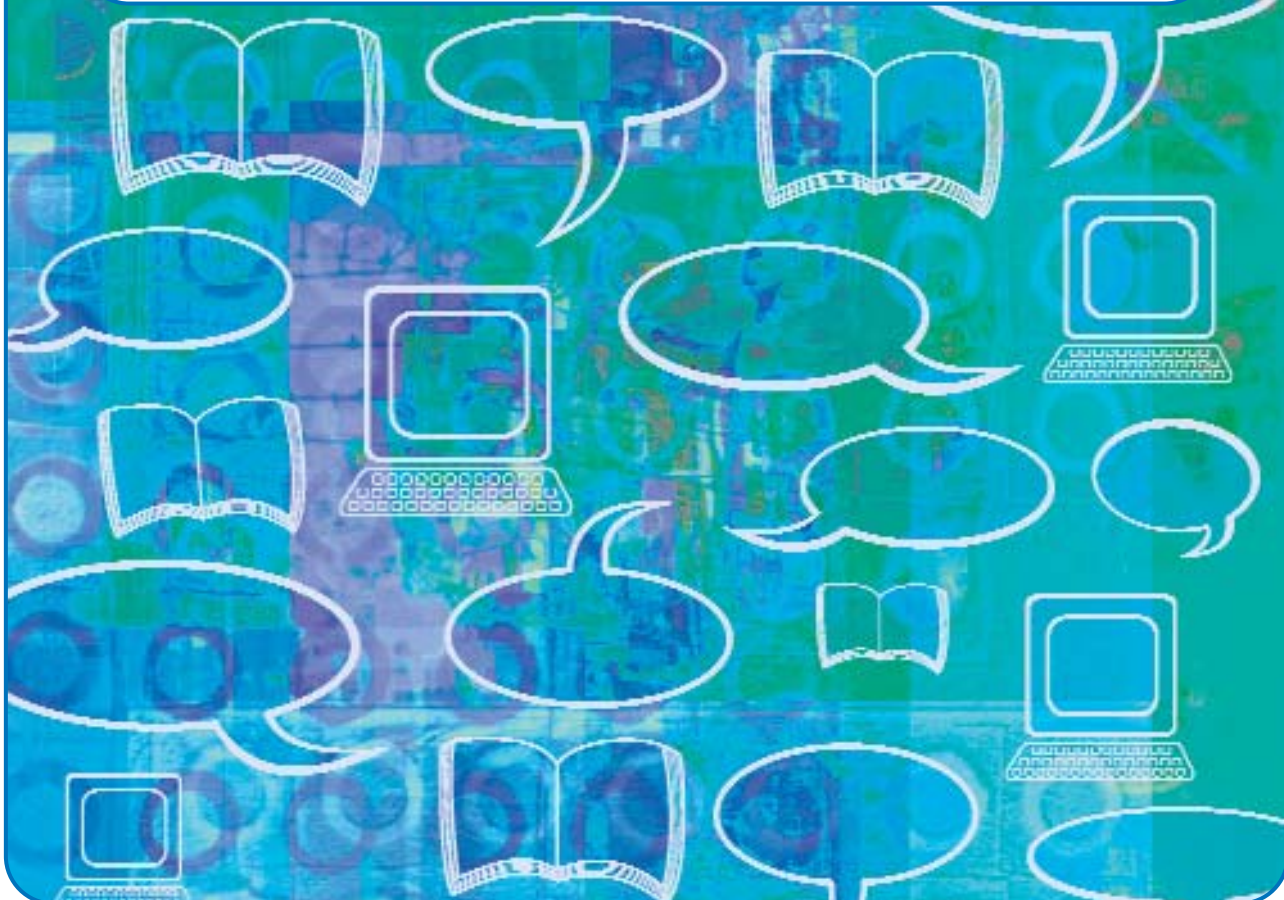


GOOD TALKING

The HE Communicators
Equality and Diversity Toolkit



HIGHER EDUCATION
FUNDING COUNCIL
FOR ENGLAND

hefce

The web-based resource with all the case studies mentioned in the book and others besides is to be found on: www.ecu.ac.uk

One of the four main purposes of higher education is to *play a major role in shaping a democratic, civilised, inclusive society.*

Sir Ron Dearing, Chair,
The National committee of enquiry into higher education, 1997

Education's purpose is to replace an empty mind with an open one.

Malcolm Forbes, Forbes Magazine

Alternative formats

This publication can be downloaded from the ECU website as a pdf or a text document:

www.ecu.ac.uk/publications. For readers without access to the internet, we can also supply it on 3.5" disk or in large print.

Please call 020-7520 7060 for alternative formats.



The Equality Challenge Unit promotes diversity and equality of opportunity for all who work or seek to work in UK higher education. The ECU works in partnership with trades unions, institutions and agencies. We are sponsored by the representative bodies (SCOP and UUK) and the four UK HE funding bodies.

A M Poppy and Philip Walker would like to thank colleagues in the ECU and HEFCE for the contribution they made to the toolkit. The toolkit's Steering Group played an important role throughout: Vicky Annand, Head of Communications and Publicity, Goldsmiths College, University of London; Zelda Franklin-Hills, Equal Opportunities Manager, University of Southampton; Jenny Grainger, Head of Marketing & Communications, York St John College; Nadya Kassam, Head of Press and Public Affairs, NUS; Therese Lorphevre, Head of Learning and Development Centre, London South Bank University; Midge Purcell, Press and PR Official, NATFHE, The University & College Lecturers' Union. Thanks also to Barkers Education Practice for the initial draft.

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Foreword

Communications staff in higher education institutions have a key role to play in moving forward the culture change involved in embracing equality and diversity. This toolkit recognises that role, and aims to offer information and guidance to press, PR, marketing and external relations staff in carrying it out.

