

## Equity, Diversity, and Inclusion Policy

### Version Control

Version Number	UEB Sponsor	Approval Body/Officer	Date of approval
V_01	Chief Operating Officer & University Secretary	UEB	19/11/2024

This document is available in Welsh.

#### 1. PURPOSE

1. The purpose of the Equity, Diversity, and Inclusion Policy is to clarify the requirements under the Equality Act 2010 and Public Sector Equality Duty (Wales) and set out the structures and processes within which compliance will be facilitated.
2. This policy sets out the University's commitment to fostering inclusive and supportive learning and working environments for all students and staff, where all individuals can fulfill their potential.

#### 2. SCOPE

1. This policy is set within the following legislation:
  - Equality Act (2010)
  - Public Sector Equality Duty (Wales)
2. An overview of the Equality Act (2010) and the Public Sector Equality Duty (Wales) can be found in Annex A.
3. The policy applies to all employees (which includes for the purposes of this policy, consultants, contractors, volunteers, casual workers, apprentices, and agency workers), researchers, all students (including but not limited to undergraduates, postgraduates, postdoctoral and placement students), and applicants/offer holders to work or study at the University.
4. The principles of non-discrimination and equality of opportunity also apply to the way employees and students should treat each other, any visitor, contractors, service providers, suppliers, and any other persons associated with the

functions of the University. This includes in-person, online, and electronic interactions.

5. For simple ease of reference, in this policy, we refer to all categories of staff listed in section 2.1 as “Employees” including those categories of staff who are not considered to be employees as a matter of law.

### 3. **POLICY**

1. Cardiff University is committed to promoting equality and providing an environment where all members of its community are treated with dignity and respect, across its learning, teaching, research, management, administration, and support service activities. The University is committed to inclusiveness, values diversity, and will take the necessary steps to be a genuinely inclusive, positively bilingual, and anti-racist institution.
2. The Equality Act (2010) and the Public Sector Equality Duty (Wales) provide a legal framework to protect people from bullying, discrimination, harassment, and victimisation in the workplace, in the study, and in wider society.
3. As a Higher Education Institution, we have specific equality duties that require us to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations.
4. In carrying out all its activities the University will have due regard to:
  - a. The promotion of equality of opportunity;
  - b. The promotion of good relations between different groups;
  - c. The elimination of all indirect and direct discrimination.
5. The University will work to ensure that our employees, students, and visitors, as well as those who seek to apply to work or study with us, are treated fairly and are not subjected to unlawful discrimination by the University based on (their protected characteristic):
  - age
  - disability
  - gender reassignment
  - marriage or civil partnership
  - pregnancy and maternity
  - race

- religion or belief
  - sex
  - sexual orientation
6. The University will have due regard to promoting equality of opportunity, good relations between different groups, and the elimination of all indirect and direct discrimination for those outlined in 2.1, through the following framework:
1. publishing a Strategic Equality Plan (SEP) and review and release specific, measurable equality objectives, at least every four years.
  2. assessing the impact on equality of our policies, procedures, and practices by completing Integrated Impact Assessments (IIA). An IIA is the University's established procedure for facilitating and evidencing due regard to the needs of the PSED.
  3. having an effective data monitoring and analysis process.
  4. monitoring the University's Strategic Equality Plan and compiling and publishing the Annual Monitoring Report, which will include equality information (data).
  5. involving employees, students, and other stakeholders in the development and delivery of our equality objectives - ensuring these groups are reflective of the diverse make-up of our employees, students, and stakeholders.
  6. promoting equality, diversity, and inclusion through internal and external communications and in collaboration with key stakeholders such as the Students' Union and Trade Unions.
  7. ensuring that all managers and employees take part in equality training and that those who are involved in any part of our recruitment and selection processes undertake relevant training.
  8. ensuring employee and University student support services are, as far as reasonably possible, accessible to all groups outlined in 2.1.
  9. appointing, training, developing, rewarding, and promoting based on merit and ability.
  10. identifying and collecting information about differences in pay and have due regard to the need to have objectives that address the causes of any pay difference between employees who are from a protected group, and those who are not. This information must be published as appropriate.

