



# Equality, Diversity, and Inclusion Policy

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Manager Responsible	Sarah-Jane Crowson, Scholarship and Equality, Diversity, and Inclusion lead
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## 1. Summary and Purpose

This document outlines our policy and commitment to equality, diversity, and inclusion for everyone within our college community including employees, students, contractors, and visitors. This document also includes information on how we put this policy into practice and how members of the college community are responsible for helping to make this happen.

Our Equality, Diversity and Inclusion Policy is part of our legal obligation to the public sector equality duty as outlined in the Equality Act (2010).

This document also includes how we try to provide equality of opportunity for employees, students contractors and visitors; information on support available to our college community and a summary of the definitions of types of discrimination as set out in the Equality Act (2010)

## 2. Definitions

Bullying	<p>Bullying is not defined in law but can be understood as behaviour that is repeated and intended to hurt physically or emotionally.</p> <p>Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, or the abuse or misuse of power (which does not always mean being in a position of authority) through means intended to undermine, humiliate, or denigrate a person.</p> <p>It is often aimed at certain people because of their race, religion, gender or sexual orientation or any other aspect such as appearance or disability</p>
Freedom of Speech	<p>A climate in which all students and staff can discuss a range of topics – including the complex and controversial – in the knowledge that they will be listened to and treated with mutual dignity, tolerance, and civility. Everyone, including those from marginalised groups, should be able to speak up without fear of harassment or discrimination – which should never be tolerated or excused</p>
Harassment	<p>Harassment (as defined by Section 26 of the Equality Act 2010) includes unwanted behaviour or conduct which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics: (see below).</p>

	<p>Under our definition, we understand harassment to include domestic violence and abuse (which can also involve control, coercion, and threats) and stalking.</p> <p>We would also consider harassment to include any incidents of physical violence towards another person(s) because of a protected characteristic and hate crimes, such as those criminal offences, which are perceived by the victim or any other person to be motivated by hostility or prejudice, based on a person's protected characteristics (see above)</p>
Protected Characteristics	<p>The Equality Act (2010) states it is against the law to discriminate against someone because of their:</p> <ul style="list-style-type: none"> <li>• age</li> <li>• disability</li> <li>• gender identity (a personal sense of one's own gender. This can correspond to or differ from the sex we are assigned at birth)</li> <li>• marriage or civil partnership</li> <li>• pregnancy and maternity (whether you are pregnant or have given birth recently)</li> <li>• race (includes race, colour, nationality (including citizenship), ethnic or national origins)</li> <li>• religion or belief (including philosophical belief and a lack of belief)</li> <li>• sex or sexual orientation.</li> </ul>

Sexual Misconduct	<p>Sexual misconduct relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)</li> <li>• Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)</li> <li>• Assault (as defined by the Sexual Offences Act 2003)</li> <li>• Rape (as defined by the Sexual Offences Act 2003)</li> <li>• <u>Physical unwanted sexual advances</u> (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)</li> <li>• <u>Intimidation, or promising resources or benefits in return for sexual favours</u> (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)</li> <li>• Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).</li> </ul>
Unwanted Behaviours	Behaviour which intends to, or has created the effect of, violating someone’s dignity by creating a hostile, intimidating, degrading, humiliating or offensive environment.
Victimisation	Less favourable treatment of someone because they have made, or have helped someone else make, a complaint of bullying and/or harassment.

### 3. Policy

#### 3.1 – Policy Statement

This policy sets out our commitment, including the commitment of our Board of Governors, to ensure equality of opportunity and work to prevent any unlawful or unfair discrimination and harassment at Hereford College of Arts. It applies to all our staff, students, prospective students, contractors, and visitors.

We are committed to the principles of equal opportunities, freedom of speech and respect for individuals in creating and maintaining an inclusive environment. We value and celebrate diversity, seeing this as critical to achieving our strategic aims and long-term success. We work to recruit and develop employees and students from a wide range of backgrounds and promote an inclusive culture where:

- A supportive and inclusive learning, working and social environment is fostered to ensure that everyone feels that they are valued and can work to achieve their potential;
- Opportunities are open to everyone, and decisions are based on merit and free from bias. However, opportunities need to be considered based on content and criteria before opening it up to everyone. For example, some job opportunities will be based on a set of specific skills, or a student brief will be based on a specific course or set of requirements based on skills learnt on that course. Opportunities will be reviewed on a case-by-case basis to evaluate eligibility.
- All our employees, staff, students, contractors, prospective students and visitors are treated with dignity and respect,
- Everyone within our college community feel free to be themselves

We are committed to providing equality for everyone, and to ensure that members of our community who have protected characteristics (see glossary above) are free from harassment (Equality Act, 2010).

