incident that is identified as a hate incident by the victim, witness or any other person*”) is a subjective one that is intended to encourage reporting of such incidents and enable and facilitate the subsequent investigation of such an allegation.

## **HEEON – The Higher Education Equal Opportunities Network**

HEEON is a membership organisation comprising of individual, corporate and institutional members from the higher education sector.

Its aim is to:

provide support, information, stimulation, validation, encouragement and sharing of good practice for those seeking to achieve and sustain equality of opportunity, diversity and widening participation in higher education, including matters relating to employment, career progression, student admission, retention and progression, learning and teaching, research and enterprise.

And to:

- forge alliances through which to stimulate and encourage planning, advisory and funding bodies to embed equality and diversity issues in all strategic and operational practices at all levels;
- provide effective network management, supporting activities that enable achievement of the Network’s aims.

HEEON also:

- runs regular conferences and events on issues related to equality and diversity both in its own right and with partner organisations;
- manages the admin-eo mailbase.

[www.heeon.ac.uk](http://www.heeon.ac.uk)

(See **Admin-eo mailbase**)

## **Heterosexism**

Heterosexism is a bias towards heterosexuality, to the exclusion of other sexualities. It acts to enforce heterosexuality by assuming that all individuals are heterosexual. For example, referring to partners as a husband or wife, assumes that a person is married to someone of the opposite sex, in a traditional heterosexual framework. This has a negative impact on those who are not heterosexual, and makes it difficult for people to acknowledge a sexuality other than heterosexuality.

## **Heterosexual**

A heterosexual person is one who has an emotional and/or sexual orientation towards people of the opposite sex. It would be uncommon for a person to

experience discrimination on the grounds that they are heterosexual. However, a heterosexual person who found him or herself in the minority in a particular setting might do so. A heterosexual could also be discriminated against if they were perceived to be homosexual, regardless of their real sexuality.

## **Homophobia**

Homophobia can be defined as fear or contempt towards lesbian, gay, or bisexual people and their sexuality. It is sometimes merely implied, but is often taken to the point where discriminatory statements are made, or aggressive actions taken, against lesbian, gay or bisexual people. Homophobia can constitute unlawful discrimination on the grounds of sexual orientation.

## **Human Rights**

Human rights are the basic rights, which it is generally considered all people should have, such as justice and freedom of speech.

## **Human Rights Act 1998**

The UK is a signatory to the European Convention on Human Rights (ECHR) which was introduced into domestic legislation in the Human Rights Act.

The Convention guarantees the following rights and freedoms:

- right to life (Article 2);
- freedom from torture and inhuman or degrading treatment or punishment (Article 3);
- freedom from slavery and forced or compulsory labour (Article 4);
- right to liberty and security of person (subject to a derogation applicable to Northern Ireland) (Article 5);
- right to a fair and public trial within a reasonable time (Article 6);
- freedom from retrospective criminal law and no punishment without law (Article 7);
- right to respect for private and family life, home and correspondence (Article 8);
- freedom of thought, conscience and religion (Article 9);
- freedom of expression (Article 10);
- freedom of assembly and association (Article 11);
- right to marry and found a family (Article 12);
- prohibition of discrimination in the enjoyment of the Convention rights (Article 14);
- right to peaceful enjoyment of possessions and protection of property (Article 1 of Protocol 1);
- right to education (subject to a UK reservation) (Article 2 of Protocol 1)
- right to free elections (Article 3 of Protocol 1);
- right not to be subjected to the death penalty (Articles 1 and 2 of Protocol 6);

## I

### Identity

The notion of identity is founded on individuals regarding themselves as a member of particular groups — such as nation, social class, sexuality, religion or belief, subculture, ethnicity, gender, employment, and so forth. Many people feel a sense of pride in their identity, which furthers a sense of community. People who identify a certain way do not necessarily have the same needs or values.

(See **Multiple Identities**)

### Impact Assessment

Originally introduced by the statutory public sector duties, impact assessments refer to the process by which every policy, procedure, practice, plan and strategy of an organisation (including HEIs) is systematically reviewed and evaluated to ensure that they are not discriminatory and that they are making a positive contribution to equality. This is done by assessing how the impact they have differs (if at all) for different equality target groups. This normally requires the collection of statistical data for the area under review, and its analysis according to equality variables. It may also be necessary to consult and involve different groups of staff and service users, in order to obtain qualitative data.

The assessment process normally has two stages:

- *initial screening* for equality impact, possibly followed by
- more in-depth *full* equality impact assessment, where there is a significant or important potential effect on equality that must be examined.

The impact assessment process should be set out in the statutory Equality Scheme and action plan for an organisation so that progress in undertaking them can be regularly monitored and reviewed, and results of the assessments published.

*[HEIs in Northern Ireland are required to conduct impact assessments in relation to religious belief, political opinion, sex, racial group, age, marital status, sexual orientation, gender, disability and caring responsibilities].*

(See **Equality Duties, Equality Scheme**)

### Impairment

People can be born with an impairment or can acquire one through accident or illness. Impairments are long-term characteristics of an individual that affect their physical, sensory, intellectual or cognitive abilities and/or appearance. Many people who have an impairment would not necessarily consider themselves to be disabled.

(See **Disability**)

## **Incitement to Racial Hatred**

Incitement to racial hatred is a criminal offence under the Public Order Act 1986, which made it illegal to commit certain acts. Anyone who uses threatening, abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting is guilty of an offence if:

- a) s/he intends to stir up racial hatred, or
- b) racial hatred is likely to be stirred up as a result of his/her actions.

