Equality and Diversity
Codes of Practice
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Aim

The Equality and Diversity Codes of Practice aim to provide staff and students with practical guidance on issues related to specific Protected Characteristics (PCs) covered by The Equality Act 2010 (The Act) to ensure that staff and students have equality of opportunity and are treated fairly and with dignity and respect.

The Codes aim to help managers deal with diversity within their teams and to inform individual members of staff and students of the responsibilities of the University, and their rights, under The Act.

Summary

It is a longstanding feature of the University that we want our organisation to be an inclusive and diverse community that is open to all and which ensures equality of opportunity for all our members and that treats all our members with dignity and respect at all times.

Discrimination in employment and in the delivery of higher education because of any of the Protected Characteristics (with the exception of marriage and civil partnership in relation to students) is unlawful. There are four types of discrimination; direct discrimination, indirect discrimination, harassment and victimisation. All of these are illegal. For more details see section B.2 of the Equality and Diversity Framework and Sub-Strategy 2015-18.

The University also goes beyond legislation and is committed to working towards eliminating discrimination and harassment on any grounds, not just those covered by The Act.

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These Codes of Practice have been approved by Council and constitute University policy.
1 Equality and Diversity Codes of Practice

1.1 Introduction

These Codes of Practice complement the University's People Supporting Strategy 2015-19 and Equality and Diversity Framework and Sub-Strategy 2015-18 which incorporates our Equality and Diversity Policy Statement:

The University of Essex celebrates diversity, challenges inequality and is committed to sustaining an inclusive and diverse community that is open to all who have the potential to benefit from membership of it and which ensures equality of opportunity for all its members. We expect staff, students and visitors to be treated, and to each other, with dignity and respect regardless of age, disability, gender identity and history, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, socio-economic background, political beliefs and affiliations, family circumstances or other irrelevant distinction.

The University is committed to a programme of action to ensure that this policy is fully effective.

These Codes of Practice should also be read in conjunction with other relevant University policies and procedures including:

- Guidelines for dealing with Harassment and Bullying
- Grievance Resolution Procedure for Staff
- Student Concerns and Complaints Procedure
- Recruitment and Selection: Equality and Diversity Handbook
- Work Life Balance Policy
- Family Leave Policy
- Special Leave Policy
- Undergraduate Admissions Policy
- Graduate Admissions Policy
- Safeguarding Policy

1.2 What the law says

It is unlawful to discriminate against someone because of a Protected Characteristic. In the context of employment this means that it is unlawful for example to:

- decide not to employ someone
- dismiss them
- refuse to provide them with training
- deny them promotion
- give them adverse terms and conditions
- harass them

In the context of providing higher education this means that it is unlawful for example to discriminate against a student:

- by refusing to admit them
- in the way we provide education for the student
- in the way we give the student access to a benefit, facility or service
- by not providing education for the student
- by not affording the student access to any benefit, facility or service
- by excluding them
- by subjecting them to any other detriment
- harass them
1.3 Monitoring

The University takes steps to ensure that no bias, deliberate or unintentional, has influenced decision-making.

We do this by requiring all staff to complete Equality and Diversity Essentials training and all reporting managers must also complete Managing Diversity and Recruitment and Selection training. To ensure that decisions made at University committees uphold our commitment to transparency, natural justice in the workplace and the avoidance of bias, all members of University committees are required to complete Unconscious Bias training. This training is also available to all staff.

We will also monitor and assess satisfaction and outcomes for both staff and students in relation to all the protected characteristics for which we gather data.

Where the data shows obvious imbalance in participation or success rates or significant difference in satisfaction rates in relation to a particular protected characteristic, we will take action to address this.

1.4 Multiple identities

Although we have separate Codes of Practice for each of the Protected Characteristics, the University recognises that all individuals have multiple identities which has an impact on their experiences of, and outcomes within, higher education.

We are therefore committed to considering, where possible, the effect of multiple identities e.g. gender and ethnicity, when exploring issues and developing solutions to improve the experiences and outcomes for staff and students.

1.5 Additional support, advice and guidance

If you are unable to find the information you require in these Codes of Practice, please contact Equality and Diversity in the first instance.

The University offers support and advice for staff and students who believe they are being discriminated against, harassed or victimised. The University has a zero tolerance approach to instances of bullying or harassment. This means that (i) we will take action and (ii) the action will be proportionate to the circumstances of the case.