The starting point for the toolkit – in structure, tone and style – is you, the target reader. Our intention was to write and present it to you in a way that would appeal to you and be effective for you. We had all HE communications staff in mind, in England, Wales, Scotland and Northern Ireland.

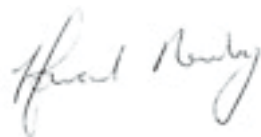
The toolkit takes equality as a whole, and explicitly addresses those strands that are legislated for. This is because each person embodies most equality strands (everyone has a gender, age, ethnicity etc), and good practice does not rank one strand over another.

The impetus behind this toolkit was HEFCE's determination to support higher education institutions in fully embracing equality and diversity by complying with legal requirements and

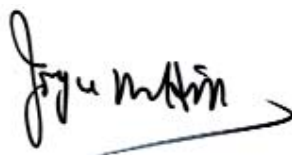
adopting good practice. The Council takes a developmental interest in institutions' equal opportunities strategies and policies, and is bound by its own Race Equality Scheme to support HEIs in discharging their duties under the Race Relations Amendment Act (2000), which include promoting good race relations and promoting equality of opportunity. This toolkit is an expression of that duty and much more.

The ECU's policy and communications expertise meant it was ideally positioned to guide this project.

We hope you will find the toolkit helpful. And we await your feedback.



Sir Howard Newby,
Chief Executive, HEFCE



Professor Joyce Hill,
Director, Equality Challenge Unit

The toolkit explained

The momentum driving the equality agenda is mounting. Relevant laws and regulations continue to be introduced, which have a direct impact on communications functions in HE institutions. For example, universities and colleges are now bound by law not only to eliminate unlawful discrimination, but also positively to promote equal opportunities and good race relations (the General Duty under the Race Relations Amendment Act) (See Annex for more detail).

In essence, promoting equality and diversity is a process of culture change. A process best achieved through influencing, informing, and advising, it is clearly in the remit of press/PR/marketing professionals.

Each HEI will have engaged with the law and gone beyond it – to its own equality and diversity policies. The communications offices can be central to implementing the policies by contributing to the institution becoming a self-aware, open, and confident community that welcomes a diversity of people.

Difficulties abound. That is the fascination and inevitable consequence of change. On the one hand, one's own good intentions are not enough on their own to clear speech and behaviour of prejudice or the appearance of prejudice. On the other hand, resistance from colleagues and friends can manifest as hostile righteousness and accusations of 'political correctness'. This toolkit is designed to help you navigate this difficult terrain.

The opening Good Practice section lays out general principles and recognises the communications functions' leadership role in promoting equal opportunities in an institution. It will be of particular interest to managers and decision-makers in the external relations and PR offices.

The sections on Words, Pictures and Format for accessibility will be of interest to all press, PR, publication, marketing office staff and beyond.

The Law is outlined in the Annex and is provided as background for all readers.

This toolkit does not cover curriculum or teaching and learning. It complements but does not replace equality training, good practice in recruitment and retention etc. It focuses on the professional work of communications offices in higher education.

This toolkit is not intended to be prescriptive, but to be a guide to best practice. Practice evolves, the existing sources for this toolkit will be superseded over time. We hope to update the toolkit from time to time – especially its web-based resource on www.ecu.ac.uk

Your feedback is welcome to comms@ecu.ac.uk

The Annex provides an outline of the anti-discrimination legal parameters in which institutions are operating. It is only a guide, and should not be understood as legal advice.

More on www.ecu.ac.uk

ECU and HEFCE cannot take responsibility for contents of websites to which the site links.



DON'T PANIC!

Equal opportunities and equality and diversity are not traps to catch you out. They are a set of facilitative concepts designed to make universities and colleges places that are more fair, transparent, and accountable for everyone. There are a few governing principles to guide you when you are uncertain:

- ➔ consult
- ➔ apply the Watchwords Test : is what I am proposing reasonable and practical?
- ➔ obtain management agreement.

Good practice starts with opening a conversation about communicating without discrimination.

General good practice

A culture that encourages progress towards equality and diversity is one where equal opportunities – and the concepts and ideas that it encompasses – are easily and regularly spoken about, understood, and embraced. It's also one where difficulties can be discussed openly and genuinely.

The 'positive duty' to promote equal opportunities introduced in the Race Relations Amendment Act is extending to other strands of equality – disability, for example (a Bill is in draft as this toolkit goes to press).

The watchwords in promoting equality and diversity are **action** that is **reasonable** and **practicable**, and based on wide and meaningful consultation. Whenever in doubt, consult about the issue with people affected, your equal opportunities office, and senior decision-makers.

What role does your office play in **promoting good communications** practice throughout your institution? This toolkit recognises that often the communication office sets the institution's brand and prescribes the parameters within which the institution presents itself in all its functions. In working with this toolkit do not reflect just on your own office's practice, but also on your office's broader **leadership in setting the tone** for the whole institution.

Case studies

* A prime example of leadership in all communications is offered by the public relations office of Oxford Brookes University. An article on the rationale and methods used in Oxford Brookes is available on www.ecu.ac.uk (With thanks to the Council for Advancement and Support of Education, reprinted with permission from the January 2003 *Case Currents*)

* Liverpool John Moores University Equal Opportunities Office devised a one-page *Checklist* for developing inclusive practice in JMU Marketing, available on www.ecu.ac.uk

Some equal opportunities-related questions for the communications office to ask:

- ➔ Do the institution's equal opportunities policies and action plans include plans for publicising them?
- ➔ Is the communications office co-operating fully with the equal opportunities office/HR in internal and external dissemination of equal opportunity policies and initiatives?
- ➔ Do the communications office's policies and action plans have an equal opportunities dimension – reflecting the institutional policies, and finding expression in a strategy for disseminating inclusive communication practice throughout the institution?
- ➔ Are the relevant policies and action plans reviewed, monitored for effectiveness, and updated on a regular basis?
- ➔ Are these strategies/policies/action plans and their evaluation easily accessible on the web?
- ➔ Are communications plans informed by answers to the following?
 - ➔ Have we identified the audiences we are targeting?
 - ➔ Do we know their perceptions and requirements in terms of communications (based on first-hand feedback)?
 - ➔ Are we doing enough in our communication activities to address those perceptions and requirements?