The offence may be committed in a public or private place.

## **Inclusion**

Inclusion, in equal opportunities terms, is about making every member of a community feel that they are not prevented from taking part in any activity, applying for any job, applying to become a student in any HEI etc., because of any personal characteristic relating to their race or ethnicity, sex, disability status, sexual orientation, religion or belief, class or age. Policies and practices that are open, fair, transparent and equitable encourage inclusion.

## **Indirect Discrimination**

Indirect discrimination is one of the four main categories of discrimination (see also *direct discrimination*, *harassment* and *victimisation*). Indirect discrimination occurs when policies or practices have an adverse impact on certain groups of people more than on others, in a way that cannot be justified. The groups protected by the legislation include groups defined by their gender, race, sexual orientation, religion or belief, or age. For example:

- dress codes requiring women to wear knee length skirts could indirectly discriminate against women from some cultural or religious groups who would not feel able to dress in this way;
- unnecessary height requirements, which state that employees in some roles have to be six feet tall could discriminate against women, or members of some ethnic groups who would not usually be able to meet the requirement.

Institutions may be able to justify an indirectly discriminatory policy or practice.

In relation to disability, the law requires a duty to carry out reasonable adjustments, rather than a duty not to indirectly discriminate.

(See **Direct Discrimination, Discrimination, Harassment, Reasonable Adjustments, Victimisation**)

## **Institutional Racism**

Although the term institutional racism has been in use for many years (largely unnoticed) it came to prominence/notoriety following the inquiry into the death of Black teenager Stephen Lawrence. The inquiry report (the Macpherson Report) defined 'institutional racism' as:

*The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin which can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people.*

Note: this definition is concerned with both outcomes (failure to provide an appropriate or professional service...) and processes (which disadvantages...).

The definition is controversial because of the inclusion of the word 'unwitting' i.e. unknowing, or unaware. However, it is still the most widely accepted definition. The controversy exists because the definition seems to suggest that institutions can only be unwittingly racist. It is, of course, possible that there are both private and public institutions in which some members of staff could be quite clearly racist, prejudiced and discriminatory in their practices and that this would be deliberate, not unwitting. The Race Relations Act 1976 (as amended by the 2000 Act) requires public institutions, including HEIs, not only to ensure that their policies, procedures and practices are not racist, but to promote equality of opportunity and good race relations.

(See **Racism**)

## **Interfaith**

Interfaith is defined by the Interfaith Network for the UK as working in dialogue and cooperation with different religious traditions. It is based on the principle that understanding and working partnerships can only succeed if they are rooted in respectful relationships which do not blur or undermine the distinctiveness of different religious traditions. Working in an interfaith context therefore means building good relations between people of different religious beliefs, or none.

[www.interfaith.org.uk](http://www.interfaith.org.uk)

## **Intersex**

A person has an intersex condition when their anatomical sex is ambiguous. The condition may arise due to certain congenital or hormone imbalances in the foetus or placenta. A person who has an intersex condition may or may not experience gender dysphoria. The term intersex is now seen as more appropriate than the term hermaphrodite.

(See **Gender Dysphoria, Gender Reassignment**)

## **Islamophobia**

Islamophobia is prejudice or hostility towards the religion of Islam and/or people of a Muslim faith. It can also refer to the practical consequences of discrimination against Muslim individuals and communities, and to the exclusion of Muslims from mainstream political and social affairs.

## J

### **Job Description**

A job description defines the overall purpose and the major activities and responsibilities of a particular post or job. It should also indicate the reporting relationships, the hours of work, salary and any special conditions attached to the post.

All job descriptions should be clear, concise, use straightforward language and avoid the use of unnecessary jargon or technical language. The job description should also be gender neutral as should the Job Title.

## L

### **Leaky Pipeline**

The 'Leaky Pipeline' is a concept that has been used to refer to the steady reduction in the participation of girls and women in science and technology, from primary education to science and technology employment.

(See **Glass Ceiling, Sticky Floor**)

### **Legacy Commissions**

The Legacy Commissions refer to the former Commission for Racial Equality (CRE), the Disability Rights Commission (DRC) and the Equal Opportunities Commission (EOC), which respectively had responsibility for promoting racial, disability and sex equality in Britain before the Equality and Human Rights Commission came into existence.

(See **Codes of Practice, Equality and Human Rights Commission**)

### **Lesbian**

A lesbian is a woman who has an emotional and/or sexual orientation towards women. Some women do not like the term lesbian, and prefer to describe themselves as gay. It is also worth noting that terms that are used by the lesbian community, such as dyke, butch and femme, should not be used generally. It is best to use the term lesbian, unless it is indicated otherwise.

### **Less Favourable Treatment**

In anti-discrimination law, less favourable treatment is an essential component of the legal definition of 'direct discrimination'. It simply means treating someone (A) differently and adversely compared with someone else (B). It involves comparing the treatment of A with the treatment of B. The opposite to this is 'more favourable treatment' (i.e. if A is treated 'less favourably' compared with B, B must have been treated 'more favourably' compared with A).

If there is also a difference between A and B relating to their gender, race, disability etc, then the treatment of A may amount to unlawful direct

discrimination if there is not a lawful explanation for the less favourable treatment that A received.