Members of staff can seek advice from Heads of Departments/Sections, Harassment Advisers, Human Resources, Trades Unions and Equality and Diversity.

Students can seek advice from Departments, Harassment Advisers, Student Support, the Students’ Union Advice Centre and Equality and Diversity.

We also have a number of networks and forums from where additional support can be sought. These include:

- **The Essex Access Forum**: a discussion forum and consultation body working to support excellence in all aspects of physical and intellectual access at Essex (student education, staff employment and visitor experience).

- **The Essex LGBT Alliance**: a group of Essex-based organisations whose aim is to promote equality, raise awareness of Lesbian, Gay, Bisexual and Trans (LGBT) issues and to share best practice in dealing with issues relating to sexual orientation and gender identity within the workplace.

- **The Global Forum**: a forum to promote, celebrate and emphasise the rich cultural diversity among University staff and to help ensure equality related to nationality, race, ethnicity, language and religion.

- **Parents’ Support Network**: a group of working parents with shared interests and responsibilities who offer each other informal peer support on topics such as managing the transition back to work and the challenges of being a working parent.

1.6 Review of Codes of Practice

These Codes of Practice will be reviewed in full every five years, and before that should legislation change.
2 Code of Practice: Age

2.1 What the law says

There are limited circumstances when it is lawful to treat people differently on the grounds of their age. For example, in order to fulfil our safeguarding responsibilities in relation to students aged under the age of 18 and in order to encourage staff loyalty e.g. by providing employment benefits based on length of service.

The University will only treat people differently on the grounds of their age where there are no reasonable alternatives to achieving the same legitimate aim.

2.2 Staff recruitment

The age/date of birth of applicants does not form part of the main application form and is not made available to recruitment panels. No reference to age, however oblique, must be made in either the job description or person specification or in the interview questions. Detailed guidance can be found in Recruitment and Selection: Equality and Diversity Handbook.

We will seek to provide opportunities to people for whom age and extended career breaks can pose a barrier to finding employment, including the over-50s, those returning to work after raising children, the long-term unemployed and full-time carers.

2.3 Retirement age

In line with legislation the University does not operate a default retirement age. We encourage staff to talk to their line manager about retiring when they feel it is appropriate to do so.

2.4 Workplace discussions

All staff, regardless of their age, should have the opportunity to discuss their future plans with their line manager at least once per year as part of the Appraisal and Personal Development Scheme.

Appraisal training, which includes examples of topics for discussion, is provided for managers. These discussions do not have to follow exactly the same questions to all staff irrespective of where they are in their careers, however no questions which could be seen as discriminatory must be asked, nor must any assumptions be made. For example, it is not appropriate to ask whether a member of staff intends to start a family, nor to assume that an older worker will not be interested in, or capable of, learning new technology.

2.5 Student recruitment

Applications from mature students, formally defined as students over the age of 21, are welcomed and will be given equal consideration with all other applications.

Applicants who will be under 18 at the time of entry are required to comply with the University’s arrangements to support and safeguard under-18s (for example relating to licensed premises on campus, providing emergency contacts in event of welfare concerns).

2.6 The experience of mature students

We recognise that the needs of mature students may differ from those of students aged under 21. We will seek to provide a wide range of support for mature students, including opportunities to meet fellow mature students to share academic and social interests, and to provide mechanisms for the voice of mature students to be heard.

2.7 Creating an age-inclusive environment

We want to understand the needs of different generations of staff and students and aim to do so by providing opportunities for experiences and knowledge to be shared.
3 Code of Practice: Disability

3.1 Definition of Disability

A person has a disability for the purposes of the Act if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The University must make ‘reasonable adjustments’ for disabled staff and students in order to avoid, as far as possible, disadvantage experienced because of their disability.

