

University of Birmingham

Race Equality Policy

1. Purpose and Scope

This document sets out the University of Birmingham's Race Equality Policy as required under the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000 ("the Act") and should be read in conjunction with the University's Race Equality Action Plan. The policy applies to all registered students of the University, including those on part-time, distance and collaborative/validated programmes, all members of staff, including honorary staff, and all visitors to the University.

Copies of the policy and action plan are available on the University website and from the Equality and Diversity Advisers in Academic Services and Human Resources respectively. Accessible versions are available on request from the University's Design and Publications department.

2. Background

The Act places a duty on all higher education institutions to promote race equality. The aim of the duty is to make the promotion of race equality central to the way institutions work.

To comply with the Act's General Duty the University must, in carrying out its functions, have due regard for the need to:

- Eliminate unlawful racial discrimination;¹
- Promote equality of opportunity; and
- Promote good relations between people from different racial groups.

A function's relevance to race equality is determined by the scope and potential impact of its activities on the promotion of race equality. The duty, therefore, has a particular effect on the University's core functions as a provider of teaching and learning and services to students and as an employer, and on the activities we undertake to deliver these functions, such as admissions, access and participation and recruitment and retention.

The University must also undertake a number of other actions (Specific Duties) that support the meeting of the General Duty. These are to:

- Have in place and maintain a written race equality policy;
- Assess the impact of policies on students and staff of different racial groups;
- Monitor by racial group the admission and progress of students and the recruitment and career progress of staff; and
- Set out in the race equality policy the arrangements for publishing the policy and the arrangements for annually publishing the results of assessment and monitoring.

The University is committed to meeting its obligations under the Act. We have had a Race Equality Policy since 2002 and this current Policy and Action Plan explain how we intend to continue to meet those obligations.

¹ The definition of unlawful race discrimination is attached as appendix 1.

3. Institutional Context

The University of Birmingham is a leading teaching and research university based in one of the most culturally diverse cities in the UK. Since our foundation in 1900, we have developed a reputation as an inspirational centre of learning, teaching and research and offer one of the widest range of under-graduate and post-graduate courses of any UK institution.

The University's Charter of Incorporation, written in March 1900, demonstrates a commitment dating over a hundred years to equality of opportunity for students and staff. This forms the cornerstone of our vision for our University as:

- Enabling and inspiring individuals to develop their potential so that they grow intellectually throughout life, are well equipped for work and can make an impact on society and its wellbeing;
- Increasing knowledge and understanding for their own sake and fostering their application for the benefit of society;
- Promoting the wellbeing of individuals and helping shape a democratic, civilised and inclusive society; and
- Serving the needs of the economy locally, regionally, nationally and globally.²

Our institution is an international community, whose members come from a diverse range of backgrounds and cultures. We have in the order of 26,000 students, who are drawn from the local region, across the UK and internationally from over 150 countries. The 6,000 staff we employ are recruited locally, nationally and internationally. Data produced by the University reveal that in 2006, approximately 24% of our students and 15% of our staff were drawn from black and minority ethnic communities. We believe the experience of all members of our community is enhanced by the wide range of cultures and influences that our diversity brings. We also recognise that our reputation as a world-class institution and our ability to attract and retain the very best staff and students will increasingly depend on our ability to meet the needs of our diverse community.

The city of Birmingham is culturally diverse and predicted to become one of the first cities in the UK where black and minority ethnic communities form the majority of the population. As a university, we are in the special position of being able to learn from and contribute to the development of the city and its many communities, through the educational opportunities we offer, widening access to higher education, working in partnership with organisations and as an employer of local people.

4. Aims and Values

The University recognises the divisive effect that racism has on society and on the ability of individuals to fulfil their true potential. We also recognise the key role that the University can play, both as a centre of teaching and learning and as an employer, in countering inequality, increasing understanding and creating an inclusive society. We see this as core to our mission and vision of the University. The University is therefore committed to creating and maintaining a peaceful and supportive learning environment. As members of this community, students and staff play a significant part in upholding these values. The wide diversity of political, religious and spiritual beliefs and the differences in cultural and social backgrounds across the University give the community strength and vitality and help it to be both intellectually challenging and stimulating.