(See **Direct Discrimination, Discrimination, Indirect Discrimination**)

## **LGBT**

LGBT is a commonly used abbreviation for the Lesbian, Gay, Bisexual and Trans community. The order of the abbreviation varies between organisations and practices (for example, women-only communities may refer to the LBT community). There is not, at present, a uniform order, although LGBT is the most common and is used in national events such as LGBT history month.

## **M**

### **Mainstreaming**

Mainstreaming is about making the concept of equality central to all policy and decision-making, and not just those areas or functions which appear to have an obvious impact on equality. The Council of Europe defined mainstreaming as:

*The (re)organisation, improvement, development and evaluation of policy processes, so that a[n]...equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making.*

The Scottish Parliament has adopted the following definition of mainstreaming:

*Mainstreaming equality is essentially concerned with the integration of equal opportunities principles, strategies and practices into the every day work of Government and other public bodies from the outset, involving every day policy actors in addition to equality specialists. In other words, it entails rethinking mainstream provision to accommodate the equal opportunities categories as identified in the Scotland Act.*

### **Marital Status**

Marital status refers to the legal condition of being single, married, divorced, or widowed. It does not refer, in a legal sense, to civil partnership status and therefore it would be good practice on monitoring forms to use the general category 'marital/civil partnership status' to be more inclusive to lesbian, gay and bisexual staff and students.

Discrimination on the grounds of marital status is unlawful under the Sex Discrimination Act.

(See **Civil Partnership**)

### **Mentoring**

A mentor is a trusted teacher or advisor. Mentoring is a working or professional relationship, outside formal line management, which offers guidance and support for career progression and development. Mentoring may include elements of coaching or less formal advice and support. It may

be carried on face to face or electronically, through e-mentoring. Some organisations provide mentors to all newly appointed staff. Students may have a similar system of 'buddies', 'pals' or 'parents' in which second and third year students mentor 'freshers'.

## **Monitoring**

A process that involves collecting, storing, analysing and evaluating information, to measure performance, progress or change. Monitoring race equality involves collecting, storing, analysing and evaluating information about the racial groups to which people say they belong. Monitoring is also applied to collecting and analysing information about people's gender, disability status, sexual orientation, religion or belief, or age to see whether all groups are fairly represented.

## **MtF**

Male-to-female transsexual person. A person who is changing, or has changed, gender from male to female.

(See **FtM, Gender Reassignment, Trans**)

## **Multiple Discrimination**

Generally, people belong not just to one community, but several. This can make them a target of prejudice on more than one level. For example, a Lesbian woman who is Chinese, might experience racism from parts of the gay community, homophobia from parts of the Chinese community, as well as general racism and homophobia. This is known as multiple discrimination and is a consequence of multiple identities. A mainstreaming approach to equality helps to prevent multiple discrimination because it recognises that everyone belongs to several identity groups. The expression 'intersectional discrimination' is also sometimes used in this context.

(See **Multiple Identities**)

## **Multiple Identities**

Individuals have many characteristics. A group of women may share gender in common but be different in many other ways. These will include ethnicity, sexuality, age and marital status. They may have varieties of jobs, caring responsibilities and economic and social status.

(See **Identity, Multiple Discrimination**)

## **N**

### **NADP – National Association of Disability Practitioners**

NADP Ltd is the professional organisation for disability and support staff in further and higher education. NADP is the organisation for anyone working in

the post-16 education sector and involved in the management or delivery of services for students with disabilities.

NADP is:

- working to improve the professional development and status of disability services staff in the post-16 education sector via education, communication and leadership;
- promoting excellence in the quality and consistency of educational support services provided for students with disabilities.

[www.nadp-uk.org](http://www.nadp-uk.org)

## **National Origin**

A person's national origin is directly related to their place of birth and is not necessarily their nationality. National origin could be described as nation of origin.

(See **Nationality**)

## **Nationality**

A person's nationality is usually related to the nation in which they were born. However, people can also achieve nationality by naturalisation, which is the process by which a nation accepts a person as a member even though they were born elsewhere. By this process some people actually achieve dual or multiple nationality, that is to say, they are accepted as a member by more than one nation. This achievement of nationality can be by such things as: application, domicile, marriage or political asylum depending on the laws of a particular Nation State.

## **O**

### **Objective Criteria**

Objective criteria are those factors that are measurable, based on fact, and not subject to personal interpretation. In other words, it would not matter who evaluated whether or not the criteria have been met, since the result would be the same. For example, in recruitment and selection, objective criteria in a person specification might include achievement of educational qualifications, and documented evidence of other skills and knowledge required to do the job. Similarly, once in employment, objective criteria used to measure performance might include attendance records, disciplinary records, and evidence of having undertaken staff development.

One must be alert to the potential for discrimination when setting criteria that, on the face of it, appear 'objective'. For example, if a key requirement of an advertised job is to produce high quality documents to tight deadlines, setting a specific typing speed as the selection criteria would unfairly exclude disabled people who use speech-to-text software.

## **Oppression**

Oppression occurs when people are governed or treated in an unfair and unequal or cruel way and prevented from having opportunities and freedoms. It is the suppression of the natural self-expression of one group or individual by another.

## **P**

### **Parental Status**

Parental status can be conferred by biological, adoptive or circumstantial means. When someone under the age of 18 is in the care of someone other than their birth or adoptive parents, that person may act *in loco parentis* for a prescribed period of time e.g. when a child is at school. Parental status allows biological and adoptive parents to take maternity, paternity, adoptive and parental leave, according to their sex. Same sex couples are entitled to the same leave rights as opposite sex partners.