The University welcomes and encourages applications from people with a disability and is committed to promoting positive attitudes towards disability and to equality of opportunity for disabled staff, students and visitors. We are a Disability Confident Employer which means that we have agreed to meet the following core actions regarding the employment, retention, training and career development of disabled employees:

- Actively look to attract and recruit disabled people;
- Provide a fully inclusive and accessible recruitment process;
- Offer an interview to disabled people who meet the minimum criteria for the job;
- Offer flexibility when assessing people so disabled job applicants have the best opportunity to demonstrate that they can do the job;
- Proactively offer and make reasonable adjustments as required;
- Encourage suppliers and partners to be Disability Confident;
- Ensure employees have appropriate disability equality awareness;
- Promote a culture of being Disability Confident;
- Support employees to manage their disabilities or health conditions;
- Ensure there are no barriers to the development and progression of disabled staff;
- Ensure managers are aware of how they can support staff who are sick or absent from work;
- Value and listen to feedback from disabled staff;
- Review our work in this area regularly.

3.2 Disclosure of a disability, confidentiality and the Data Protection Act

Current staff and students and applicants to the University are encouraged to disclose a disability to enable appropriate reasonable adjustments to be made.

Students who apply to the University and who disclose a disability will be contacted by the Disability Team in Student Support to discuss any requirements they may have.

When an employee discloses a disability they are asked whether they would like to receive occasional information about access-related services and facilities on campus which the University feels may be of interest to them and whether they would like to discuss their access requirements (e.g. reasonable adjustments to their working environment, personal evacuation plans etc) with an appropriate member of staff. No employee will be contacted, having disclosed a disability, without having given their consent.

In ensuring that disabled students are not discriminated against, and that reasonable adjustments are made, the University may need to pass data about disabled students on to members of staff and others including work placement providers. Even if students have not requested confidentiality under the Equality Act 2010, the use and transfer of information about them (including through job references) is restricted by the Data Protection Act. Such processing may often require explicit informed consent from the student. In order to ensure that they are not in breach of either law, the University will:

- ask students’ permission to pass on information necessary for making reasonable adjustments
- alert students to the use that will be made of information when asking them to disclose disability on application, enrolment or examination forms
- ensure appropriate procedures are in place to keep sensitive and other personal information confidential.
Should a member of staff or student request confidentiality under the Equality Act 2010, information may NOT, from that point, be passed on to any third party. In determining whether it is feasible to make a reasonable adjustment for a member of staff or student who has requested confidentiality, the University must have regard to the extent that making the adjustment is consistent with a request for confidentiality. In some instances this might mean that reasonable adjustments have to be provided in an alternative way in order to ensure confidentiality.

In some cases a confidentiality request might mean that a less satisfactory reasonable adjustment is provided or that no reasonable adjustment may be provided.

### 3.3 Reasonable adjustments

Under the Equality Act 2010, the University is required to make anticipatory ‘reasonable adjustments’ to ensure that disabled people are not placed at a substantial disadvantage in relation to their non-disabled peers. A ‘substantial disadvantage’ is one that is more than minor or trivial.

When considering what a ‘substantial disadvantage’ might be, the University will take account of the time, inconvenience, effort or discomfort entailed in comparison with other people.

The University will take into account factors such as effectiveness and cost when considering what is ‘reasonable’. The effectiveness and practicality will be considered first. If the adjustment is considered effective and practical, its cost and the resources available to fund it will then be considered.

### 3.4 Reasonable adjustments for staff

Under the Equality Act 2010, employers must make ‘reasonable adjustments’ to the workplace and to employment arrangements so that disabled employees are not placed at an unfair disadvantage to their colleagues. Reasonable adjustments may include adjustments to the workplace, including special or adapted equipment, furniture and software and hardware to improve work stations, access or layout, adjustments to working arrangements such as allowing an employee to be absent from work for rehabilitation treatment or adjustments to a job such as providing alternative work.

More comprehensive information about what could constitute a reasonable adjustment for a member of staff can be found on the [Equality and Diversity web site](#). Managers are responsible for ensuring staff have the appropriate equipment and support to enable them to carry out their work safely and effectively. Managers should be aware of the needs of their staff and take a proactive and anticipatory approach to reasonable adjustments. Alternatively, staff may themselves request a reasonable adjustment.

There is a central fund for reasonable adjustments for staff, and there are also opportunities for external funding in some cases. Therefore provision of reasonable adjustments should not be seen as an extra financial outlay either when recruiting new staff or providing support for existing staff. Equality and Diversity or Occupational Health, as appropriate, will follow up each case and arrange funding appropriately.

Advice and guidance for managers on supporting disabled staff can be found on the [Equality and Diversity web site](#).