General good practice (continued)

Examples of good practice

- ➔ Every channel of communication of the institution (electronic and on paper) reflects the commitment to equality and diversity.
 - ➔ Corporate publications feature the institution's equality statement and stories on equality and diversity; and the format, words, and images are devised with agreed equality and diversity in mind.
 - ➔ Institutional publications (including prospectuses) are reviewed for their inclusivity and all include a clear statement on equality and diversity.
- ➔ The communications practices and publicity of academic departments and corporate service units are reviewed as part of the communication strategy to lever change throughout the institution.
 - ➔ Departments and units are assisted in making their messages inclusive, and their commitment to equality and diversity clear.
- ➔ The alumni relations office (or the press office) maintains a record of the achievements of different groups of graduates (e.g. ethnic minority and disabled graduates) and promotes this to achieve a representative balance of good news stories.
- ➔ Communication and dissemination plans for the institution's equal opportunities policies and action plans are implemented.

Case Studies

- * The University of Sussex devised a short *Equalities Communication Strategy* incorporating external and internal promotion plans. More on www.ecu.ac.uk
- * All Race Equality Policies are required to contain a publication plan. Middlesex University's plan is viewable internally, and on www.ecu.ac.uk
- * Some institutions' equal opportunities offices have been inventive and proactive in their awareness-raising initiatives, more on www.ecu.ac.uk
 - * University of Southampton has produced institutional equality and diversity gifts and novelties that are in great demand.
 - * Award schemes for inclusive practice were developed by Staffordshire University.

- * University of Plymouth's equality briefings have been widely used by other institutions.
- * University of Teesside's Celebrating Diversity flyers were used during the university's awareness-raising week for distribution to the local community.

احتفالات متنوعة
CELEBRATING DIVERSITY
 असमानता का समावेश
 ਅਸਮਾਨਤਾ ਦਾ ਸਮਾਵੇਸ਼
 جشن کثیر الثقافتی

University of Teesside equality and diversity logo

- * University of Durham's leaflet on equality goes to staff and is available on the web.



Equal opportunities office initiatives and schemes are relevant to this toolkit in as much as they include communications aspects, and benefit from positive publicity. Establish a working dialogue with your equal opportunities office, and have your office represented on your institution's equality and diversity committee.

Good people practice

Good equal opportunities practice is, to some extent, courteous and considerate behaviour.

- ➔ What training and briefing are members of staff given on this?
- ➔ What role does the PR office have in receiving, implementing and disseminating good practice?



Listen! Key to embracing equality and diversity is acknowledging the differences between people, respecting each individual, and responding to subjective needs and sensitivities – both in what is communicated and in how it is done.

General good practice (continued)

Public relations and reputation

The basis of a sustainable, good reputation is the reality underlying the spin. Institutional commitment is built through internal communications among staff and students, and is simultaneously expressed through corporate external communications, and through the actions of staff and students who are the institution's ambassadors.

External Communications

External communications are conducted through all the channels the institution uses, but to reach new audiences new channels will need to be created (see Format P32). All communications should carry the institution's equality and diversity ethos explicitly and implicitly.

Publicity to students

The institution will ideally work with the students union in spreading good equality and diversity practice. Is your office involved?

Materials aimed at students (prospectuses, departmental flyers, web materials and leaflets) – consider how the institutional and communications policies are reflected in them:

- ➔ Which groups is the institution targeting? How does marketing reflect that?
- ➔ What kinds of images are given prominence? Are there positive and inclusive images of all groups of staff and students?
- ➔ Is the language used in a sensitive way?
- ➔ Is a statement on equality and diversity included?

REVIEW GOOD PRACTICE	YES	NO
Does an agreed equality and diversity statement appear in all the corporate publications?		
Does the equality and diversity statement refer to all the relevant equality strands?		
Does the website reflect the institution's inclusive policy throughout the site, including on the pages of academic departments and corporate units?		
The law requires institutions to ensure that external providers contracted on behalf of the institution in turn meet the requirements to eliminate racial discrimination and promote equal opportunities. Do you satisfy yourself that external consultants for marketing, communication, PR etc build these considerations into all their work for you?		
Has your office audited corporate communications for equality and diversity recently?		
Does the institution have ways of ensuring that stakeholders recognise that equality and diversity issues are important to it?		



Keep student media in mind when disseminating relevant messages. For example, share stories with the student paper, whenever appropriate.

Case study

The University of Surrey produced four brochures to complement standard undergraduate recruitment/schools liaison materials. They are designed to provide additional relevant information to non-traditional students. More on www.ecu.ac.uk

General good practice (continued)

Internal communications

The corporate communications for which the communications office is responsible are a fraction of the totality of internal communications. Departments and corporate units will publish their own materials. The trade unions are important strategic allies in communicating equality and diversity across institutions. Their commitment to equality is explicit and they can provide ideal channels for consultation. Both staff and students unions will put out information to members of the university. Consider maintaining a dialogue with them all about best inclusive practice.