### **Person Specification**

A person specification describes the skills, knowledge and experience that the successful applicant will need in order to carry out the duties of a particular post or job. It provides the objective criteria which are used to assess the candidates' suitability for the role, and, as such, is an essential tool in a fair recruitment and selection process. Along with the job description, it provides the basis for the advertisement. It should be used for short-listing, for planning interview questions and other selection methods and to facilitate the final selection decision.

### **Political Correctness**

A person is thought to be politically correct if they are supportive of, or relate to, a broad social, political, and educational change. They may also be politically correct if they wish to redress historical injustices especially in relation to race, class, gender, disability, sexual orientation, age, religion or belief. The term politically correct has developed however, and in some contexts, can be derisive. This is the case when a person is perceived to be over-concerned with these issues, to the exclusion of other issues.

(See **Preferred Terminology**)

### **Positive Action**

Positive action is the deliberate introduction of measures to eliminate or reduce discrimination, or its effects. It is not about special treatment for any one particular group, but the fair treatment of all people. It is concerned with levelling the playing field so that everyone has access to the same opportunities. The qualification floor remains the same.

There are three main types of positive action: action that reveals potential discriminatory practice through, for example, the assessment of policies or monitoring; action which changes discriminatory practice in light of any

findings; and action which attempts to counter-balance the under-representation of a particular group. This latter form of positive action includes the use of methods such as mentoring schemes, networks, outreach work, target setting and training.

Positive action is not the same as positive discrimination, an example of which would be promoting someone purely on the basis of his or her gender.

(See **Affirmative Action, Positive Discrimination**)

## **Positive Discrimination**

Positive discrimination occurs when one person, or group of people is treated more favourably than another person, or group, would be treated in the same situation, based on a defining characteristic. This characteristic might be race, gender, sexual orientation, or religion or belief. Positive Discrimination is unlawful in Britain and Europe, unless there is a genuine occupational requirement.

In marked contrast to any other discrimination laws the Disability Discrimination Act 1995 imposes no restrictions on positive discrimination in favour of disabled people. Indeed the duty makes clear that 'more favourable treatment' may be required of public authorities in order to promote genuine equality of opportunity. The guaranteed interview scheme is a notable example.

Positive discrimination is sometimes confused with positive action, which is lawful.

(See **GOR, Positive Action**)

## **Preferred Terminology**

Terminology is evolving, and what is acceptable today may well have been unacceptable in the recent past. It varies between English speaking nations. In the UK the descriptors Black British and African - Caribbean are acceptable and widely used, while in the USA 'people of colour' is the norm. In South Africa 'coloured' is used to describe dual heritage/mixed-race people, whereas as in the UK it is considered to be outdated and unacceptable.

(See **Political Correctness**)

## **Prejudice**

Prejudice is an adverse judgment, conviction or opinion formed beforehand or without knowledge or examination of the facts. It may be felt or expressed. It may be directed, without reason, toward a group or an individual of that group and may develop into an irrational suspicion or hatred. Although it is not possible to legislate against prejudice, prejudice often leads to discriminatory behaviour, which may in itself be unlawful. Prejudice is hard to challenge unless it is openly expressed so it is important that institutions encourage open debate about issues of concern.

## **Public Authorities/Bodies**

Under the Race Relations (Amendment) Act 2000, Disability Discrimination Act 2005 and the Equality Act 2006, the public sector has particular legal responsibilities. Public authorities are defined in the legislation to include all central government departments and their executive agencies and non-departmental public bodies, all NHS institutions, the governing bodies of schools, FE and HE institutions, the Scottish Executive and the Welsh Assembly Government.

Unlike private sector organisations and voluntary bodies, public authorities are required to take proactive steps to eliminate discrimination and promote equality. In addition, they must ensure that, when entering into arrangements with others, they will still be able to fulfil their duties.

## **Public Sector Duties**

The public sector equality duties in relation to race, gender and disability are specified in law. Their application is guided by codes of practice that were issued by the three former equality bodies, the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission and approved by Parliament.

Each of the duties is broken down into a general duty, which gives the broad outlines, and specific duties designed to help public authorities comply with the general duty. All of them must be implemented.

*[N.B. The public sector duties in Northern Ireland are covered by Section 75 of the Northern Ireland Act and cover religious belief, political opinion, sex, racial group, age, marital status, sexual orientation, gender, disability and caring responsibilities.]*

(See **Equality Duties**)

## **Q**

### **Queer**

The term queer has several meanings that are developing and changing as culture changes. It is used by some as a generic term to describe all those who are not heterosexual. This includes lesbian, gay, and bisexual people, transgender and transsexual people, those who are questioning their sexuality, or those who are curious about their sexuality. The word, for some, in this context has been reclaimed. However, it can be a highly derogatory term and should not be used in an employment context or learning environment.

### **Quota**

A quota is a fixed proportion (percentage) of something that has to be achieved by a certain time.

One example of a quota in an equality/HEI context would be the requirement to achieve a fixed percentage of women, say 50%, in a particular course of

study by 2010. This quota (50%) would have to be achieved even if it involved lowering entry standards for women applicants or deliberately discriminating against male applicants in the admissions process.