Our Equality, Diversity and Inclusion policy is underpinned by strategic priorities set out in the annual Equality, Diversity, and Inclusion report, which is underpinned by the college SAR (FE and HE (Higher Education)) and the HE Access and Participation Plan.

### **3.2 – Responsibilities**

As a college we:

- Have a zero-tolerance approach to all incidents of abuse, harm and hate. Any incidents will be addressed and handled as part of our disciplinary code of conduct.
- Value diversity and promote equal opportunities for everyone.
- Promote respect and encourage good relations between people who share a protected characteristic and those who do not share a protected characteristic.
- Aim to meet the diverse needs of diverse groups and ensure freedom of speech while promoting shared values;
- Promote an inclusive and harmonious place of work and study where people respect others and where harassment and bullying, intimidation and violence are not tolerated
- Prevent unlawful discrimination and victimisation

- Meet our legal obligations; and
- Take seriously and deal with situations where anyone has broken this policy.

The Board of Governors has ultimate responsibility for making sure this policy is followed in full. Each manager will deliver the equality commitments in their areas of responsibility.

On a day-to-day basis, the senior leadership team will work to put this policy into practice and ensure that the college meets its yearly reporting responsibilities under the public sector equality duty, as well as making sure that we regularly review this policy and update it as necessary to reflect UK equality law and any conditions of registration from our HE (Higher Education) or FE (Further Education) regulators.

We expect all our staff, students, contractors, and visitors to keep to this policy and the associated policies referred to within it. We expect every member of our college community to promote a culture which is free from illegal discrimination and all forms of harassment and bullying. Failure to meet these responsibilities may lead to civil action or criminal proceedings against an individual or an institution (or both).

As part of the college's zero tolerance, we will act on every report of harassment, discrimination, bullying or behaviours that threaten to undermine someone's dignity, in accordance with HCA Student Complaints Policy and Procedure, Freedom of Speech Code of Practice, PREVENT Policy, Student Professional Behaviour & Disciplinary Policy, Bullying, Harassment and Sexual Misconduct Student Policy, Peer on Peer Abuse Policy, Safeguarding and Child Protection Policy and Procedures and IT Acceptable Use Policy.

Should evidence be found that such an act has occurred, the college will take appropriate action as outlined in the above policies and codes of practice.

### **3.3 – Committees**

The college's Senior Leadership Team (SLT) and Board of Governors ensures that the college is meeting its targets under the colleges Access & Participation Plan (APP) and ensure the concerns of staff, students, contractors, and visitors are reflected in college policy and practice.

### **3.4 – Implementation**

To ensure the college meets its obligations under the Equality, Diversity and Inclusion Policy, the college will:

- Ensure that staff, students, contractors, and visitors are aware of our equality, diversity and inclusion policy and related policies which are available on our website (<https://www.hca.ac.uk/about-us/governance-and-policy/our-policies>)
- Monitor and report on progress against the college's Access & Participation Plan

- Consider equality, diversity, and inclusion, in all policies, strategies and procedures to make sure that they promote equality and do not unlawfully discriminate;
- Ensure that our staff, students, visitors, and contractors are informed how to raise concerns about equality, diversity and inclusion issues (this could be via line management, committees, staff networks or trade unions)
- Have procedures in place to support the fair appointment, promotion, and development of staff
- Ensure our Access and Participation Plan (APP) reflects our targets to support equal opportunities and inclusion for all students across the student journey.;
- Provide managers and employees with appropriate equality, diversity, and inclusion training
- Provide information on our commitment to equality, diversity and inclusion in our job descriptions and student handbooks
- Ask for commitments from our suppliers and partners to make sure that they take steps to promote equality, diversity and inclusion and prevent discrimination; and
- Make sure there are suitable resources in place to enforce this policy effectively.

### **3.5 – College Access & Participation Plan (APP) AND Self-Assessment Report (SAR)**

The college's APP sets out the equality objectives that we are working to meet in line with our public sector equality duty. We report our progress on these objectives each year through an APP Report.