² University of Birmingham, 'A Strategic Framework for 2005 – 2010.'

As an institution, we also acknowledge that racism can be a deliberate act or may occur as a result of actions that unintentionally or inadvertently cause discrimination. We recognise the role that institutional structures, systems and practices can play in perpetuating race inequality and the need to challenge this.³

Having considered our legal responsibilities and our social and institutional context, the following areas of activity have been prioritised by the University as relevant to the promotion of race equality:

- Governance, management and policy development
- Student marketing, admissions and recruitment
- Student achievement and assessment
- Student guidance and support
- Teaching and learning
- Curriculum development
- Staff recruitment, professional development and reward
- Procurement and outsourcing
- Partnerships and community links
- Quality assurance

Appendix 2 sets out examples of what might be covered in each of these areas of activity and why they are important and in each of these areas, we will continue to take appropriate action to eliminate unlawful discrimination, promote equality of opportunity and promote good race relations.

The Race Equality Action Plan states our objectives and the actions we will take to promote race equality in each of these areas of activity. Sections 6 and 7 of this Policy explain our processes for monitoring, assessing impact and reviewing the promotion of race equality.

5. Leadership and Management

The University is committed to addressing race discrimination, promoting equality of opportunity and good race relations across its activities, through the implementation of its Race Equality Policy. Responsibilities for meeting these commitments are outlined below.

The Council of the University

The Council is the University's supreme governing body, responsible for policies governing all aspects of the University's activity, including overall legal responsibility for compliance with the Act. Accordingly it has established the Equality & Diversity Committee (EDC) whose role includes ensuring that the University complies with race relations legislative requirements, including the general and specific duties. It will also ensure the implementation of this policy and its related procedures and strategies and seek to promote general awareness of the policy inside and outside the University. Council will receive an annual report from the EDC on the University's progress in this regard, and will consider and where appropriate arrange for the implementation of any recommendations.

³ As identified in the Stephen Lawrence Inquiry Report, 1999.

The Vice-Principal

The Vice-Principal will chair the University's EDC and act as champion for equality and diversity matters at the University's senior management level. The Vice-Principal will provide a consistent lead on issues covered by this policy and will ensure that managerial action is taken to implement the policy.

Heads of Budget Centres

Heads of Budget Centres (including, from August 2008, Heads of Colleges) will be responsible for:

- implementing the policy and its related procedures at a local level, including carrying out impact assessments;
- developing an action plan and a monitoring and reporting framework to ensure compliance with legislation;
- submitting reports to the Equality and Diversity Committee
- ensuring that all staff are aware of their responsibilities and are given appropriate training and support;
- investigating complaints from staff (and where appropriate, students) about alleged breaches of the Race Equality Policy and taking disciplinary action against staff who racially discriminate.

Heads of Budget Centres shall appoint a diversity co-ordinator to assist in the performance of this role.

The Director of Academic Services / Director of Human Resources

The Director of Academic Services or the Director of Human Resources or their respective nominees will support the investigation of any reported incidents of racism or racial harassment in accordance with the University's Bullying and Harassment Policy.

6. The Specific Duties

Under the Specific Duties of the Act, the University must assess the impact of its policies on students and staff from different ethnic groups and monitor, by racial group, the admission and progress of students and the recruitment and career progress of staff. The following steps will be taken to meet these duties.

a) Planning and development of University policy

The University recognises its duty to assess and monitor the impact of its policies on students and staff from different racial groups.

- (i) The University will build race equality impact questions into policy development and planning processes. It will be a condition of a new University-wide policy being approved and signed off by the relevant Committee that a race equality impact assessment will be carried out and a copy of the same produced to the Committee. Any anticipated adverse impact will be investigated by or on behalf of the Committee and appropriate steps taken to remove or reduce as far as is reasonably possible such impact, prior to such approval.