In the United States some equality quotas are lawful as they are seen as an essential way of eliminating entrenched and long-standing historic inequalities relatively quickly, which may otherwise remain. It is also argued that achieving a diverse social mix (by reference to race, gender etc.) in HEIs, for example, is a legitimate educational objective.

In the United Kingdom, quotas are illegal, as fixing a quantity would inevitably result in direct discrimination/less favourable treatment. However, setting targets is not unlawful, as they can be attained through legitimate positive action measures.

(See **Positive Action, Positive Discrimination, Targets**)

## **R**

### **RRA and RRAA - Race Relations Act 1976 and Race Relations (Amendment) Act 2000**

The RRA, as amended by the RRAA, makes it unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin. The amended Act also imposes general and specific duties on many public authorities to promote racial equality.

(See **Equality Schemes, Equality Duties**)

### **Racism**

The United Nations International Convention on the Elimination of All Forms of Racial Discrimination defines racism as:

*Any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life.*

Other definitions of racism stress the importance of power (the actions of institutions and government) and ideology (the transmitting of ideas and culture) in determining racial exclusion and discrimination, rather than the actions of individuals (which is sometimes described as 'racialism').

(See **Ethnic Group, Institutional Racism**)

### **Racist Incident**

The Macpherson Inquiry into the murder of Stephen Lawrence defined a racist incident as 'an incident that is perceived to be racist by the victim or any other person'. This means that it is the perception of the victim or person reporting a racist incident that must be taken into account. The definition was introduced in an attempt to address the serious problem of under-reporting of racist

incidents and racial abuse. It does not mean that if an incident is reported it is automatically racist, but that the perception that it is by the victim must be acknowledged and recognised.

(See **Hate Crime/Incident**)

## **Reasonable Adjustment**

The concept of reasonable adjustment forms a central part of the Disability Discrimination Act 2005. It requires institutions to take reasonable steps to ensure disabled staff, students and visitors are not placed at a 'substantial' disadvantage by the way the institution operates. The reasonable adjustments duty is *anticipatory* in relation to disabled students and visitors, meaning that institutions must anticipate any access difficulties that parts of a course, extra-curricular activities or other services may present to disabled students or visitors, and remove those barriers even before a request to do so has been made.

The reasonable adjustments duty applies in employment if a disabled member of staff is placed at a disadvantage by an employment practice or physical feature of the workplace.

A reasonable adjustment might involve:

- changing standard institutional procedures, such as admissions procedures and terms attached to offers of admission, enrolment procedures and examination and assessment methods;
- adapting the curriculum (course content, work placements, use of electronic or other materials), or modifying the delivery of teaching;
- providing additional services (any kind of aid or service, including teaching and information), whether temporary or permanent, such as a sign language interpreter or materials in alternative formats;
- training staff to work with disabled students and to provide appropriate adjustments, for example, allowing more time to serve a disabled student;
- encouraging staff to acquire additional skills in order to communicate effectively with disabled students, for example, in order to communicate with hearing impaired students and those with speech impairments; and
- altering the physical environment.

(See **DDA, Disability, SENDA, Special/Additional Needs**)

## **Recruitment and Selection**

Most HEIs have Recruitment and Selection procedures which will have been subject to equality impact assessment to ensure that they afford equality of opportunity and treatment. These are likely to include some over-arching general principles.

When recruiting, it must not be assumed that someone's personal characteristics – such as those protected as a matter of law such as gender or

race - make them more or less suitable for a job. There should be an up-to-date job description which is written in a non-discriminatory way and which reflects the duties of the post. Additionally, there should be an accurate and focused personnel/job specification, which reflects the attributes an applicant will need in order to be effective in the post.

To avoid the possibility of being indirectly discriminatory, all requirements should be strictly relevant to the job. For example, if physical fitness is a requirement it does not automatically mean that a disabled person cannot do the job.

Vacancies should be widely advertised to attract a range of applicants. Each applicant should be asked the same questions at interview, and assessment methods should be clearly agreed beforehand.

## Religion

*Religion is the belief in or worship of a god or gods as a particular system of belief or worship.* (Chambers Compact Dictionary 2000)

For many, a religion outlines a belief in, or a reverence for, a superhuman power (or powers) regarded as creator and governor of the universe. Religions can manifest themselves as a personal or institutionalised system grounded in such belief and worship.

The six main religions traditions held by people in the UK are: Christianity, Islam, Judaism, Hinduism, Buddhism and Sikhism. However it should not be assumed that these traditions are monolithic. There are often a great deal of differences within each faith tradition, based on differences in theology, interpretation of religious or holy texts/books, and different religious practices that are often mediated via specific culture contexts and historic traditions as they have developed across the world.

In the Employment Equality (Religion or Belief) Regulations 2003, Religion or Belief is defined as '*any religion, religious belief or philosophical belief*'. All religions are intended to be covered by the Regulations, with no distinction between organised religions and those considered to be less so. For the purposes of Article 9 of the European Convention on Human Rights, a religion is something that must have a clear structure and belief system.

'*Philosophical belief*' covers humanism, agnosticism or atheism, and potentially any belief system that amounts to a '*world view or life stance*'. In House of Lords debates it was indicated that further clarification on this latter point should be provided by the Equalities and Human Rights Commission.

## S

### **SENDA – The Special Educational Needs and Disability Act**

SENDA was an amendment to the Disability Discrimination Act (1995), designed to bring education within the remit of the DDA. SENDA effectively activated Part 4 of the DDA. It required that bodies responsible for the

provision of education and other related services did not discriminate against disabled students and other disabled people. Institutions have an additional duty to meet the needs of all disabled students and visitors by making anticipatory reasonable adjustments, as opposed to adjustments for employees, which are to be made on an individual basis.