- ➔ What do the institution's equality and diversity policies and action plans say about internal communications? How do they find expression in internal media?
- ➔ Do internal publications promote all groups of staff and students and their achievements? How is this monitored? (If not, why not?)
- ➔ Are diversity events, accessible facilities, and equality initiatives well publicised within the institution?
- ➔ Do internal publications promote any equality and diversity and anti-discrimination research undertaken by staff and students?
- ➔ Have inclusive best practice principles been shared with the relevant communicators in the student body, trade unions, and individual departments within the institution?



In response to the legal duty under the Race Relations Amendment Act to publish and make easily accessible policy documents and outcomes of monitoring related to race equality, most institutions' websites will include race equality pages often within a section on equality and diversity. Having a discrete site for equality, or an equal opportunities newsletter does not remove the need for every communication to be consciously inclusive.

Case studies

- * Many institutions publish equality newsletters alongside staff newsletters (important routes for transmitting equal opportunities messages) some are handled by the HR or equal opportunities office others by the communications office.
 - * The University of Huddersfield published a 6-page full-colour glossy newsletter *Towards Diversity*
 - * University of Kent distributes a regular two-page newsletter by e-mail.
 - * The University of Teesside personnel office produces *Personnel Matters* which includes regular updates and news on equality and diversity issues.
 - * Many institutions also have equality and diversity pages within the institutional website:
 - * University of Durham
www.dur.ac.uk/diversity.equality
 - * University of Bradford
www.brad.ac.uk/equality
 - * Anglia Polytechnic University
www.apu.ac.uk/equalops
- More on www.ecu.ac.uk

Consulting

If you are in any doubt about how to do it: ask!

Specific guidance on effective consultation in higher education institutions – especially in the context of the duty to communicate and consult in the Race Relations Amendment Act – is due in 2004.

The ECU and JNCHES (Joint Negotiating Committee for Higher Education Staff) with sponsorship from the HE funding councils have been working on this guidance in collaboration with nine institutions in England, Scotland and Wales. There will be a link to it from this toolkit's web-based resource as soon as it appears.

General good practice (continued)

Responding to a complaint of discrimination

In the event of a problem with discrimination on campus, the PR and external relations function will no doubt be called in as part of the institution's standard crisis-management programme. The mark of an institution that takes equality and diversity seriously is its willingness to discuss the issues, and readiness to declare its commitment in times of stress.

In the case of a formal complaint, the institution's statements will be guided by the rules that apply to grievance and legal proceedings (for example, a case may be *sub judice*). However, a general reiteration of the institution's anti-discriminatory stance is good practice in any case.

The institution's willingness to acknowledge the problem, face it and handle it properly will be judged in part by its public statements.

Consider

- ➔ What role is assigned to the PR function when accusations of discrimination are made?
- ➔ How will the institution and its PR and publicity offices respond when a member of staff or a student makes a complaint of discrimination?
- ➔ What information/commentary is left out and what is included in any public statements at the time?

It is institutional good practice to:

- ➔ issue a statement condemning discrimination
- ➔ proactively engage with the issues, rather than move into damage limitation mode and taking a low profile approach.

Case study

The ECU published guidance to institutions on good practice in dealing with racism on campus (see www.ecu.ac.uk/updates/06-03).

It states in part:

The university or college thus has a clear and compelling duty to take action to deal with and stop any unlawful racial discriminatory behaviour in respect of all its staff and all students.

Possible courses of action:

- * making the institution's position very clear through public statements
- * ensuring that the institution's position is made clear to all members of the HEI's community (students and all staff and other stakeholders)
- * making sure that there are accessible, clear, transparent and effective processes and procedures for reporting and taking action on all forms of unlawful racial discriminatory activities
- * ensuring that these processes and procedures are communicated and consulted on with all staff and students, especially those likely to be affected by any forms of unlawful racial discrimination.

Practical measure recommended for extreme cases include forming a small, fast-acting task-group to co-ordinate the institution's activities. It is recommended that the group should include a representative from a relevant equality commission, trade union representatives, and someone from the PR office.

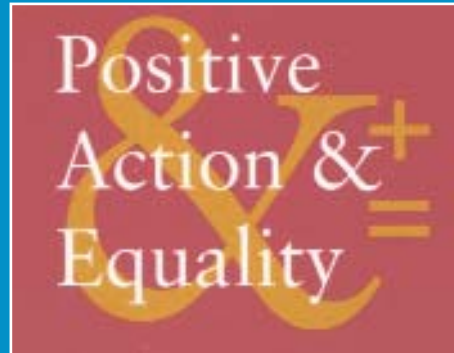
Words

Language is a powerful tool for communicating inclusivity or discrimination. Promoting equality of opportunity, as the law requires, and fully embracing equality and diversity all imply using language sensitively.

Fear of giving offence or being accused of bigotry causes nervousness that inhibits discussion. However, knowing what language to use when talking about sensitive issues allows the conversation to happen. This section is designed to help readers to feel at ease with the language. It is also a reminder of the essence of equal opportunities: respect for the dignity of individuals and their preferences.



There are challenging elements here – requiring changes to deep-set patterns of thought and of speech. You will encounter resistance in yourself and in others to some of the suggestions made. When you do, take the opportunity to ask and answer questions, refer to other relevant guides to good practice, and to your institution’s equality and harassment policies.



The University of Cambridge equality and diversity logo used to badge all the university’s equality and diversity activity

Communicating clearly

All information should be clear, and easy to read. The Plain English Campaign guidelines are:

- an average sentence length of 15-20 words
- use of active verbs instead of passive ones
- use of everyday English
- use *we* and *you* instead of *the applicant* and *the college/university* etc
- be concise.

Institutions may consider translating appropriate materials into other languages. Once a target audience has been identified, consultation should assist in deciding whether materials in a language other than the medium of instruction would enhance equal opportunities and good race relations.