- (ii) Heads of Budget Centres (including, from August 2008, Heads of Colleges) will be responsible for ensuring that new practices and procedures particular to their Budget Centre are not implemented until a race equality impact assessment has been carried out and investigated in a similar manner to that in paragraph (i) above.

b) Ethnic data monitoring

The University has a duty to monitor by racial group the admission and progress of students and the recruitment and career progress of staff. The purpose of collecting this data is to enable the monitoring of the University's performance and effectiveness, and to support the undertaking of impact assessments of policies and practices on different racial groups. The following data will be collected to support this duty:⁴

Student data:

The University will monitor the following areas by ethnic group:

- Recruitment
- Retention / progression
- Completion (degree attainment)
- Graduate destination
- Complaints (formal)
- Academic appeals
- Discipline

Staff data:

The University will monitor the following employment areas by ethnic group:

- The staff body by staff group and grade
- Home or international status
- Recruitment, short-listing and appointment
- Open and fixed term contracts
- Part time and full time status
- Promotion and progression and appraisal
- Training and development
- Grievance and disciplinary
- Turnover

Under the overall guidance of the Director of Planning, Academic Services, the Admissions Office and the Planning Office will have responsibility for collecting the above quantitative data on students. Human Resources (under the Assistant Director of Strategy and Policy) will have responsibility for collecting the above quantitative data on staff. This data will be collected on an annual basis, alongside any qualitative data that is collated during the year and can be quantified by ethnic groups, such as student and staff surveys.

The data will be used to support the assessment of the impact of policies on staff and students as outlined in section 6c below. It will also be used to measure progress against objectives in the annual review of the policy and action plan as outlined in section 7a below.

⁴ 'Ethnic group' is defined as the categories used in the 2001 Census. Where data is not readily available by the Census categories we will, as a minimum, provide this data as 'white' and 'BME' and work towards making the full range of 2001 Census categories available.

Data provided by UCAS and HESA on the admission and progress of students and the recruitment and career progress of staff will be used for benchmarking purposes, as appropriate, when assessing the impact of policies and measuring progress against objectives. Office of National Statistics data on local and national populations will also be used for benchmarking purposes where this is relevant.

Data on the admission and progress of students and the recruitment and career progress of staff will be published as part of the annual report to the University's Council on the implementation of the Race Equality Policy (see section 7a below). The data will be presented in accordance with the University's Data Protection Policy to ensure that individuals are not identifiable.

c) Assessing and reviewing the impact of University policies

- (i) The University will regularly review, monitor and assess all policies and practices for their effectiveness and impact in eliminating racial discrimination, promoting equality of opportunity and good race relations. Heads of Budget Centres will be responsible for ensuring that impact assessments of existing policies are carried out in their Budget Centre on rolling programme.

The University has developed an Equality Assessment Toolkit to support this process, which outlines a standard process for assessment and which all relevant staff will be trained in. The process involves:

- mapping policies and practices
- screening the policies for relevance to equality
- prioritising the policies for impact assessment on the basis of relevance
- assessing the impact of policies on equality groups
- proposing and implementing adjustments to the policy where adverse impacts occur and/or where equality can be further promoted
- publishing a report on the impact assessment
- monitoring the policy.

- (ii) The impact assessment process outlined above will involve consultation with staff, students and other interested parties. Where policies are relevant to race equality, the consultation process will involve interest groups such as the Black and Minority Ethnic Staff Group or the Guild's Black and Minority Ethnic Association or other student faith or ethnic associations as required. The consultation methods used will depend on what will result in the most effective consultation with the groups concerned. Methods will involve surveys and focus groups.

The Toolkit process ensures that policies and practices are prioritised for review on the basis of their relevance to equality. Policies and practices that affect student admissions and progression and staff recruitment and career progression, therefore, will have a high priority for assessment, as the University has a particular responsibility to monitor racial impact in these areas.