The Disability Discrimination Act 1995 has now been amended by the Disability Discrimination Act 2005. Individual disabled people's rights remain intact, but the new legislation places an additional duty on all public sector authorities, including higher education institutions, to promote disability equality. This positive duty is part of a new breed of legislation that ensures all public bodies build disability equality into the way in which they carry out their business.

*[N.B. In Northern Ireland the relevant legislation is the Special Educational Needs and Disability (Northern Ireland) Order or 'SENDO'.]*

(See **DDA, Positive Action, Positive Discrimination, Reasonable Adjustment**)

## **Sex**

Sex is determined by the match between body and sex organs i.e. male, female or intersex. Sex refers to someone's physical or anatomical sex – in other words, which type of genitals they possess. Except in very rare cases of people who are intersexed, anatomical sex is well defined and easy to interpret.

(See **Gender**)

## **Sex Discrimination Act 1975 – SDA**

The SDA makes it unlawful to discriminate against anyone on grounds of gender (or marital status). This principle was extended by the Equality Act 2006 to impose general and specific duties on many public authorities to promote gender equality.

(see **Equality Duties, Equality Schemes**)

## **Skill: National Bureau for Students with Disabilities**

Skill is an independent charity that promotes opportunities for people with any kind of disability in learning and employment. It:

- Provides a free information and advice service for individual disabled people and the professionals who work with them, via a freephone helpline, email and the website. This information and advice helps disabled people to overcome financial and physical barriers, ignorance and discrimination so that they can study, train or find work.
- Informs and influences key policy makers to improve legal rights and support for disabled people in post-16 education and training. Skill works together with individual disabled people, professionals working in

education, training and careers, employers and disability organisations to influence government.

- Promotes best practice through membership, running conferences and seminars, publications and the provision of consultancy and staff training for colleges, universities and other organisations.
- Conducts research and develops projects on education and disability issues to address gaps in provision and to take forward new ideas.

[www.skill.org.uk](http://www.skill.org.uk)

## Social Inclusion

Although currently this term relates in the main to schools and local government, the principals of social inclusion are equally relevant within higher and further education (for example in relation to the Widening Participation agenda). Social inclusion terminology is becoming increasingly familiar as part of the overall equality and diversity picture.

The Government sees tackling social exclusion as an important priority and aims to ensure that the most socially excluded adults are offered the chance to get back on a path to a more successful life, by increasing the proportion of at-risk individuals in settled accommodation; and employment, education or training. Those working in lifelong learning and higher education may wish to refer to the website of the Social Exclusion Taskforce for further details at [http://www.cabinetoffice.gov.uk/social\\_exclusion\\_task\\_force/psa.aspx](http://www.cabinetoffice.gov.uk/social_exclusion_task_force/psa.aspx)

Example definitions of social inclusion:

Social inclusion is about reducing inequalities between the least advantaged groups and communities and the rest of society by closing the opportunity gap and ensuring that support reaches those who need it most. (<http://www.scotland.gov.uk/Topics/People/Social-Inclusion>)

Positive action taken to include all sectors of society in planning and other decision-making. (<http://www.planningportal.gov.uk>)

The position from where someone can access and benefit from the full range of opportunities available to members of society. It aims to remove barriers for people or for areas that experience a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime environments, bad health and family breakdown. ([www.london.gov.uk](http://www.london.gov.uk))

(See also **Community Cohesion**)

## Socio-economic Background

The National Statistics Socio-economic Classification is used for all official statistics and surveys. It replaced Social Class based on Occupation and Socio-economic Groups. This version of the classification, which will be used for most analyses (the analytic version), has eight classes, the first of which can be subdivided.

*The National Statistics Socio-economic Classification Analytic Classes*

1. Higher managerial and professional occupations

- I. Large employers and higher managerial occupations
- II. Higher professional occupations
2. Lower managerial and professional occupations
3. Intermediate occupations
4. Small employers and own account workers
5. Lower supervisory and technical occupations
6. Semi-routine occupations
7. Routine occupations
8. Never worked and long-term unemployed

Source ONS

(See **Class, Widening Participation**)

## **Special/Additional Needs**

In an educational context, 'special needs' has been used for many years as a catch-all term that covers a wide range of situations relating to disability and impairments. In primary and secondary education it is often associated with learning difficulties. In tertiary education and employment special and additional needs have been used to describe staff or students, and anyone who requires a reasonable adjustment to be made for them. Many disabled adults find the term derogatory, and current thinking is that the term *entitlements* should be used instead of needs, as this reflects the entitlement of disabled people to equality of opportunity in employment, education and access to goods and services.

(See **Disability, Disability: Social Model, Reasonable Adjustment, SENDA**)

## **Specific Duties**

See **Equality Duties**

## **Stereotyping**

Stereotyping is when characteristics conventionally associated with a particular group are applied to the individuals perceived to be of that group. It happens all the time, whenever generalisations are made about people. Stereotyping can be both positive and negative, and either can be equally ill-informed.

Problems can arise when stereotypical views of people based on their group identity lead to pre-judgement or assumption-making about particular individuals. This may result in discriminatory behaviour.

