

University of Birmingham
Fairness and Diversity Policy (UK)

1. Purpose and Scope

- 1.1 The purpose of the Fairness and Diversity Policy is to set out the University's commitment to equality and diversity, its legal duties under UK law and the rights and responsibilities of members of the University community based in the UK.
- 1.2 The Fairness and Diversity Policy is intended as an over-arching statement of University provisions and arrangements with regards to equality and diversity. The University will develop supplemental equality schemes, codes of practice and guidelines, as is appropriate, to support this policy.

2. Policy Statement

- 2.1 The University of Birmingham's commitment to equal opportunities is embodied in its Charter of Incorporation dating back to 1900. Article 12 of the Charter provides that:

'The University promotes equal opportunities and shall exercise no discrimination on the grounds of political opinion, age, colour, disability, ethnic or national origin, gender, marital status, race, religion or sexual orientation in the admission of students, or the appointment or promotion of staff or the awarding of any Degree, Diploma or Certificate, or generally, in the execution of any of its Objects as laid down by the Charter.'¹

- 2.2 In accordance with its Charter and legal responsibilities, the University is committed to creating and maintaining inclusive learning and working environments in which all members of its community are treated fairly, where diversity is valued and discrimination challenged. The University will develop and implement strategies as appropriate to put this commitment into practice.

¹ University of Birmingham Charter.

3. Legal Responsibilities

3.1 The University's commitment to equality of opportunity is underscored by its duties under the Equality Act 2010. The Act establishes nine protected characteristics on the grounds of which discrimination is unlawful:

- Age
- Disability
- Gender identity
- Marriage and civil partnership
- Pregnancy or maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

3.2 Protection from unlawful discrimination on the grounds of a protected characteristic applies in relation to the admission and treatment of students, the treatment of employees and those seeking employment at the University and the provision of services by the University. Unlawful discrimination may take the form of direct or indirect discrimination, harassment or victimisation. In relation of disability, it can also include discrimination arising from a disability and failure to make reasonable adjustments.²

3.3 As a public body, the University has further duties under the Equality Act to promote equality. This is known as the Equality Duty and requires that the University, in the carrying out its functions, has due regard of the need to:

- Eliminate unlawful discrimination, harassment and victimisation on the grounds of a protected characteristic;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and people who do not.³

3.4 The University maintains an Equality Scheme that sets out its equality objectives and the actions it will take to meet the Equality Duty.

² Equality Act 2010.

³ Equality Act 2010. The Equality Duty does not apply in relation to the protected characteristic of marriage and civil partnership.

4. Responsibilities

4.1 The University

4.1.1 The overall responsibility for compliance with equal opportunities legislation and the implementation of this policy lies with the Council of the University who, acting through the University Executive Board, will:

- Delegate the management of obligations to relevant staff and committees including, but not limited to, the University's Equality Executive Group.
- Establish such procedures as are necessary to ensure that the University meets its obligations both under statute and also pursuant to this policy.

4.2 Individuals

4.2.1 All members of the University community have a responsibility to uphold the University's commitment to equality, as expressed in this policy, by:

- Treating students, staff and visitors to the University with dignity and respect.
- Not engaging in, colluding in or encouraging behaviour that constitutes unlawful discrimination under the Equality Act.⁴
- Supporting activities to eliminate discrimination, advance equality of opportunity and foster good relations as required under the Equality Act.

4.2.2 Members of the University found to have engaged in unlawful discrimination will be subject to disciplinary measures up to and including expulsion in the case of students, and dismissal in the case of staff.

4.3 Contractors and Suppliers

4.3.1 Contractors and suppliers who provide a service on behalf of the University are subject to the requirements of this policy as stated in 4.2.1 above.

4.3.2 The evaluation and selection processes for contractors and suppliers (including consultants) may include the extent to which contractors and suppliers comply with equal opportunities legislation and the University's Fairness and Diversity Policy. Contractors or suppliers that are unable to demonstrate such compliance should be excluded from consideration of the contract in question.

⁴ See 3.1. and 3.2 above.

4.3.3 Where appropriate, the University shall monitor and review on a regular basis the extent of contractors' and suppliers' compliance with legislation and the University's Fairness and Diversity Policy.

4.3.4 All contracts should include provisions requiring compliance by the contractor or supplier with legislation and the University's Fairness and Diversity Policy, and for termination in the event of breach or non-compliance thereof.

4.4 Visitors

4.4.1 All visitors to the University, together with those contracted to work at or for the University (including those with honorary contracts), will be expected to comply with this policy.

5. **Complaints**

5.1 Notwithstanding its commitment to tackle discrimination and to promote diversity, the University recognises that problems may still arise from time to time. Any complaint of unlawful discrimination will be taken seriously and dealt with in a timely and sensitive manner, and in accordance with the relevant procedure.

5.2 Students who believe they have been subjected to discriminatory behaviour should refer to the Student Concerns and Complaints Procedure for guidance on how to proceed. If the complaint concerns harassment, the process outlined in the University's Harassment and Bullying Policy should be followed. Both policies are available on the University website and on request from Academic Services.

5.3 Staff who feel they have been subjected to discriminatory behaviour can make use of confidential services provided by Employee Advice and Support Services to discuss their concerns. Staff who wish to make a formal complaint about discriminatory behaviour should refer to the relevant Staff Grievance Procedure for guidance on how to proceed. If the complaint concerns harassment, the process outlined in the University's Harassment and Bullying Policy should be followed. Information on Employee Advice and Support Services is available on the University website and from Workplace Wellbeing. Grievance Procedures and the Harassment and Bullying Policy are both available on the University website and on request from Human Resources.