11. publishing an equality objective that addresses any gender pay difference identified, or publish reasons why it has not done so, and publish an action plan to address its gender pay gap.
12. ensuring that employees, students, and their representatives are provided with and know how to contact appropriate forums at different levels within the organisation, to discuss equality, diversity, and inclusion issues and raise any concerns.
13. ensuring that all sections of our community are aware of the [Dignity at Work and Study Policy](#) and procedures and know how to access the [Disclosure Response Team](#) to report any forms of bullying, harassment, or discrimination
14. ensuring that all contractors and service providers operating on behalf of the University are aware of and adhere to this policy.
15. ensuring reasonable adjustments are made for students and staff, in accordance with the requirements of the Equality Act 2010 and in line with the University's [Reasonable Adjustments Procedures](#);
16. making this policy widely available to all employees and students, electronically and in physical formats (where required), to ensure that they are aware of their entitlements and responsibilities with regard to equality, diversity, and inclusion.
7. In line with the [Code of Practice on Freedom of Speech](#), the University and all concerned in its government, will take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for our members, students, and employees and for visiting speakers.
8. As a broad principle, the University aspires to meet and go beyond our legal compliance requirements in its support of diverse students and staff, in line with its values.

## **Complaints**

9. Any cases of discrimination, harassment, bullying, or victimisation will be taken very seriously by the University. Any employee or student found to have committed unlawful discrimination or harassment will be subject to the relevant disciplinary action. Appropriate action will be taken, where possible if any member of the public, visitor, or service provider is involved in discrimination or harassment.
10. Definitions of discrimination, harassment, and victimisation can be found in Annex A.

11. Any employee or student who believes that they may have been the victim of discrimination, harassment, bullying, or victimisation should refer to the University's [Dignity at Work and Study Policy](#) and Procedures - these outline how they can be supported and the next steps or options suitable to them.
12. Members of the public should address their complaint to the University service to which their complaint relates in the first instance.
13. Employees, students, or other parties who make a complaint of discrimination have the right to do so without fear of victimisation, and the University will make every effort to ensure that any complaints are dealt with fairly and within the agreed timescales, as outlined in the relevant Policies and Procedures.

#### **4. ROLES AND RESPONSIBILITIES**

1. The Chief Operating Officer and University Secretary is the University Executive Board sponsor for this Policy.
2. The Compliance and Risk Officer from the Compliance and Risk Team (University Secretary's Office) is the policy owner.
3. The Compliance and Risk Team is responsible for making this policy widely available to all employees and students, electronically and in physical formats (where required), to ensure that they are aware of their entitlements and responsibilities with regard to equality, diversity, and inclusion.
4. The operational responsibility for the development of strategic goals and coordinating action related to equality, diversity, and inclusivity for staff and students is delegated to the EDI Hub. The Hub will:
  - Oversee the publication of equality objectives to demonstrate how the University will meet the equality duty;
  - Oversee the development and implementation of the University's Strategic Equality Plan (SEP);

- Devise and recommend policies, procedures, and action plans to ensure that equality and diversity legislative requirements are met, and best practices adopted, reviewing University policies against any legislative changes;
  - Foster an inclusive institutional culture by promoting the involvement and interaction of a diverse range of staff and students in University life.
5. The operational responsibility for monitoring the University's Strategic Equality Plan and compiling the Annual Monitoring Report is delegated to the Compliance and Risk Team.
  6. The University's Business Intelligence Team is responsible for supporting the production of the student data for the Annual Monitoring Report.
  7. The University's Human Resources Department is responsible for providing the staff data for the Annual Monitoring Report.
  8. Managers and Leaders have a responsibility to:
    - demonstrate a high standard of behaviour and set clear expectations for staff on what behaviour is acceptable and expected at work, as set out by the Dignity at Work and Study Policy;
    - foster a culture in which staff feel able to challenge unacceptable behaviour;
    - take appropriate action to stop unacceptable behaviour such as bullying, harassment, and victimisation, as set out by the [Dignity at Work and Study Policy](#), and by the Equality Act 2010 and Public Sector Equality Duty;
    - ensure that procedures relating to staff recruitment, selection, career development, discipline, and grievance are carried out in accordance with the Public Sector Equality Duty to promote equality and eliminate discrimination (including indirect discrimination);
    - ensure that curriculum design, teaching, assessment, and student support are carried out in accordance with the Public Sector Equality Duty to promote equality and eliminate discrimination (including indirect discrimination);
    - ensure staff and students are encouraged and enabled to reach their full potential, irrespective of their background or protected characteristics;

- fulfill their legal duty to ensure reasonable adjustments are made for students and staff, in accordance with the requirements of the Equality Act 2010 and in line with the University's [Reasonable Adjustments Procedures](#);
  - conduct IIAs on relevant policies and procedures to demonstrate that they have paid due regard to the needs of individuals with protected characteristics.
  - ensure all employees, researchers, and students are aware of this policy and know how to report discrimination, harassment, or bullying, and know how to access the [Disclosure Response Team](#)
  - present their employees with information (or knowledge about where to find such information) about employee rights as defined within the scope of the University policies.
  - deal with complaints in line with the [Dignity at Work and Study Policy](#).
9. Students and employees have a personal responsibility to:
- challenge and safely report unacceptable behaviour via one of the routes outlined in this Policy and in accordance with [the Dignity at Work and Study Policy](#) and Procedures. Both formal and informal routes are covered in these policies and procedures.