We also report through annual self-assessment reports at college-level (FE) and higher education level (HE).

Progress against the equality objectives is also monitored by the college's SLT and Board of Governors.

The college's APP is reviewed annually internally and refreshed in accordance with the requirements of our legislators and sector best practice.

## **4. Reports of discrimination**

### **4.1 – Staff and contractors**

If you are a member of staff or a contractor working on behalf of the college and believe that you have suffered any type of discrimination or harassment by a member of our college community, then we take this incredibly seriously and we ask that you report this straight away. You can report this by contacting personnel at [hcapeople@hca.ac.uk](mailto:hcapeople@hca.ac.uk)



#### **4.2 – Students**

If you believe that you have suffered any type of discrimination or harassment by a member of our college community, then we take this very seriously and we ask that you report this straight away. You can report this using the process outlined in pages 9-10 of HCA's Bullying, harassment, and sexual misconduct policy.

#### **4.3 – Visitors/applicants/members of the public**

If you are a visitor or a member of the public and believe you have suffered a type of discrimination or harassment, then please email [hcapeople@hca.ac.uk](mailto:hcapeople@hca.ac.uk) with full details of the incident so we can investigate further.

#### **4.4 – Hate crimes and hate incidents**

An incident of bullying and/or harassment may constitute a hate crime or hate incident. The term 'hate crime' can be used to describe a range of criminal behaviours where the alleged perpetrator is motivated by hostility or demonstrates hostility towards the alleged victim's disability, race, religion, sexual orientation, or transgender status.

You can report a hate crime or hate incident using the process outlined in pages 9-10 of HCA's Bullying, harassment, and sexual misconduct policy. You can also report a hate crime or hate incident via West Mercia Police.

#### **4.5 – Violence/aggression**

Violence/aggression can be defined as any incident, in which a student or an employee is abused, threatened, or assaulted by a staff member, student or visitor in any circumstance.

The college never tolerates violence/aggression, and any incident should be treated as harassment and reported using the process outlined in pages 9-10 of HCA's Bullying, harassment and sexual misconduct policy or the staff Whistleblowing policy if a member of staff is the perpetrator of abuse, threats, or assault.

### **5. Language and Terminology**

#### **5.1 – Adopted definitions**

We recognise that prejudice and discrimination may arise and be reinforced by our use of language, which may not be neutral and free from personal bias. Words and phrases can be associated with negative attitudes and may unintentionally offend people, including members of groups that face prejudice, harassment, or discrimination.

We expect every member of our college community to be mindful of our Freedom of Speech Code of Practice when sharing personal opinions. This includes when writing or speaking and in material that is published or sent by email or on social media.

Rather than tell people what language they can and cannot use, we ask staff, students, contractors, and visitors to be mindful of the language they use. We ask staff, students, contractors, and visitors to be aware of students preferred pronouns and use them, following the advice in the preferred name guidance on our website.

### **5.2 – Social media**

The use of social media is common for staff, students, contractors and visitors and we recognise that the material that appears on it can have a significant effect on people. Regardless of intent or the setting in which it occurs, hate speech and abusive language is not tolerated and individuals could refer to the guidance in our E-Safety Policy

### **5.3 – Academic Freedom**

The college notes the updated guidelines for Higher Education published in February 2021 and agrees to promote free speech and academic freedom as being central parts of a high-quality higher education. Our Freedom of Speech Code of Practice outlines how we promote free speech and protect academic freedom.

HCA is mindful of its duty to foster good relations between people who share a protected characteristic and those who do not share a protected characteristic.

Inline with the Equality Act (2010), and the college's safeguarding policy individuals are not protected by academic freedom if engaging in abusive or hateful behaviour. This includes inciting violence or hatred in online spaces or attacking protected groups online or in person.

## **6. Advertising and Information**

Our advertisements and publications for employee and student recruitment will state our commitment to equality and diversity. We will work to make sure that the language and images used in all publications and written, and electronic material is inclusive and does not discriminate.

We will clearly show the entry requirements for courses in our student prospectus and outline facilities available to students. Any other details we send out to applicants will support our equality, diversity, and inclusion policy.

We will share information about job opportunities throughout the college and we will also advertise them outside the college unless there is a justifiable reason not to.