## **Sticky Floor**

Sticky floor is the converse of 'glass ceiling'. It describes the situation of employees or others who are unable to achieve career progression beyond an

initial entry level to a post or grade because of perceptions and assumptions about their ability based on stereotypical assumptions about their personal characteristics. The metaphor is used to communicate how sexism makes it difficult for women, for example, to rise above entry-level jobs in the labour market. Thus, some groups of women, whose economic histories are filled with problems of disadvantage, are more likely to relate to the 'sticky floor' than the 'glass ceiling'.

(See **Assumptions, Glass Ceiling, Leaky Pipeline, Stereotyping**)

## T

### Targets

Targets are a method of redressing any equality-based under-representation in the staff or student body. Ideally, targets should be linked to monitoring activity, which highlights particular gaps that should be dealt with. Targets are distinct from quotas in that they do not over-ride merit-based selection.

The two main types of target are quantitative and qualitative. Quantitative targets are the number or percentage of, for example, women, ethnic minority staff or disabled people that an organisation would aim to recruit. Qualitative targets could include a commitment to introduce equality training for everyone, or specific training for an under-represented group, or the introduction of a new policy or practice such as flexible working.

Targets are most successful when they are included in an overall action plan, which sets out how they are to be achieved and communicated to others. It is important to communicate the rationale for targets to other staff, so that they are not perceived to be quotas and so they don't discourage suitably qualified people from applying for jobs because they are not in the targeted group, and therefore feel they would be wasting their time in applying.

(See **Positive Action, Positive Discrimination**)

### Traditional/Non-traditional

Historically or stereotypically a traditional role is one that was, or is, carried out mainly, or totally, by members of one sex or people from a sub-group within a culture. For example: the building trades are still traditionally 'men's jobs', though this is beginning to change; and nursing was traditionally seen as a woman's job, and this has changed significantly in recent years. A female plumber is still regarded as unusual and non-traditional, whereas female bus drivers are now commonplace. Until quite recently, women in the armed forces belonged to all-women units and were not allowed to go to sea or become pilots. They are still not able to join certain front line units or take on some military roles.

This sort of segregation has also been applied in relation to race and ethnicity. For example, members of the Black and ethnic minority communities could not enlist in the Guards Regiment of the army. (Some would suggest that it is still quite difficult and unusual, and therefore non-traditional.)

Traditionally, home undergraduates in UK higher education were from middle and upper class families and from the 18-22 age group. This has been changing since the 1960s, but statistically working class students are still seen to be non-traditional. Mature students are also more evident now.

## **Training**

Training is the planned process of developing skills to do a particular job/activity, modify attitudes, increase knowledge, or change behaviour, through a structured learning experience. Training aims to achieve more effective and/or improved performance in any activity or range of activities. It develops the skills and abilities of individuals with the aim of satisfying the current and future needs of an organisation.

## **Trans**

An inclusive term for those who identify themselves as transgender, transsexual or transvestite. The word 'trans' can be used without offence to cover people undergoing gender transition; people who identify as someone with a different gender from that in which they were born, but who may have decided not to undergo medical treatment; and people who choose to dress in the clothing typically worn by the other sex. This term should only be used as an adjective.

(See **Transgender, Transsexual Person**)

## **Transgender**

An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. The term may include, but is not limited to, transsexual people and others who see themselves as not clearly fitting into male or female identities. Transgender people may or may not choose to alter their bodies hormonally and/or surgically. The term transgender should only be used as an adjective, for example 'transgender people'.

## **Transsexual Person**

A person who feels a consistent and overwhelming desire to transition and fulfil their life as a member of the opposite sex. Someone in this position will have the medical condition gender dysphoria. This term should only be used as an adjective: individuals should be referred to as 'transsexual people' not 'transsexuals'.

## **Transvestite**

A person who dresses and acts in a style or manner traditionally associated with the opposite sex.

## U

### UKCISA

The UK Council for International Student Affairs (UKCISA) is the UK's national advisory body serving the interests of international students and those who work with them.

UKCISA exists to promote and facilitate international student mobility, to and from the UK, to help students (and others involved in international education) develop a global perspective and to contribute to human development, political stability, economic prosperity and greater intercultural understanding.

*UKCISA's aims are:*

To increase support for international education and raise awareness of its values and benefits

To promote opportunities for - and identify and work to reduce obstacles and barriers to - greater student mobility

To encourage best practice, professional development and the highest quality of institutional support for international students throughout the education sector.

(Formerly UKCOSA).

[www.ukcisa.org.uk](http://www.ukcisa.org.uk)

### Under-representation

Under-representation occurs when the proportions of men/women, white /ethnic minorities, disabled/non-disabled people, heterosexual/gay, etc., people in a work place or student body do not reflect the proportions in the relevant pool. The relevant pool will vary according to the type of representation that is being considered. An HEI that recruits predominantly from the local population would expect its student body to contain roughly the same racial mix as that population. Certain grades of staff would also be expected to reflect that mix because it would be expected that they would be recruited locally.

However, the ethnic/disabled/female representation of both staff and students in certain institutions, on some courses, in particular jobs, etc., is not currently compatible with numbers that could reasonably be expected. For example, women are under-represented at Vice Chancellor/Principal level; ethnic minorities are under-represented at senior levels; and people who have declared a disability are under-represented across the whole sector.

## V

### Vicarious Liability

Higher education institutions and their governing bodies can be held to be vicariously liable for the acts or omissions of staff during the course of

employment. This liability applies even if the action was not expressly authorised by the HEI.

