

Gender Equality Policy, including Sexual Orientation and Gender Reassignment

I. Aim

- 1.1 The College wishes to promote an inclusive institutional culture that recognises the benefits of a diverse learning community for learners, staff and the development of the institution. It is the College's aim that potential and current learners and staff are treated fairly on the basis of merit regardless of their gender, sexual orientation or gender reassignment. The College will, to this end:
- provide services to learners and staff that meet the requirements of this duty and the College's Single Equality Scheme
 - challenge discrimination based on gender, sexual orientation or gender reassignment
 - promote gender equality in College activities and through the College's policies
 - gather information on the effects of the College's policies and systems on men and women, and
 - where appropriate, develop an action plan to help the College reflect gender equality in its workforce and learner population
- 1.2 By adopting the above approaches it is envisaged that the College will ensure that its commitment to gender equality is clear both to existing learners and staff, and to those who may wish to join the College in future.

2. Background & Legal framework

- 2.1 The Equality Act 2006 amended the Sex Discrimination Act 1975 to place a statutory duty on all public authorities (including Higher Education institutions) when carrying out their functions, to have due regard to the need to eliminate unlawful discrimination and harassment, and to promote quality of opportunity between men and women.
- 2.2 The Employment Equality (Sexual Orientation) Regulations 2003 and the Sex Discrimination (Gender Reassignment) Regulations 1999 apply to employment and the provision of vocational training. They apply to all staff and learners in Higher and Further Education and make it unlawful on the grounds of sexual orientation or gender reassignment to:
- Discriminate against others either directly or indirectly
 - Subject someone to harassment (unwanted conduct that violates a person's dignity and creates an intimidating, hostile, degrading, humiliating or offensive environment). Harassment is more fully defined in the College's Policy on Bullying and Harassment
 - Victimise someone because they have made a complaint or allegation or have given evidence against someone else in relation to a complaint of discrimination, and
 - Discriminate against someone after the working relationship has ended
- 2.3 The Regulations apply to all terms and conditions of employment, such as pay, promotions, transfers, dismissals and opportunities for training
- 2.4 The Sexual Orientation Regulations provide protection for everyone, whether they are gay, lesbian, bisexual or heterosexual. They also protect those who are perceived to be of a particular sexual orientation, whether they are or not, and friends and family members of gay, lesbian, bisexual and

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heterosexual people.

- 2.5 The Gender Reassignment Regulations protects all individuals who have gender dysphoria whether they intend to undergo gender reassignment, are already undergoing gender reassignment, or have at some time in the past undergone gender reassignment. The Gender Recognition Act 2004 allows trans people to gain legal recognition of their acquired gender.

3. Policy statement

- 3.1 Writtle College values diversity in all of its staff and learners. It aims to create an environment in which people of all genders, sexual orientation and trans men and women feel equally welcome and valued, and in which homophobic and transphobic behaviour is not tolerated.

- 3.2 The College recognises the existence of heterosexist assumptions, homophobia and transphobia in society. It is committed to challenging discrimination and harassment and seeks to ensure that:

- Everyone is treated with equal dignity and fairness regardless of their sexual orientation or gender reassignment
- Recruitment and selection are based entirely on relevant criteria, which do not include sexual orientation or gender reassignment
- Homophobic or transphobic abuse, harassment or bullying (for example, name calling, derogatory jokes, unacceptable or unwarranted behaviour, intrusive questions) is not tolerated in any aspect of the College's activities, and
- Homophobic or transphobic propaganda in any form (including written materials, graffiti or speeches) is not tolerated. The College undertakes to remove any such propaganda from its premises and to take action against those responsible.

- 3.3 The College will provide a supportive environment for staff or learners who wish it to be known that they are lesbian, gay, bisexual, transsexual or heterosexual. However, it is an individual's right to choose whether they wish to be open about their sexuality or gender reassignment in the College. To 'out' someone, whether staff or learner, without their permission is a form of harassment and will be treated as such.

4. Responsibilities

- 4.1 The Board of Governors, assisted by the Principal and other senior managers, is responsible for ensuring that the College fulfils its legislative responsibilities in respect of the Employment Equality (Sexual Orientation) Regulations, Sex Discrimination (Gender Reassignment) Regulations and the Gender Recognition Act.

- 4.2 The Board should also be responsible for ensuring that adequate resources are provided to enable the effective implementation, monitoring and evaluation of this Policy. The Board should receive an annual report, in the form of an impact assessment, of progress with the Scheme, compiled by the E&D group, which is chaired by the Director of Organisational Development.

- 4.3 Heads of Schools and Support departments are responsible for the promotion of a positive and inclusive culture for work and study. This will include:

- reviewing and amending policies, procedures and practices for which they are responsible to ensure they comply with the requirements of the legislation
- actively ensuring that equality of opportunity and fairness of treatment for lesbian, gay, bisexual, transsexual or heterosexual staff and learners is integral to the delivery and operation of the College