## 5. RELATED POLICIES AND PROCEDURES

1. This policy forms part of a wider advice framework relating to Equality, Diversity, and Inclusion supporting compliance with the Equality Act (2010) and the Public Sector Equality Duty (Wales). It should be read in conjunction with:

- [Code of Practice on Freedom of Speech](#)
- [Dignity at Work and Study Policy](#)
- Integrated Impact Assessment Policy and Procedure
- [Trans Policy](#)
- Quiet Rooms Policy
- [Reasonable Adjustments Procedures](#)
- [Welsh Language Service Delivery Policy](#)
- [Welsh Language Operational Standards Policy](#)

2. Further information and support are available from the following:

<b>Useful Internal Contacts</b>		
<b>Service/Group</b>	<b>Role and Responsibility</b>	<b>Contact details</b>
EDI Hub	Lead on the University's Strategic Equality Plan, taking a university-wide view to identify and drive action on EDI and anti-racism issues.	Email: <a href="mailto:EDIHub@cardiff.ac.uk">EDIHub@cardiff.ac.uk</a>
Human Resources	Provide professional HR advice on all HR-related matters.	Email: <a href="mailto:people@cardiff.ac.uk">people@cardiff.ac.uk</a> Telephone: +44 (0)29 2087 9777
Employee Networks	Provide mutual support for members and gather feedback on Equality, Diversity, and Inclusion issues.	<a href="#">Staff equality networks - Intranet - Cardiff University</a>
Student Networks	Students Networks exist to support students who identify as part of a particular community or minority group.	<a href="http://cardiffstudents.com">Networks (cardiffstudents.com)</a>
Trade Unions	Provide members with information, advice, and guidance about work-related problems.	<a href="#">Recognised trade unions - Intranet - Cardiff University</a>
Compliance and Risk	Supports the University with understanding and meeting its legal and regulatory responsibilities, managing its strategic and operational level risks, and maintaining effective frameworks to ensure compliance.	Email: <a href="mailto:complianceandrisk@cardiff.ac.uk">complianceandrisk@cardiff.ac.uk</a> Additional information on the protected characteristics can be found on the <a href="#">intranet pages</a>

<b>Useful External Contacts</b>		
<b>Service/Group</b>	<b>Role and Responsibility</b>	<b>Contact details</b>



Equality Challenge Unit	Works to further and support equality and diversity for employees and students in higher education across all four nations of the UK.	Web: <a href="http://www.ecu.ac.uk">www.ecu.ac.uk</a>
Equality and Human Rights Commission	An independent statutory body with the responsibility to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote the human rights of everyone in Britain.	Companies House (1st Floor) Crown Way Cardiff CF14 3UZ <a href="#">Map: Cardiff office Google map</a> Email: <a href="mailto:wales@equalityhumanrights.com">wales@equalityhumanrights.com</a> Telephone: 02920 447710
Equality Advisory Support Service (formerly EHRC helpline)	Helpline advises and assists individuals on issues relating to equality and human rights, across England, Scotland, and Wales.	Freepost FPN6521 Email via this form: <a href="#">Contact Us - Equality Advisory and Support Service</a> ( <a href="http://equalityadvisoryservice.com">equalityadvisoryservice.com</a> ) Freephone Telephone: 0808 800 0082 Textphone: 0808 800 0084 Web: <a href="http://www.equalityadvisoryservice.com">www.equalityadvisoryservice.com</a>

## 6. MONITORING AND REVIEW

1. This policy will be informally reviewed by the Policy Owner on an annual basis, formally every three years, and will be updated as needed in response to any changes in relevant legislation.
2. Monitoring will take place via the annual Equality Monitoring Reports and be reviewed by the University's Executive Board, in addition to periodic reporting to the Equality, Diversity, and Inclusion Programme Board, and the University's Governance Committee.
3. The annual Equality Monitoring Report will monitor the diversity of job applicants, shortlisted candidates, new appointments, academic promotions, student applications, admissions, and attainment. The University's Business

Intelligence Team supports the production of the student data for the Annual Monitoring Report, and the University’s Human Resources Department provides the staff data element.