- (iii) Where policies are assessed to have an adverse impact or to be ineffective in tackling unlawful racial discrimination and promoting equal opportunities and good race relations, appropriate remedial action will be included within the Race Equality Action Plan and notified to the Equality & Diversity Committee in the Annual Report (see below).

d) Publishing the results of impact assessments and monitoring

The Equality and Diversity Committee will appoint a Monitoring Group to:

- ensure that impact assessments are carried out and produced by local Budget Centres in a timely fashion
- receive and consider reports of impact assessments
- approve and monitor actions identified by Budget Centres as necessary arising from the impact assessments
- prepare an annual report (incorporating results of assessments and data monitoring) to the Equality and Diversity Committee for recommendation to the University's Strategy Planning and Resources Committee and Council
- prepare (where appropriate) a separate report to the University's Audit Committee

Copies of the annual report will be available to students, staff and the general public following the report to Council. The report will be available on the University equality and diversity website and hard copies will be available from Academic Services and Human Resources. Accessible versions will be available on request from the University's Design and Publications department. Copies of the report will also be circulated to the Guild of Students and University unions, through their representatives on the Equality & Diversity Committee, for their members' information.

7. Putting the Race Equality Policy into practice

a) Monitoring and Reviewing the Race Equality Policy

The implementation of the policy and action plan will be reviewed on an annual basis by the Equality & Diversity Committee by way of an annual report outlining progress against objectives for recommendation to Council. The report will include any recommendations for improvements to the action plan that have emerged during the review.

Every three years, a full review of the Policy and action plan will be undertaken by the Equality & Diversity Committee and a new policy and action plan drafted on the basis of this review. Staff and students, including in particular those from minority ethnic groups and the University unions will be consulted during this review and their feedback used to shape the objectives of the new policy and action plan. Consultation methods may include student and staff surveys, focus groups and discussions with interested bodies, such as the Guild of Students and the Black and Minority Ethnic Staff Group.

The Equality & Diversity Committee will submit a new policy and action plan to the Strategy Policy and Resources Committee for their approval and recommendation to Council. The new policy and action plan will continue to be reviewed on an annual basis as stated above. When a new policy is published students and staff will be notified of this via notices on the appropriate sections of the University website, staff and student newsletters/magazines and a notice in staff payslips.

These arrangements shall not prevent the University from reviewing the policy and action plan at other times should there be just cause.

b) Training and Development

Training staff in diversity and equality issues is key to effectively embedding race equality. The University's Academic Practice and Organisational Development Unit (APOD) has responsibility for developing and delivering race equality and diversity training for staff. Training will be developed in two strands, through specific equality and diversity-focused

courses and through the embedding of race equality issues into other areas of the APOD training programme as appropriate. Diversity training will be a key component of management development training and the induction process. Training will be delivered through a combination of methods, including on-line training and group training sessions. The effectiveness of training will be monitored and evaluated on a regular basis, where appropriate in conjunction with the Equality and Diversity Committee.

c) Publishing and promoting the Race Equality Policy

The Race Equality Policy and Action Plan is available to students, staff and the general public on the University equality and diversity website. Hard copies are available from Academic Services, Human Resources and Legal Services. Accessible versions of the policy and action plan are available on request from the University's Design and Publications department.

Copies of the policy and action plan are provided to all members of Council. It is also incorporated by reference within the University's Student Charter. New members of staff will be made aware of the policy on beginning work at the University. Staff will also receive copies of the policy or be directed to the policy when they undertake training relevant to race equality. Copies of the policy are also circulated to the Guild of Students and University unions, through their representatives on the Equality & Diversity Committee, for their members' information.

8. Breaches of the Race Equality Policy

The University views very seriously any act of race discrimination or racial harassment on the part of any member of the University. It expects all staff and students to be able to live, work, learn and relax without fear of prejudice or harassment, to be part of a community which respects and defends freedom of thought, speech and belief and which strives to protect its members from any form of intimidation or violence. It will therefore take action against any member of the University, contractor, service provider or visitor who acts in breach of its Race Equality Policy, as outlined below. Definitions of discrimination and harassment are included in Appendix 1.