### 3.5 Reasonable adjustments for students

The University will anticipate the generality of student needs by making sure routine practice is reflective of, and responsive to, a diverse student population. The University recognises that it is unlikely that every need can be anticipated and it will therefore be ready to make reasonable adjustments on behalf of individuals as required.

Core competencies will be considered when reviewing adjustments to ensure that any adjustments do not compromise academic standards.
3.6 The physical environment

The University is committed to making buildings and sites and external environs fully independently accessible by everyone, where this is possible. The University considers accessibility within the design of each new building or development. Whilst the University is required to design an accessible environment under Building Regulations, it strives to provide greater accessibility than the legislation demands.

Every opportunity will be taken when undertaking refurbishments or routine maintenance to introduce improvements such as colour/tone contrast on doorways, better lighting, or flooring that is easier for wheelchair users.

The University recognises that the solution to lack of access to a building or physical feature is not always a physical adjustment. For example, technology may provide alternative access to services and a librarian may fetch books for a student or a member of staff from high or inaccessible shelves.

See the Access@Essex web site for more detailed access information including Personal Emergency Evacuation Plans (PEEPs).
4 Code of Practice: Race

4.1 Definition of Race

For the purposes of the Equality Act ‘race’ includes colour, nationality (including citizenship) and ethnic or national origins. A racial group can be made up of two or more different racial groups e.g. Black Britons.

4.2 Ethnic diversity of our workforce

We are committed to increasing the ethnic diversity of our workforce, recognising that if we can better align our workforce diversity with the demographic of our students, we will be better able to understand and address their needs and expectations.

We will do this through regular monitoring of staff data and targeted recruitment activity.

As part of the recruitment process Heads of Departments and Sections should consider whether those from an ethnic minority are under-represented in their area and, where an imbalance is identified, use an appropriate positive action statement.

4.3 Leadership development

We recognise the need to address the under-representation of ethnic minority staff at management and policy-making levels and we will also take steps to develop students from ethnic minorities to their fullest potential.

We will do this through targeted activity and initiatives which managers are expected to promote to ethnic minority staff in their areas and encourage participation.

4.4 Disclosure

We are committed to increasing ethnicity disclosure rates for both staff and students in order to better understand the effect of our policies and procedures on different groups of people and to target support where it is needed.

We will do this by regularly communicating positive messages and rationale for collecting the data.

4.5 Partnership working

We will forge links with relevant organisations both locally and nationally to promote good race relations and to increase understanding of issues related to cultural difference.

4.6 Addressing ethnicity award/attainment gaps

We are committed to taking action to address any significant ethnicity attainment gaps.

We will do this by; raising awareness of cultural and wider issues affecting students and staff; promoting role models, networks and cultural diversity; seeking new initiatives that focus on issues affecting students who identify as BaME; ensuring work to improve outcomes aligns with relevant University targets and commitments e.g. the Access Agreement; proving support for Students’ Union activities aligned with this work.
5  Code of Practice: Religion or Belief

5.1  Introduction

The University of Essex proud of its vibrant and diverse multicultural community and recognises the importance that faith, belief and spirituality play in the lives of many people. We must be sensitive to the cultural and religious needs of staff and students and try to accommodate them whenever possible.

5.2  What constitutes a religion or belief?

Under The Equality Act religion is defined as ‘any religion, including a lack of religion’, belief is defined as ‘a religious or philosophical belief, including a lack of belief’.

To be protected under the Equality Act, a philosophical belief must:

- be genuinely held
- be a belief and not an opinion or viewpoint, based on the present state of information available
- be a belief as to a weighty and substantial aspect of human life and behaviour
- attain a certain level of cogency, seriousness, cohesion and importance
- be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others.

Humanism and atheism are examples of philosophical beliefs.

5.3  Faith provision

The University recognises that a wide variety of religions and beliefs are represented on campus and will seek to ensure the availability of facilities and opportunities for worship for staff and students.

All faith provision supported by the University will be multi-faith. There is a Multi-Faith Chaplaincy (MFC) at both our Colchester and Southend campuses. Staff and students at our Loughton campus can arrange to speak by telephone to one of our chaplaincy team based in Colchester our Southend. The University has named representatives from various religions and denominations who are expected to comply with a separate code of practice. A committee oversees the running of the MFC and considers, and recommends to the Registrar and Secretary for approval, applications for new chaplains or religious representatives for all campuses. The MFC committee and/or the religious representatives and chaplains may be consulted on matters of University policy and practice or for individual guidance relating to issues of religion or belief.