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- ensuring staff and learners undergoing gender reassignment receive appropriate support from the College, and
 - ensuring that staff and learners are aware of their responsibilities under this policy.
- 4.4 Heads of Schools and Support departments are to assume primary responsibility for the promotion of equal opportunities for learners with respect to admissions and recruitment, learner support and guidance, curriculum design and content, teaching and the promotion of learning, progression and assessment.
- 4.5 The Equality and Diversity Group is responsible for the maintenance and development of College policy concerning gender, sexual orientation and gender reassignment and the provision of advice and assistance to the Academic Board and the Board of Governors, to enable the College to meet its legislative obligations.
- 4.6 The Human Resources Department is responsible for ensuring recruitment and selection and promotion policies and practice do not discriminate on the grounds of gender, sexual orientation or gender reassignment. The Personnel Committee should monitor, on behalf of the Board, the implementation of this policy as it relates to College staff. It will receive reports of issues of concern with regard to gender and the way in which they have been managed and resolved. The Committee should receive annual reports of gender monitoring (for example, applications for and appointment to posts) to inform planning and decision making in relation to the Policy. (Data produced by the Equality Challenge Unit and other sector agencies can be used to enable benchmarking of the College's staffing policy measures).
- 4.7 The Academic Registry is responsible for ensuring learner admissions policies do not discriminate on the grounds of gender, sexual orientation or gender reassignment. A report on the admission and progress of learners (using local and HESA data) be presented annually by the Academic Registrar to the Academic Board to measure the effect of the open access approach that the College wishes to promote to applicants and learners.
- 4.8 All staff and learners are responsible for upholding College policy concerning sexual orientation and gender reassignment, for fulfilling their part in its implementation and for availing themselves of information in this regard.
- 5. Resolution of complaints**
- 5.1 Any member of staff or learner who feels that they have not been treated fairly in accordance with this policy should instigate the College's Grievance procedure. Students can instigate the College's complaints procedure
- 5.2 Anyone making a complaint will be taken seriously and treated with respect. Confidential advice and support is available from the Colleges and Universities Harassment Adviser Network, Trades Unions Representatives, the Students' Union, and the Equality and Diversity Group. Students can also access the College's Counselling Service.
- 6. Monitoring**
- 6.1 Our annual reports are expected to include (but not be limited to) the following:
- A progress report on mainstreaming gender equality in strategy and policy development against key outcome measures
 - Developments in governance and management of the policy
 - A general section on 'Improving Gender Equality' which will cover aspects of:

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Students

Admissions (based on recruitment)
Progression and level of achievement
Curriculum development
Use and access to learner support systems
Disciplinary matters
Student complaints and their resolution

Staff

Recruitment and selection
Promotion
Training and development
Use and access to staff support systems
Disciplinary matters
Grievances and their resolution

The information is used in planning and decision-making in support of the implementation of this Policy and to assess the impact of the scheme on the recruitment, development and retention of learners and staff. Quantitative data will be supplemented by qualitative information gathered from learner and staff surveys. Feedback on the development of the Scheme will be provided to staff and learners.

7. Publishing and review

7.1 The Policy will be incorporated into:

- Staff handbooks - for all College staff
- Student handbooks - for all College learners
- The College's web site - for enquiries made to the College, and
- The College intranet site - for reference by staff and learner

7.2 This Policy is not yet available in other languages and formats - however, when it is, it could be requested in large print, Braille and computer disk. If you would like to receive information in a different language or another format, then please contact us on telephone number 01245 424200, or by e-mail (for staff) at: simon.craven@writtle.ac.uk

7.3 This policy will be reviewed in May 2011 and every three years thereafter.

*Karen Edwards, Director of Organisational Development
E&D Group chair*

Glossary of terms

Heterosexism: Any prejudice or discrimination against individuals who are lesbian, gay, bisexual or are perceived to be so. It is based on the assumption that everyone is or should be heterosexual. Expressions of dislike, contempt or fear based on heterosexism are usually known as homophobia, although the terms lesbophobia and biphobia are also coming into use.

Transphobia: An irrational fear of male to female or female to male trans people based on prejudice.

Trans: A generic term generally used by those who identify themselves as transgender, transsexual or transvestite.

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Gender Dysphoria: A person with gender dysphoria can experience anxiety, uncertainty, or persistently uncomfortable feelings about their birth gender. They may feel that they have a gender identity that is different from their anatomical sex. Sometimes a person with gender dysphoria assumes an identity in the opposite sex. This may involve medical treatment.

Gender Reassignment: The process trans men and women go through to acquire the appropriate gender.

Frequently asked questions

How could a Higher Education Institution discriminate against an employee on the grounds of sexual orientation?

By treating him or her less favourably for a reason connected to his or her sexual orientation (direct discrimination). An institution also discriminates if it applies a general rule or has a practice that puts people of a particular sexual orientation at a disadvantage (indirect discrimination). Harassment and victimisation are also unlawful.

Should we monitor for sexual orientation?

No. There is no legal requirement and the College does not intend to do so at present. This may also be seen as invading the privacy of the individual.

How should the balance between different views be managed?

Staff and learners will have a range of views on same-sex relationships, gender reassignment and the doctrines of some religions. This policy does not seek to infringe anyone's rights to hold these views, but does seek to prevent them being manifested in the workplace in such a way that offends, humiliates or intimidates, is hostile or degrading to others. (This is a new area of discrimination law and categorical interpretation of it will rest on the outcome of tribunals. In January 2008, a woman was awarded compensation on the grounds that her gay colleagues had discriminated against her for being heterosexual).

Can a member of staff who is religious refuse to work with a lesbian, gay, bisexual, transsexual or heterosexual colleague on religious grounds, or vice versa?

No. This policy is intended to protect people from discrimination, not facilitate it. Any collusion with such a request could encourage a claim of harassment by a lesbian, gay, bisexual, transsexual or heterosexual staff member within the definition of harassment under either Regulations. The case would be the same if a lesbian, gay, bisexual, transsexual or heterosexual staff member refused to work with a colleague holding specific religious beliefs on homosexuality or gender reassignment. (If a member of staff cannot work with all learners, then they cannot do their job. Working with all learners is a requirement of any position in a Higher Education Institution).