Staff

All staff are responsible for upholding the University's Race Equality Policy. The University will not tolerate any staff engaging in behaviour that amounts to unlawful racial discrimination or harassment. Staff who engage in such behaviour will have action taken against them under the relevant Disciplinary Procedure for their staff group, up to and including dismissal for gross misconduct.

As members of the University, staff who witness racial discrimination or harassment have a responsibility to challenge and report this behaviour, and to support actions to improve equality of opportunity and promote good relations between people from different racial groups. Staff are also required to keep up to date with race relations legislation by attending training and information opportunities as they arise.

Staff who wish to make a complaint about a breach of the Race Equality Policy should do so under the appropriate staff Grievance Procedure. If the complaint concerns racial harassment, the process outlined in the University Harassment & Bullying Policy should be followed. Staff are encouraged to make use of the support services detailed in that policy, such as the Harassment Advisers' service. Copies of the staff Grievance Procedures and

the University Harassment & Bullying Policy are available from the Human Resources website (www.hr.bham.ac.uk) and from the Human Resources office.

Students

All students are similarly required to observe and uphold this Policy. In the case of breach by a student, action will be taken under the Student Discipline Ordinance, and this may require the student involved to be expelled from the University.

Students wishing to make a complaint about a breach of the policy not covered by other procedures should refer the matter in the first instance to the Student Complaints Officer. If the complaint concerns racial harassment, the process outlined in the University Harassment & Bullying Policy should be followed. Students are encouraged to make use of the support services detailed in that policy, such as the confidential Harassment Advisers' service.

Contractors

Arrangements regarding contractors, suppliers and service providers to the University are administered by the University's Finance Office. Such contractors, suppliers and service providers are required to comply with all relevant equality legislation and the University's Fairness & Diversity Policy.

They can also be required to provide information on their own equal opportunities policies and procedures prior to being included on lists to be invited to tender for the provision of goods and services to the University. Wherever practicable, the contractors, suppliers and service providers will be required to give a contractually binding undertaking that they will comply. Failure to provide such information or undertaking will result in the contractor, supplier or service provider being excluded from the select list of tenderers and, where appropriate, the removal of the contractor, supplier or service provider from the University's approved supplier list or general list of commercial suppliers.

In the event of a contractor, supplier or service provider being in breach of the undertaking contained in their contract, the contract will be reviewed with a view to taking appropriate action, which can include terminating the contract or specifying measures to ensure future compliance.

Visitors

Visitors to the University are expected to abide by the Race Equality Policy. To assist it in continuing to safeguard freedom of speech within the law but also to prevent disorder, the University has developed a Code of Practice governing the invitation of outside speakers to meetings held on University premises, ('The Conduct of Meetings on University Premises'). A copy of this is available from Hospitality and Accommodation Services.

Visitors to the University found to be in breach of this policy will be referred to the Vice Chancellor for appropriate action to be taken. This can include requiring the visitor to leave and not return to the University's precincts.

Visitors to the University wishing to complain about a breach of the policy should address their concerns in writing in the first instance to the Vice-Chancellor.

9. Date of the Policy

Policy approved by Council on: 17th December 2007
Date of next review: December 2010

Appendix 1

Race Relations Act, 1976

Race Relations Act (Amendment) Regulations, 2003

1. Unlawful Race Discrimination

- 1.1 The University has a legal duty to have due regard of the need to eliminate unlawful racial discrimination in carrying out its functions. Unlawful racial discrimination is defined as activities that are unlawful under the Race Relations Act (RRA) and its subsequent amendments.

2. Race Relations Act (1976)

- 2.1 Unlawful racial discrimination is defined by the Race Relations Act as direct discrimination, indirect discrimination, harassment or victimisation on the grounds of race.

2.1.1 *Direct discrimination*

This occurs when a person is treated less favourably, on racial grounds, compared to how another person is or would be treated in the same or similar circumstances

2.1.2 *Indirect discrimination*

This occurs when a provision, criterion or practice is applied equally to everyone but:

- puts or would put people of a certain race at a particular disadvantage when compared with others; and
- cannot be shown to be a proportionate means of achieving a legitimate aim.