5.4  Working arrangements and time off for religious observance

All staff, regardless of whether they have a religion or belief or not, are required to work in accordance with their contract. Members of staff are encouraged to approach their line manager to request a change in their working arrangements in order to carry out acts of religious observance such as prayer. This may be on a daily basis or at certain times in the year.

If a member of staff wishes to take part in a religious festival, day of observance or pilgrimage, they should request annual leave. Staff making such requests should give as much notice as possible, ideally at the beginning of the leave year. If an individual has insufficient annual leave remaining, the manager could allow unpaid leave, for all or part of the period, on the first occasion and ask the member of staff to book annual leave on any similar future occasions.

Managers should consider requests to change working arrangements or for annual leave sympathetically and should work with the member of staff concerned, Human Resources and/or their union representative to reach agreement on achieving an acceptable outcome to the request.
Permission to change working arrangements or for annual leave should not be refused unless it is for one of the following business reasons:

- The burden of additional costs
- An inability to reorganise work amongst existing staff
- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- Detrimental effect on ability to meet customer demand
- Insufficient work for the periods the employee proposes to work
- A planned structural change.

It should be noted that not every member or follower of a particular religion will necessarily make the same requests or have the same requirements. Individuals will choose to observe and interpret their faith in their own way.

Some festivals and days of observance follow different calendars to that normally used in the UK. They may follow the lunar cycle or for other reasons may not fall on the same date each year. The timing of some religious events cannot be predicted until close to, or during, the event.

### 5.5 Leave arrangements for students

Students are not normally expected to request leave in advance but are required to inform the University of the reason for any absence from classes. Students should use the Notification of Absence Form to notify relevant staff of the reason for their absence. This form can be used where students miss classes or other prescribed instruction to attend a religious festival, day of observance or pilgrimage and can be found on the University’s website at this address: [http://www.essex.ac.uk/students/exams-and-coursework/default.aspx](http://www.essex.ac.uk/students/exams-and-coursework/default.aspx).

### 5.6 Individual examination arrangements on grounds of religious commitments

The University will seek to avoid scheduling an examination to coincide with a major religious festival.

Students who are unable to take an examination during the main examination period, on a Sabbath, holy day or religious festival, can apply for an individual arrangement to be made. The [Application for Exam Arrangements (Religious Reasons) Form](http://www.essex.ac.uk/students/exams-and-coursework/default.aspx) must be completed and returned, along with evidence, to the Student Services Hub by 31 October for January examinations and 31 January for summer examinations in each academic year.

If an application for individual arrangements is accepted, the Examinations Office will make every effort to schedule examinations accordingly, although the University reserves the right to schedule examinations on a Sabbath, holy day or during religious festivals where no suitable alternative is available.

### 5.7 Field trips and work placements

Staff involved in arranging field trips or work placements which are part of a programme of study should take account of students’ religious requirements and consider any requests based on such requirements sympathetically. When it is not possible to grant such requests reasonable alternative provision should be considered.

### 5.8 Dress codes and uniforms

The University requires staff working in some areas to wear a uniform or particular form of dress.

Where there is a requirement for a certain form of dress this is usually by way of protective clothing and is required for health and safety or reasons of hygiene. If there is such a requirement and a member of staff requests a change of daily dress in the workplace the requests should be treated sympathetically and, unless there are
genuine health and safety or hygiene reasons for refusing the change in daily dress, permission should be granted. For example:

- The wearing of trousers instead of skirts or vice versa
- Wearing shirts or blouses loose, rather than tucked in to skirt or trousers
- Wearing a hat or otherwise covering the head or hair when this is not a requirement
- The wearing of religious jewelry. Some religions support the wearing of rings or other items to indicate marriage or other status
- Although not strictly dress some people may, as a religious requirement, want to wear their hair longer than is usual or wear their hair in a particular style or with an adornment.

Where requests are difficult to meet, managers will seek to find a satisfactory compromise.

Those not required to wear a uniform or particular form of dress should ensure their dress conforms to the current majority view in society of what constitutes appropriateness and decency.