Have you made use of sign language in your work? Please tell us at comms@ecu.ac.uk

HE jargon

There is a wide range of commonly used terms and acronyms (jargon) associated with higher education (*sandwich course, first degree, HESA, HODs* etc). These terms are not necessarily familiar to everybody. Good practice is to consult with relevant people, and when in doubt to explain all terms.

Case study

From enquiry to arrival: Guidance and model documents for further education colleges in the international student market issued by the British Council and UKCOSA (Council for International Education) include model forms for FE colleges writing to overseas student applicants, which are highly transferable to higher education. Accessible through www.ecu.ac.uk

Words (continued)

General good practice in using words

Preferred terms change as evolving understandings shift the language. It is good to keep in touch with the language; it avoids giving offence and helps develop awareness. Consult regularly about language. A glossary is part of this section.



This toolkit's website has a constantly updated terminology section. Please post your thoughts and reactions for inclusion to: comms@ecu.ac.uk

Often different people prefer to be described in different ways. Honour individual preferences whenever possible. This applies both in individual communication, and in terminology used when speaking to a large audience, or writing for wide dissemination. Consider the words you use, consult before publication. When there are conflicting preferences, the terms used in law are acceptable.

Case studies

With regard to race, the obligation to monitor has brought agreement on categories and terms for use in higher education. They are based on census categories that vary somewhat across the UK.

- * ECU and HEFCE have published guidance available on HEFCE's website (*Equality and Diversity Monitoring in HEIs*, HEFCE 2004/14).
- * HESA is issuing categories for monitoring race, their terms are also agreed.
- * The Office of National Statistics *Ethnic Group Statistics: a guide for the collection and classification of ethnicity data* includes a discussion of terms in a historical context accessible through www.ecu.ac.uk

Overall, it is recommended that you respect, validate, and do not assume - ask when appropriate.

Respect the preferred terms people choose for themselves. If Adam wants to be considered female and be called “she”, why not do so? If Professor Jones, who is of South Asian descent, rejects the term Black in relation to himself, why not avoid it?

Validate diverse lifestyles and identities. Acknowledging a person’s disability or the fact they are gay enhances the mainstreaming of diversity. But ask first, many people prefer confidentiality in their workplace.

Avoid making assumptions. Many married women keep their maiden names; don’t assume their husband shares their name. Not everyone with a same-sex partner is gay; they may identify as bisexual.

- ➔ If possible ask the people for their preferred descriptors.
- ➔ Question your assumptions, especially with regard to what constitutes ‘the norm’.
- ➔ Note terms that are no longer accepted (*coloured, handicapped, functional minority*), or stereotyping (*ladylike*) and avoid them.
- ➔ Avoid the use of *black* as a pejorative term (*blacklist, black mood, black mark*).
- ➔ Avoid turning people into their descriptors, adjectives into nouns. *Epileptic, bisexual* etc are adjectives, and may cause offence if used as nouns (*she is a diabetic, the aged*).
- ➔ Avoid using *ethnic* as if it relates only to non-white ethnic groups. Everyone has an ethnicity.
- ➔ Remember that the categories for monitoring racial groups are available in HEFCE/ECU’s *Equality and diversity monitoring in HEIs* (p13, HEFCE 2004/14) on HEFCE’s website www.hefce.ac.uk

Words (continued)

Gender

Factors to consider

- ➔ The *man* factor. Consider synonyms for words that have *man* meaning *person* (*staffing the desk*).
- ➔ Consider how to overcome the problems with third-person singular pronouns: *she, he* (change sentence construction; use *s/he, they* etc).
- ➔ Avoid stereotypes and loaded words, especially words that devalue or diminish a person's status (*a slip of a girl*).
- ➔ Avoid approaching men and women differently (only if you ask men about their children for an article should you ask women that question).
- ➔ Be aware of the sensitivity of titles. Clarify the preferred title (*Ms? Professor?*)
- ➔ Infantilising women by calling them girls, or alienating them by calling them ladies. It is probably best to refer to all students, applicants, and of course staff and partners as adults (*man or woman*). Reserve

reference to 'girls' to situations where it will not risk being inappropriate, e.g. discussions of nursery facilities, and younger school pupils.

Disability

Factors to consider

- ➔ Prefer factual words to value-laden ones. A person may have a condition, but may not suffer from it; they may use a wheelchair but may not be bound to it.
- ➔ Prefer up-to-date terms to those taken from the nineteenth century and laden with stigmatising connotations. Disabled people may have impaired mobility but not be crippled.
- ➔ Avoid depersonalising people by turning them into collective nouns (*the disabled*).

Glossary of (a selection of) terms

There are no right answers to the use of some contested words. Usage changes over time, and individuals have differing and often strong preferences. An augmented and updated list is planned for the on-line resource for this toolkit. Please refer to it, and offer us your thoughts.

Race

Disability

Sexual orientation

Gender Identity

Religion

General terminology of the field

The four forms of discrimination in law

RACE

African-Caribbean/Afro-Caribbean etc.

There are objections to the term *Afro-Caribbean* because afro is a hairstyle. Preferred terms are *African-Caribbean*, *Black British*, *African* and *Caribbean*.

The term *West-Indian* has fallen out of favour.

Asian/South Asian/South East Asian

Asian is often used in the UK to refer to the peoples of South Asia and their descendants. Yet in the United States it is more commonly understood to mean people of Chinese descent.

Asia also includes the Middle East, and Malay, Filipino, Indonesian and other peoples. Prefer *South Asian* to *Indian Sub Continent* and *South East Asian* to *Far East*.

Words (continued)

To meet the legal requirements and HESA monitoring categories, HEIs will need to be specific about racial groups in certain technical contexts.

Black

Commonly used to describe people who, because of their race, colour or ethnic origin are identifiably different. When used in a generic way and with a capital *B*, *Black* refers to people with a common yet diverse experience of racism rather than a particular skin tone.