2.1.3 *Racial harassment*

Harassment is defined as unwanted conduct on the grounds of race that has either the purpose or the effect of:

- violating a person's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

2.1.4 *Victimisation*

Victimisation occurs when a person is treated less favourably because they have brought, intend to bring or have supported a claim of race discrimination under the RRA.

2.2 Positive discrimination, positive action and Genuine Occupational Requirements

2.2.1 **Positive discrimination** - treating someone more favourably because of their race – is unlawful under the RRA and would constitute direct discrimination on the grounds of race. For example, to appoint a person to a post *because* of their race, in order to improve representation of that racial group, would be unlawful and leave the University vulnerable to a race discrimination from other candidates.

2.2.2 **Positive action** describes measures that may lawfully be taken under the RRA to meet special needs or to train or encourage people from a racial group(s) that is under-represented. For example, if BME staff are under-represented in management posts compared to their actual numbers, it would be a lawful positive action measure to run a management training course specifically for BME staff, alongside normal training provision, or to take other action to encourage that particular group of staff to apply for promotion. A BME member of staff who had undertaken training would then be subject to the same promotions criteria as all other staff, which differentiates lawful positive action from unlawful positive discrimination.

2.2.3 **Genuine Occupational Requirements/Qualifications** are a very limited range of circumstances, specified in the RRA, where it is lawful to treat someone less favourably on the grounds of their race. This occurs in recruitment, training or promotion, where being of a particular racial group is a genuine requirement for a post. For example, to provide personal services to a particular racial group or to achieve authenticity in a dramatic performance.

Appendix 2

The following are examples of what might be covered in each of the areas of activity that have been prioritised as relevant to the promotion of race equality. The list for each area is not exhaustive.

Governance management and policy development

- Ensuring race equality considerations are built into the way the University makes decisions on strategy and policy.

Student marketing admissions and recruitment

- Ensuring we are attracting applicants from all racial groups in our local area
- Ensuring the admissions process is applied consistently to applicants from all racial groups
- Providing training on the implementation of this policy to all those involved in interviewing and selecting applicants
- Utilising ethnic data on student admissions to inform strategic planning.

Student achievement and assessment

- Monitoring academic progress (including drop-outs) by racial group
- Ensuring assessment criteria are clear and fair to all students
- Handling of complaints of racial discrimination about the assessment process
- Utilising data on assessment to inform strategic planning.

Student guidance and support

- Ensuring services meet cultural or religious needs of students
- Publicising available services to students from all racial groups

Teaching and learning

- Encouraging students to value cultural and religious diversity
- Ensuring teaching environment is free of prejudice, discrimination and harassment to enable full participation
- Accounting for students' different cultural backgrounds in teaching methods
- Monitoring work placements to ensure providers follow the policy
- Availability of any additional resources required for particular racial groups.

Curriculum development

- Accounting for needs of students from different racial groups when planning the

- curriculum
- Monitoring the curriculum to ensure it meets expectations of students from different racial groups
- Ensuring extra-curricular events take account of religious or cultural needs or concerns.

Staff recruitment, professional development and support

- Advertising posts to ensure the widest pool of applicants
- Avoiding discrimination in the recruitment and selection process by providing training to those involved
- Ensuring recruitment procedures follow best practice
- Monitoring applications for employment, training and promotion by racial group to inform strategic planning
- Tackling differences in patterns between staff from different racial groups
- Helping departments to provide all staff with necessary support.

Procurement and outsourcing

- Meeting the duties in regard to contracted out functions
- Accounting for race equality in contract for service delivery
- Ensuring effective procedures where contractors breach the policy.

Partnerships and community links

- Ensuring community-facing activities engage with all communities in the city of Birmingham
- Ensuring facilities and premises available to the public are accessible to all sections of the community
- Developing partnerships with under-represented groups to support the widening of participation

Quality assurance

- Utilising race equality benchmarks, targets and performance measures
- Obtaining feedback from staff and students on race equality objectives
- Utilising monitoring data to promote race equality and good race relations