A female member of staff or student who wears the niqab or burka and who is required by a member of staff to show their face in order to be identified is entitled to request this is done only in the presence of other females and this will be arranged.

5.9 Freedom of speech

Under Section 43 of the Education (No 2) Act 1986 the University has a responsibility to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for all members of the University community, including visiting speakers. In accordance with this, the Council of the University has instituted a Policy on Academic Freedom and Freedom of Speech.

The University recognises the need to balance the rights to freedom of speech with the provisions of the Racial and Religious Hatred Act 2006 which outlaws the use of threatening words or behaviour, or the display of any threatening written material, with the intent to stir up religious hatred.

The law focuses on those who stir up violence and hatred on religious grounds and the main offences cover:-

- The use of threatening words or behaviour or the display of written material which is threatening
- Publishing or distributing written material which is threatening
- The public performance of a play which involves the use of threatening words or behaviour
- Distributing, showing or playing a recording of visual images or sounds which are threatening
- Possessing threatening material with a view to using it in a way that is intended to stir up religious hatred
6 Code of Practice: Sex (including pregnancy and maternity)

6.1 Definitions

The term 'sex' is used to describe biological differences between women and men. The term 'gender' refers to the wider social roles and relationships which structure men's and women's lives. The University recognises that gender is not binary and wants staff and students to be able to express their own personal experience of gender. Staff and students can record their gender as non-binary for University purposes and use the title Mx if they wish.

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

6.2 Gender representation in the staff population

The University is committed to identifying and addressing gender inequalities and imbalances across all job roles in all areas of the University.

We will do this through regular monitoring of staff data and undertaking targeted recruitment activity.

As part of the recruitment process Heads of Departments and Sections should consider whether men or women are under-represented in their area and, where an imbalance is identified, use an appropriate positive action statement.

We will also identify appropriate role models and showcase their achievements in relevant publicity material in order to encourage women, and men, to apply for roles in areas in which they are currently under-represented.

6.3 Gender-neutral language

We are committed to removing any reference to gendered language throughout all University documents. Any existing gendered language will be removed as existing documents are reviewed and updated or new ones developed and replaced with gender-neutral language i.e. ‘they or their’ as opposed to ‘he or she’ or ‘his or her’, ‘partner or spouse’ as opposed to ‘husband or wife’, ‘parent or carer’ as opposed to ‘father or mother’.

This principle applies to all HR policies, policies relating to students and all University rules and regulations.

6.4 Leadership development of women

We recognise the need to address the under-representation of women at management and policy-making levels and we will also take steps to develop female students to their fullest potential.

We will do this by progressing actions contained within our Athena SWAN action plans and through supporting the University of Essex Students’ Union in their work to provide female students with the desire, belief and skills to become leaders of the future.

6.5 Pregnancy, parenthood and study

Becoming pregnant or caring for a child should not, in itself, prevent any student from succeeding in their studies. The University is committed to showing as much flexibility as possible to facilitate a student’s success, making sure no student is disadvantaged due to pregnancy or taking maternity or paternity leave, whilst ensuring academic standards are not compromised.

Students who disclose to the University that they are going to become a parent will be treated sensitively and in a
non-judgmental manner. The information provided will be treated as confidential and only members of staff who need to be informed for valid reasons will be made aware the student’s circumstances and this will be done only with the student’s prior expressed consent.

If necessary, members of staff can seek advice from other members of staff without the student's consent so long as they keep the student’s identity anonymous.

The health and safety of a pregnant student will be of paramount importance at all times and students should be advised that if there are health and safety concerns, confidentiality may have to be breached. In this case, the student involved should be informed of the decision to breach confidentiality and the reasons why the decision has been taken.

For further information see the University’s Student Pregnancy and Maternity Policy which provides advice and guidance to students who become pregnant during their studies or whose partner (including same sex partner) becomes pregnant, and those who have recently become parents (including adoptive parents) on issues related to study, health and safety and finance. It also provides advice and guidance to University staff with a role in advising students who are seeking support and guidance on these issues.

http://www.essex.ac.uk/students/health-and-wellbeing/documents/pregnancy-maternity-policy.pdf

6.6 Pregnancy, parenthood and work

We are committed to actively helping staff to combine family life with a satisfying working life and we will offer the same support for all parents, including adoptive parents and same sex parents.