4. The University will take steps to monitor the differential impact of its policies, procedures, practices, and services on protected characteristic groups and the Welsh language via its Integrated Impact Assessment (IIA) process.
5. Further information on Equality Monitoring can be found in Annex B.

**7. VERSION CONTROL INFORMATION**

Document Name	Equity, Diversity, and Inclusion Policy
UEB Policy Sponsor	Chief Operating Officer and University Secretary
Policy Owner	Compliance and Risk Officer, Compliance and Risk Team
Policy Author(s)	Non Ellis, Compliance and Risk Officer, Compliance and Risk Team Thomas Tudor Jones, Senior Compliance Advisor, and Welsh Language Officer
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Equality and Welsh Language Impact Assessment Date	August 2024
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Approved By	Vice-Chancellor (UEB)
Date of Implementation	<i>Day/month/year</i>
Date of Last Review	<i>Day/month/year</i>
Date for Next Review	<i>Day/month/year</i>

**Change History Record**

The table below should be completed by the Author each time a change is made to the policy.

Version amended and date of review	Reviewer(s)	Description of Change	Version created

## Annex A – Legal Context and Definitions

### The Equality Act 2010

The Equality Act came into force in October 2010. It legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. The Act sets out the different ways in which it's unlawful to treat someone. Sections of the Act apply to the provision of goods, facilities and services, premises, employment, and education.

### Protected Characteristics

The Act outlines nine grounds upon which discrimination is unlawful. These are known as 'protected characteristics' and they are:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation

Further information on these protected characteristics can be found on our [intranet pages](#)

### Direct Discrimination

[Section 13, chapter 2, part 2](#) of the Act defines direct discrimination to be when a person treats one person less favourably than they would another because of a protected characteristic. For example, a university refuses to let a student go on a residential trip because they are a wheelchair user.

**Discrimination by association** is a type of direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, a student whose partner has a mental health condition is refused access to their graduation ceremony because of this.

**Discrimination by perception** is a type of direct discrimination against someone perceived to have a protected characteristic. For example, a student is excluded from a social event on the assumption they are Muslim.

### **Indirect Discrimination**

[Section 19, chapter 2, part 2](#) of the Act covers indirect discrimination referring to situations where for example, a ‘provision, criterion or practice’, applicable to everyone or a particular group of people and thus apparently neutral, has outcomes that are specifically detrimental for individuals with certain protected characteristics compared to others without those characteristics. Indirect discrimination may occur if, for example, a student with dyslexia is required to sit an examination that puts them at a particular disadvantage compared to non-disabled students (and if such an exam is not shown to reasonably constitute a competence standard or is justified on other grounds), or a student with anxiety is required to give a presentation in front of their class, unless this can be objectively justified as necessary. In each case, the student with dyslexia or anxiety would still need to show that their condition affected them personally to satisfy the legal definition of a disability. They would also need to show that other students with their disability were also particularly disadvantaged. Indirect discrimination can also occur when a policy would particularly disadvantage an individual if applied to them. For example, where an individual is discouraged from doing something, such as applying for a grant at an institution because a policy would result in their disadvantage, this may amount to indirect discrimination. In every case of alleged indirect discrimination, no unlawful act will be committed if the act in question is shown to be a proportionate means of achieving a legitimate aim. In the context of further and higher education, examples of legitimate aims might include maintaining academic and other standards and ensuring the health and safety, and welfare of students.

### **Discrimination arising from a disability**

The Act protects disabled people from being treated unfavourably for reasons pertaining to their disability. HEIs are liable in cases where the institution must know, or could reasonably be expected to know, that the person is disabled. Discrimination arising

from disability can occur if, for example, a student is disciplined because of poor attendance, but the absence is because of treatment the student is undertaking to manage mental health difficulty (if it amounted to a disability). This may be discrimination arising from a disability unless it can be shown the disciplinary measures were justified, or they did not know about the student's mental health difficulty. In every case of alleged discrimination arising from disability, no unlawful act will be committed if the treatment in question is shown to be a proportionate means of achieving a legitimate aim. In the context of further and higher education, examples of legitimate aims might include maintaining academic and other standards and ensuring the health and safety, and welfare of students.