To avoid vicarious liability an HEI would need to show that it had taken all reasonable steps to ensure that the action had not taken place. This could be done by having a policy that was communicated to staff by training, briefing or otherwise informing them and by showing that, in the particular situation in question, the individual had acted contrary to the rules and procedures.

## **Victimisation**

Victimisation is a form of unlawful discrimination. A person is victimised if they are treated less favourably because they have done a legally 'protected act' under the relevant anti-discrimination laws, for instance they have brought legal proceedings, given evidence, made a complaint, or supported someone who has made a complaint of unlawful discrimination against an HEI, a department or an individual.

Victimisation is unlawful if it takes place during the course of someone's employment, or after the termination of their employment, for example in connection with the provision of employment references.

Victimisation on the grounds of race, gender, disability, age etc can cover workplace discrimination (failure to give promotion, dismissal or giving the employee unpleasant tasks). Students could be similarly victimised by a HEI or an individual working in one by, for example. refusal of application or unfair marking.

(See **Direct Discrimination, Discrimination, Harassment, Indirect Discrimination**)

## **W**

### **Welsh Language**

The Government of Wales Act 2006 requires that Welsh public bodies, including HEIs, conduct public business in Wales in both English and Welsh equally, as is appropriate in the circumstances and reasonably practicable. The objective is to promote and facilitate the use of the Welsh language.

### **Widening Participation**

Widening participation in higher education denotes systematic efforts to change and develop the ways in which universities and colleges work. The purpose of the efforts is to ensure that universities and colleges can meet the learning needs and aspirations of individuals or groups whose experiences or circumstances mean that they have not in the past, or are unlikely in the future, to participate fully in higher education. These groups or individuals are often referred to as being from a non-traditional background. In this context, a non-traditional background is a term used to describe a person who would not ordinarily enter higher education. This may be because there is no tradition of higher education in their family; they have qualifications other than A-levels;

they are older than traditional applicants; or they have different caring responsibilities, for example.

In light of the changes to higher education funding, it is likely that widening participation strategies will also target those from low-income backgrounds, as it is felt that such individuals face more barriers to higher education than other groups.

(See **Class, Socio-Economic Background**)

## **Work/Life Balance**

Work-life balance is about adjusting working patterns and developing initiatives, policies and procedures to enable employees to get their jobs done and at the same time provide flexibility to manage personal and family responsibilities, and pursue activities outside work. Work-life balance is achieved when an individual's right to a fulfilled life inside and outside paid work is accepted and respected as the norm, to the mutual benefit of the individual, the institution and society. Full time employees in the UK do the longest hours in the EU, and many of these are fathers of young children who would like to spend more time with their families.

From an employee viewpoint, work-life balance is the dilemma of managing work obligations and a personal life, whilst achieving success and satisfaction within both. Many people struggle to maintain a balance between their work and home responsibilities, and other interests. This juggling process can have an adverse effect on the ability of employees to do their work effectively and on their general health and well-being. Women, in particular, are affected because they continue to be the primary carers for young children and elderly or disabled relatives, in addition to bearing the brunt of domestic labour alongside their work commitments. Work-life balance from the employer viewpoint involves the challenge of creating a supportive company culture where employees can focus on their jobs while at work. Many employers are developing a range of options such as flexi-time, job sharing, time off in lieu, and term-time working in order to create a more flexible workplace.

There are many work-life balance benefits for employers too, such as Increased productivity, improved recruitment and retention, lower rates of absenteeism, reduced overheads and a more motivated, satisfied and equitable workforce.

Work/Life Balance is about adopting working arrangements so that everyone—regardless of age, race, or gender—can find a balance that enables them more easily to combine work with their other responsibilities or aspirations. Most HEIs have now introduced a range of flexible working arrangements which help to address work/life balance.

[www.employersandwork-lifebalance.org.uk](http://www.employersandwork-lifebalance.org.uk)

(See **Family Friendly, Flexible Working**)

## X

### **Xenophobia**

Xenophobia is a prejudice based on an extreme dislike or irrational fear of foreigners. It is also often associated with a dislike of cultures, religions and ways of life of people who live in other countries. It is different from racism in that racism is also about some racial groups asserting and exploiting their power over other racial groups.

## Z

### **Zero Tolerance**

A form of policing that allows no crime or anti-social behaviour to be overlooked.

## **LEGISLATION AND CODES OF PRACTICE**

Legislation and Codes of Practice referred to in this Guide can generally be obtained from the following:

Equality and Human Rights Commission: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Equality Commission for Northern Ireland: [www.equalityni.org](http://www.equalityni.org)

## **REFERENCES**

- Berthoud, R., et al. (1977) *Ethnic Minorities in Britain*, Policy Studies Institute
- Chambers, (2000) *Chambers Compact Dictionary*, Chambers Harrap Publishers Ltd
- Commission on Cohesion and Integration (2007) *Our Shared Future*
- DCSF (2007) *Guidance on the duty to promote community cohesion*
- Department for Communities and Local Government, 2006
- Faith Regen UK, (undated) *Faith Communities Toolkit*, Faith Regen UK
- Home Office; DfES; CRE (2004) *Community Cohesion Education Standards for Schools*
- Kandola, R. and Fullerton, J. (1998) *Diversity in Action: Managing the Mosaic*, (2nd Edition), London, Institute of Personnel and Development
- Local Government Association, 2002