We are committed to showing as much flexibility as possible to facilitate the career development of staff and will seek to ensure that no member of staff is disadvantaged due to pregnancy or taking maternity or paternity leave.

Managers are expected to discuss with a pregnant member of staff whether she wishes to change her working pattern upon her return from maternity leave and give sympathetic consideration to requests to return on a part-time, or flexible basis.

We have comprehensive support guides for both managers and staff with useful advice and guidance around planning for maternity leave and returning to work. We also have a ‘How to….support pregnant staff’ (.pdf) quick reference postcard to help managers support their staff.

For further information see the Pregnancy and Maternity pages of the Equality and Diversity web site.

http://www.essex.ac.uk/equality/protected/pregnancy.aspx
7 Code of Practice: Sexual orientation (including marriage and civil partnership)

7.1 Definition of sexual orientation

Under The Act the protected characteristic of Sexual Orientation is defined as ‘a person’s sexual orientation towards persons of the same sex, persons of the opposite sex or persons of either sex’. This means the Act protects bisexual, gay, heterosexual and lesbian people and it also prohibits discrimination on the basis of perceived sexual orientation as well as actual sexual orientation.

7.2 Encouraging disclosure

The University encourages staff and students to disclose their sexual orientation in order to identify whether there are any inequalities experienced by lesbian, gay and bisexual (LGB) people. The information provided is held securely and treated as confidential in accordance with the requirements of the Data Protection Act 1998. Anonymised data is used to inform policy development, the allocation of resources and the provision of support.

The University recognises the right of individuals to choose whether they are open about their sexual orientation and undertakes to provide a supportive environment for staff and students who disclose that they are lesbian, gay or bisexual. To ‘out’ someone without their permission is a form of harassment and will be treated as such.

7.3 Homophobic propaganda

The use of homophobic propaganda in the form of written materials, graffiti, songs or speeches will not be tolerated. The University undertakes to remove any such propaganda from its premises and to take action against those responsible. The only exception to this is where there is a legitimate educational need to discuss lesbian, gay and bisexual issues.

7.4 Recognition of partnerships

The University will not make assumptions that partners of staff are of a different sex and will make every effort to ensure that workplace benefits apply equally to same-sex partners as to different sex partners, whether or not their partnerships are recognised in law. All relevant HR policies, for example, the Work Life Balance Policy and Family Leave Policy, will be inclusive and apply to LGBT staff and same-sex couples as well as heterosexual individuals and couples.

7.5 Working and studying abroad

The University wants all staff and students, regardless of their sexual orientation, to be able to take advantage of opportunities to work and study abroad however we recognise that many countries remain unsafe or unfriendly environments for lesbian, gay and bisexual people.

We are committed to understanding how best to protect staff and students working and studying abroad and how best to support them if complications do arise.

For further information see the Government’s Lesbian, Gay, Bisexual and Transgender foreign travel advice: https://www.gov.uk/lesbian-gay-bisexual-and-transgender-foreign-travel-advice

7.6 Additional resources

For further information and guidance related to sexual orientation, see the Equality and Diversity web site http://www.essex.ac.uk/equality/protected/sexual-orientation.aspx.
8 Code of Practice: Trans

8.1 Definitions

Under The Act the protected characteristic of gender reassignment is defined as ‘where a person has proposed, started or completed the process to change his or her sex’. Individuals do not have to be under medical supervision to be protected by the law. The University’s policies go beyond the requirements of legislation and protect a broader group of people than those covered by the term ‘gender reassignment’.

The term transgender (abbreviated to trans) is used throughout this Code of Practice. This is 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, those who transition from male to female or female to male and those who identify as non-binary. There are numerous and changing terms trans people may use to identify themselves and it is important to take their lead, not ascribe a label to them. Trans people may or may not alter their bodies through medical assistance.

8.2 Support during transition

The University recognises that the process of transition varies from person to person and depends on a range of factors, including whether or not the individual chooses to undergo medical procedures. In addition, the support required will differ depending on the context of transition. A member of staff or student may have transitioned before joining the University, some may transition in some but not all parts of their life, some may be trans but not see the need to transition.