However, there are people subsumed under the definition above who would object to the term in reference to themselves, and would prefer a more specific descriptor.

BME

Stands for *Black and minority ethnic*.

Culture

Refers to the shared rituals, symbols and practices that give a group its sense of identity. Expressed through dress and food for example, it is a dynamic concept that may include, but is not necessarily the same as, religious or moral values.

Within one culture may be nestled many more. For example, Gujerati could include Sikh, Muslim, Hindu or other religious identities.

Ethnic minority/Minority ethnic

People who belong to minority groups with a distinct cultural and historical identity.

Minority ethnic reverses the emphasis in order to stress that all people belong to ethnic groups. In the UK, white British people are the majority, but that would not be the case in other countries.

Oriental

A phrase loaded with Eurocentrism, best avoided when referring to people.

Racism

Prejudice against particular racial groups, and people belonging to those groups. For example, anti-Semitism is prejudice against Judaism and Jewish people, and is a form of racism.

DISABILITY

Disability

The Disability Discrimination Act states: *A person has a disability for the purposes of this Act if he (sic) has a physical or mental impairment, which has a substantial and long-term adverse effect on his ability to carry out normal (sic) day-to-day activities.*

Disability can be defined as the cause of a disabled person's restrictions or limited access. The social model, supported by the disabled persons' movement, believes disability to be located in society, whereas the traditional medical model sees disability as being within the person (and uses it synonymously with impairment). For example, is the disability the visual impairment, or the lack of alternative formats of a printed document?

Disabled people

People with impairments who face restrictions due to inaccessible provision.

The term *people with disabilities* is not favoured by the social model (which sees society as imposing disabilities) but is still used by the law and is interchangeable with the term *disabled people*.

Non-disabled people is the preferred term. *Able-bodied* is now out of favour. Again, guard against the inappropriate use of *normal*.

Words (continued)

Impairment

An impairment may be a visual, hearing, mobility, or unseen impairment.

Visual/Hearing impairment

General terms that refer to people with a visual/hearing loss or limitation from *partially sighted* to *blind* and from *hard-of-hearing* to *deaf*.

Similarly, *dumb* should be confined to newspaper headlines that use it as a verb with 'down'. Preferred terms are *without speech* or *using sign language*.

Wheelchair user

A *person who uses a wheelchair*, rather than *wheelchair bound* or *confined to it*. Similarly the terms *invalid*, *cripple*, *handicapped* and *victim of* are not recommended.

Mental illness

Implies a severe, diagnosed and long-lasting condition. There are different and contradictory views on whether the term *illness* is useful or appropriate.

The Depression Alliance allows that clinical depression can be a mental illness.

People with mental health problems or difficulties or conditions

Generally refers to people with a diagnosed condition, or for whom problems with their mental health are having a significant impact on their lives at the time.

This terminology is more neutral and considered more appropriate than words or terms that victimise or 'medicalise' people (e.g. *sufferer*, *victim*).

People with learning disabilities/difficulties

Use these terms, not *mentally handicapped*, *retarded* or other old-fashioned, stigmatising phrases that cause offence.

SEXUAL ORIENTATION

Bisexual

Orientation towards people of more than one sex, identifying as such or referring to the subculture or community. Bi-phobia is prevalent in both the homosexual and heterosexual communities. People in same-sex and opposite-sex relationships may identify as bisexual and therefore it's best not to assume people are gay or straight based on their partner's sex.

Heterosexism

Used to describe the bias in society towards heterosexual lifestyles. The cultural assumption of straight lifestyles and choices tends to marginalise lesbian, gay and bisexual people and to create few positive cultural images of them.

Heterosexual

Orientation towards people of the opposite sex. Generally assumed to be the norm. Slang synonym: *straight*.

Homophobia

Non-acceptance of sexual orientations other than the heterosexual.

Homosexual/Gay/Queer

Orientation towards members of the same sex, identifying as such or referring to the subculture or community.

Originally, the term *homosexual* was coined by medical people to denote mental disorder and moral deficiency. To gain distance from that stigma, terms such as *gay* have been adopted. Gay is often used to refer just to gay men, but as a synonym for homosexual it includes women.

Queer still comes across as pejorative, though some are 'reclaiming' the word for all non-heterosexual orientations.

Words (continued)

Lesbian/Dyke

Women's orientation towards women, identifying as such, or relating to the community or subculture. *Dyke* is best avoided, as it still carries contemptuous connotations.

LGBT

Stands for *lesbian, gay, bisexual and trans(gender)*.

GENDER IDENTITY

Cross dresser/Transvestite

Dressing and acting in the roles conventionally associated with the opposite sex. *Transvestite* is falling out of favour for being a clinical term.

Transgendered

Crossing gender lines associated with masculinity or femininity. Adopting roles conventionally associated with the opposite sex. Also *transgenderist*.

Transsexual

Adopting the opposite sex, through surgery, dress and role behaviour. Considered a 'medical' term.

Transgender/Trans

Transgender is a more recent term used to embrace both *transgendered* and *transsexual*.

The pressure group Press for Change advocate *trans* as the adjective to describe people *who, in expressing their sense of identity, come into conflict with the contemporary gender behaviour norms of their society*. On the street, however, it is viewed more as slang.

RELIGION

Religion or belief

In the legislation this is defined unhelpfully as: *Any religion, religious belief, or similar philosophical belief.*

It is likely that tribunals will consider factors such as whether there is collective worship, a clear belief system, or a profound belief affecting a way of life or view of the world.

GENERAL TERMINOLOGY OF THE FIELD

Equal opportunities

A legal concept defined in, e.g. the Scotland Act 1998 as: *the prevention, elimination, or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.*

Equality

An emphasis on equal outcomes, not merely equality of opportunities and an even playing field.