## **Harassment**

According to [Section 26, chapter 2, part 2](#) of the Act, there are three types of outlawed harassment:

1. Unwanted conduct related to a relevant protected characteristic whose purpose or effect is to create an intimidating, hostile, degrading, humiliating, or offensive environment, or violates a person's dignity (this applies to all protected characteristics except pregnancy and maternity, and marriage and civil partnership).
2. Unwanted conduct of a sexual nature (sexual harassment).
3. Treating a person less favourably than another because they have either submitted to or did not submit to, sexual harassment or harassment related to sex or gender reassignment. An individual is also protected from harassment if they are perceived to possess or associate with, another person with a protected characteristic.

There is more information about harassment in the University's [Dignity at Work and Study Policy](#).

## **Victimisation**

[Under section 27, chapter 2, part 2](#) of the Act, victimisation is prohibited. Victimisation occurs when one person treats another less favourably because they have carried out a 'protected act' (i.e. asserted a right in line with the Act or helped someone else to do so). Victimisation can also occur when one person treats another less favourably because they are suspected of having asserted a right, or of intending to do so.

## **Positive Action**

The Equality Act 2010 allows "positive action" as a proportionate means of enabling or encouraging people with a protected characteristic to overcome or minimise disadvantage or participate in activity where they are underrepresented and meet

particular needs ([section 158 of the Act](#)). This includes allowing employers to recruit or promote employees because of their protected characteristic **if they are as qualified as other candidates**, provided this is done on a case-by-case basis rather than as a matter of policy.

### **Public Sector Equality Duty (Wales)**

The University is a public body and as such is subject to the Public Sector Equality Duty. This is defined as the general duty, which is supported by specific duties.

The general duty requires the University to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and other prohibited conduct.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The specific duties require the University to:

- Assess and review policies and practices against the needs of the general duty (IIAs).
- Make appropriate arrangements to periodically identify relevant equality information held by the University and collect information needed. Where appropriate, relevant information should be published.
- Identify and collect information about differences in pay and have due regard to the need to have objectives that address the causes of any pay difference between employees who are from a protected group, and those who are not.
- Promote knowledge and understanding of the general duty and specific duties among university employees and include a process to identify and address employee's training needs in the PDR process.
- Publish employment information about university employees that is broken down by protected characteristic.
- Revise and publish a strategic equality plan (SEP) outlining outcome-focused equality objectives. The SEP should be reviewed at least every four years. Involving people who represent one or more of the protected groups and who have an interest in the way the University carries out its functions.
- Consider the general duty in procurement processes.

- Produce an annual report that sets out the University's progress in identifying and collecting relevant equality information.
- Publish information accessible to the public.

### **The Human Rights Act 1998**

The Human Rights Act came into force in 2000 and incorporates the rights and freedoms of the European Convention on Human Rights into UK law. Particularly relevant to the Higher Education context are the rights to:

- Freedom of expression, including the freedom to hold opinions and to receive and impart information and ideas.
- Freedom of thought, conscience and religion, including the freedom to manifest religion or belief.
- Freedom of peaceful assembly and freedom of association
- The prohibition of discrimination in pursuing the rights and freedoms of the Act.

The freedoms set out above are not absolute rights, but are qualified, in that they may be interfered with if there is a threat to public order or safety, health or morals, or the rights and freedoms of others. Any interference must be lawful and proportionate.

### **Annex B – Equality Monitoring**

Monitoring is a key process for the successful implementation of equality and diversity policies and action plans and conducting Integrated Impact Assessments (IIAs). Monitoring assists with highlighting positive and negative trends within the organisation and is particularly relevant to:

- Student and employee recruitment
- Student attainment
- Student retention
- Employee grades and occupational types
- Employee recruitment, development, and promotion
- Take up of services by diverse groups
- Complaints.

Monitoring is required for the following reasons:

- Higher education institutions have a legal duty to collect, analyse and monitor equality data under the Public Sector Equality Duty.
- To help the University to provide an accurate picture of its population's diversity and achievements.
- To assist with good practice by proving or disproving any myths about any minority group or its achievements.
- To aid the completion of IIAs.

The benefits of monitoring:

- Support institutional strategies, such as internationalisation
- To inform and improve policy and practice for employees and students
- To identify gaps or where there is underrepresentation
- To enable programmes of positive action
- To assist with measuring the quality of experience for diverse employees and students
- To ensure the implementation of good practices
- To inform management and assist with objective decision-making.