The decision to transition is not something a person takes lightly and the support of managers and colleagues, staff and fellow students is vital. The University is committed to supporting and responding positively to the needs of trans staff, students and visitors and transphobic discrimination, in any form, will not be tolerated.

The University is a member of the Essex Lesbian, Gay, Bisexual, Transgender Alliance which provides support for LGBT people in Alliance organisations.

8.3 Initial disclosure

A member of staff who wishes to disclose to the University that they intend changing their gender identity can talk to Equality and Diversity, their line manager, their link HR Manager or their trade union in the first instance.

Students can contact the Wellbeing team in Student Support, talk to their personal tutor, supervisor, module leader or any other member of staff they feel comfortable talking to.

The member of staff approached in the first instance should arrange to meet with the individual and offer reassurances that the University will support them during their transition. They should also ask the member of staff or student to notify the University of their intent to transition formally, in writing.

8.4 Initial meeting

Once a member of staff or student has formally disclosed to the University that they intend to transition, they should be invited to an initial meeting. The purpose of the initial meeting is to give the person transitioning an opportunity to discuss with their manager or other appropriate member of staff:

- the anticipated impact on work and/or study of transitioning;
- what support the University can provide;
- who else needs to know at this stage;
- what the next steps should be.

Members of staff can be accompanied at the meeting by a colleague or Trade Union representative if they wish. Students can be accompanied by a fellow student or a member of the Students’ Union.

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1 The term gender reassignment should only be used in specific reference to the law.
The discussion should be led by the person transitioning and any decisions made agreed by all parties.

**Agreeing an action plan**

It is helpful for both individuals transitioning, and members of staff supporting those individuals, to plan the steps that will be taken during transition in order to make necessary arrangements for time off work and/or study, when changes to records are likely to be required and when the individual plans to present in their affirmed gender. The action plan must be kept confidential and agreement reached as to where it will be kept and who will have access to it.

**8.5 Time off work or study**

Trans staff or students who need time off work or study for medical assistance due to transitioning should be treated no less favourably than if the absence was due to sickness or injury.

Trans people may also experience side effects of medication and wish to make adjustments to their working pattern or duties for a temporary period when they return to work following surgery. Such requests should be treated sympathetically and in accordance with the University's work/life balance policies.

Requests to make permanent changes to work patterns or duties must come from the individual transitioning. The University will offer support and suggestions but will not force a change of role, for example, on a trans colleague.

**8.6 Record keeping**

No records should be changed without the permission of the staff member or student concerned.

Subject to the agreement of the individual, and with the exception of pension schemes and degree certificates, a written notification of intent to transition is sufficient for the gender and name on staff and student HR and academic records to be changed. It is not necessary to ask a trans person to provide medical evidence of transition, or a Deed Poll for a change of name, before changing their name and gender on University records.

When legal proof of a change of name is received, the University will inform the relevant pension provider and/or issue/re-issue a degree certificate as appropriate.

Once a member of staff or student has transitioned, the person’s former names or gender must not be referred to and the appropriate pronoun must be used in all circumstances, for example when providing a reference.

**8.7 Facilities**

No trans member of staff, student or visitor should be denied access to any space, facility, event or group because they are trans.

The University has a number of gender neutral toilets throughout our campuses but where only single sex facilities such as toilets or changing rooms are available no trans person should be denied access to the appropriate facility.

**8.8 Dress codes**

The University does not have a dress code that restricts employees’ clothing or appearance on the basis of gender. Some roles require employees to wear a uniform e.g. Patrol Officers. Transgender and gender non-conforming employees working in roles that require them to wear a uniform have the right to choose the uniform they feel is most appropriate.

If a new uniform is required for a trans employee, this should be made available to them in good time.

**8.9 Confidentiality and Data Protection**

When a member of staff or student discloses to the University that they are trans this information will be treated confidentially. Disclosing someone’s trans gender identity or history without their permission to do so is illegal.
Any member of staff who does so will be subject to disciplinary action. This information is held securely and treated as ‘sensitive personal data’ in accordance with the requirements of the Data Protection Act 1998.

8.10 Further advice and guidance

The Equality Challenge Unit have developed comprehensive guidance for those who manage staff or support or teach students [http://www.ecu.ac.uk/publications/trans-staff-and-students-in-he-revised/](http://www.ecu.ac.uk/publications/trans-staff-and-students-in-he-revised/).