Equality and diversity

Covers race, gender, ability/disability, also education, age, class and many other differences. It emphasises our commonalities, striving for understanding and mutual support for each others' efforts to create healthy, inclusive organisations where all people of whatever social and cultural groups feel welcome, included, and respected.

Words (continued)

Mainstreaming

Is concerned with the integration of equal opportunities principles, strategies and practices into the everyday work of an organisation, involving everyone in an organisation not just equality specialists. It entails rethinking all of an organisation's functions in terms of gender, race, disability and other dimensions of potential discrimination such as class, sexuality, age and religion.

Positive action

Refers to a variety of measures designed to counteract the effects of discrimination and to help eliminate stereotyping by encouraging members of under-represented groups to take full and equal advantage of opportunities in jobs, education and training.

Taster courses for men in primary school teaching for example, or mentoring schemes for young people. Positive action is lawful.

Positive discrimination

Treating someone from a disadvantaged group favourably, especially in terms of employment or promotion but also in areas such as exam marking, because s/he is of that group when s/he does not fully merit it. This is unlawful in the UK (with a few exemptions).

Quotas

The use of quotas, which rely on positive discrimination, are unlawful.

Targets

The use of aspirational targets for under-represented groups is lawful.

THE FOUR FORMS OF DISCRIMINATION IN LAW

Direct discrimination

Direct discrimination occurs when a person is treated less favourably than someone else for reason of their sex, ethnic origin, disability, age, sexual orientation or religion or belief, or under the provisions of the Disability Discrimination Act, when service providers/employers fail to make reasonable adjustments to meet the needs of a disabled person (unless that failure can be justified).

Indirect discrimination

Indirect discrimination occurs where a requirement is applied equally to all groups, but has a disproportionate effect on the members of one group because a considerably smaller proportion of members of that group can comply with it.

Victimisation

Discrimination against someone because of their involvement in a discrimination complaint either as the complainant, as a witness or as someone who has previously been accused and found not guilty of harassment.

Harassment

Harassment is unwelcome comments (written or spoken) or physical conduct based on sex, race, disability, religion, and sexual orientation. It violates a person's dignity and/or creates an intimidating, hostile, degrading, humiliating and/or offensive environment for them.

Pictures

Pictures are important in communicating equality and diversity. They can also be highly controversial. Most people can relate to pictures and will have opinions on what they see. Take an open and direct approach: consult, consider, get agreement from relevant people and top management. Apply the Watchword Test: is my choice derived from meaningful consultation; is it practical and reasonable? Can it be justified?

To the right are some relevant conundrums. When balancing the answers, consider these principles:

- ➔ favour the option that promotes inclusivity and celebrates diversity over one that perpetuates discriminatory attitudes
- ➔ favour images that reflect reality over ones that idealise and mislead.

- ➔ It is good practice not to reinforce stereotypes, and to include diverse and positive images of women, people of all racial backgrounds, and disabled people in positions of power and authority. It is also good practice to have pictures that reflect reality, and do not mislead.
- ➔ Mainstreaming implies images that show the overlapping nature of diversity categories (Black and disabled; gay and a parent etc). Can you defend your choice against an accusation of tokenism?
- ➔ In considering the sensitivity of a particular target audience, for example by avoiding images of bare-headed women in short sleeves so as not to offend Wahhabi Muslims, are other principles being compromised, for example women's equality?
- ➔ Once finalised does the image send the desired messages?

Case study



When research indicated that the Bangladeshis of North and East London were under-represented in local health services, City University's St Bartholomew School of Nursing and Midwifery launched a targeted ethnic recruitment campaign.

They decided to feature the faces of young Bangladeshi women only.

Format

Your messages need to reach diverse audiences with different requirements. The format of the materials, how they are accessed and where they are available will contribute to your success in promoting equality and diversity and widening participation.

Formatting for disabled people

For disabled potential students not to be substantially disadvantaged they need to have access to full information about the institution. Disabled applicants may also need to know additional information about an institution. Making sure this is available is likely to be an appropriate reasonable adjustment under the Disability Discrimination Act 1995 [as amended], and new law to be introduced in 2004.

(Disability Rights Commission)

Is a disabled person only half a person?

Half as likely to go to university
Half as likely to get qualifications
Half as likely to get a job

It doesn't have to be like this. New rights can help. For an accessible website or book, call our helpline on 0800 1 107 400 or email us at info@drd.org

Disability Rights Commission
Creating a better world

Courtesy of the DRC

Services and support

Large numbers of people spend significant time in caring for children and for older relatives. Services designed to meet their needs are often poor with long waiting periods. Some care services are inaccessible, and children in full care are. The tax and benefit system is difficult to navigate, and there is a lack of support for those seeking to return to paid employment.

The figures

- Half of all people who spend more than 20 hours a week caring for someone at home are over 65 years of age
- Over two million women with children are outside the labour market compared to 650,000 men
- There are 282,000 children with a disability, of whom 80% are cared for at home
- Approximately 170,000 children and young people spend time caring for a chronically sick or disabled parent
- Caring for an adult with a sick or disabled parent involves great time, independence, uncertainty, or it can be a chronic contribution to someone else

Chronic shortage of services and support

- There is a large imbalance in 2000 only a quarter of users in a survey for the Phoenix Project found that there had an assessment of their needs. Over 70% of carers that cared for their 16+ years a week had not had an assessment
- A National Institute for Research on Caregiving for the Elderly (NICRE) study found that only 10% of carers of children with disabilities or children have received any support from social services in their caring role, and 80% of all of those who receive these services
- Many children and young people receive some support services with a disability, but not necessarily those with a disability

Courtesy of the EOC

Websites

The World Wide Web Consortium (W3C)'s commitment to develop the Web to its full potential includes promoting a high degree of usability for all. www.w3.org/WAI Following its guidelines is the first step in making a website accessible. Making sites highly accessible benefits all users, not just those with disabilities.

WEBSITE CHECKLIST FOR MANAGERS/CONTENT PRODUCERS	YES	NO
Are the relevant sections of the website appropriate for all the target audience? (Good practice would be to make clear which target audiences the site seeks to accommodate – including which browsers and operating systems the website supports. This could extend to highlighting techniques and advice for target audiences, e.g. changes for dyslexic visitors, partially sighted visitors, etc.)		
Is the entire site clearly signposted (not just the main pages)?		
Do statements within the site (e.g. from different academic departments) convey inclusivity?		
Are file sizes kept to a minimum? (Large files such as pictures may take a long time to download, which may cause problems for people who have limited access to the internet.)		
Is the website managed by one office to ensure consistent good practice?		

Format (continued)

Printed material

Guidelines for people with sight impairments

- ➔ Text should be a minimum of 12 point (14 point would reach more people with sight problems).
- ➔ Large print documents should be produced in sizes 16 to 22 point.
- ➔ Arial, Universe and New Century are examples of clear and legible typefaces.
- ➔ Black text on white background produces the best contrast. Avoid combinations that people who are colour-blind cannot distinguish (such as green and red), and high-gloss paper.
- ➔ When printing documents, an uncoated print paper weighing over 90 gsm is best.
- ➔ Type should not be superimposed on images.
- ➔ Text around images which produces a ragged left-hand edge should be avoided.
- ➔ High-contrast images with clean backgrounds are easier to view.

RNIB have simple guidelines on formatting printed material for people with visual impairments, available through www.ecu.ac.uk

Recruitment – students and staff

Questions to ask

- ➔ Are all written materials provided in alternative formats (for example on disk) for those people who are unable to access print?
- ➔ Are they set in an easy to read design? (See print and image guidelines, to the left.)

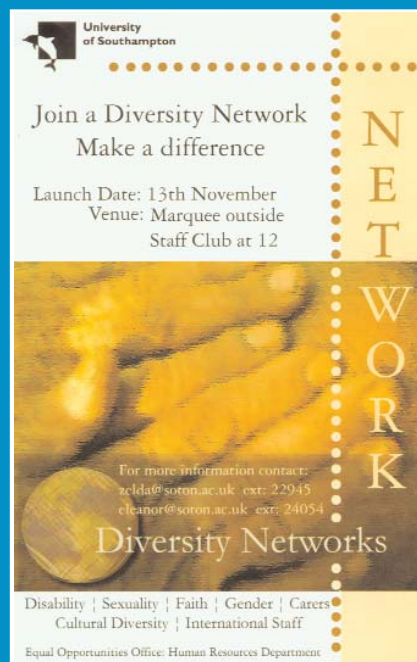
Case study

The University of Aberdeen has invited the local Job centre Plus Access to Work for disabled people, and the Grampian Racial Equality Council to develop links to the University of Aberdeen website to allow easy access to university job advertisements.

- ➔ Is the website accessible to those using assistive technology (e.g. screen reading software)? Does it comply with World Wide Web Consortium (W3C) guidelines?
- ➔ Do prospectuses/the website clarify that access arrangements are in place for particular courses or services? Do they make clear that additional adjustments can be made for individuals?
- ➔ Is there additional material for disabled people (e.g. detailing current access arrangements) and is this material user-friendly and available in alternative formats?
- ➔ Do marketing materials encourage disabled applicants to contact the institution to discuss their needs and how they might be met? Do these materials identify a named staff contact that disabled applicants can approach?
- ➔ Is there clear information about courses in accessible formats, which detail for example any field trips, and specific assessment methods that disabled applicants may need to know about?
- ➔ Are your logo and branding problematical for people with visual impairments? Consider agreeing certain alternatives that are more accessible.



Current disabled students and staff will wish you to be asking these questions too!



Courtesy of The University of Southampton

Format (continued)

Reaching diverse audiences

Expect the need to cater to diverse groups to increase. The positive duty to promote equality, already in force for race, will be extended to other areas. A positive duty to anticipate the needs of all disabled people is in draft legislation going through parliament as this toolkit goes to press.

You are unlikely to reach new audiences through the usual channels. Consult about the best ways to reach your desired audiences.

Case study

As part of their Bengali recruitment campaign in East London, City University's St Bartholomew School of Nursing and Midwifery placed ads in bus shelters, on Sunrise Asian Radio, and in Bangladeshi newspapers aimed at parents and other relatives who play an important part in the career development decisions of younger people.



Courtesy of the CRE

Open days

Institutional policy will bear on open days and exhibitions.

Does it suggest these items of good practice?

- ➔ Staff at open days (including staff and agents at overseas exhibitions) are well briefed on equal opportunities, the institution's accessibility facilities, and on how to communicate effectively with different groups of people.
- ➔ Prospective students from a wide range of backgrounds are invited to attend.
- ➔ The location of the open day is appropriate (e.g. the student union bar may put off Muslims), and accessible for disabled people.
- ➔ Invitations ask attendants to inform organisers of particular needs.
- ➔ Certain needs are anticipated (e.g. microphones are available, and interpreters are available on request).
- ➔ The date of the event avoids clashes with major religious festivals.
- ➔ The timing of the open day makes it easy for all potential students to attend (including those with caring responsibilities).
- ➔ The visuals and handouts are appropriate to the audience.
- ➔ Students from diverse backgrounds are invited to talk to applicants at open days and to mentor local school pupils.
- ➔ There is monitoring of who attends open days, and the results are fed into the organisation of future events.
- ➔ Campus tours follow wheelchair-accessible routes and additional tours are made available to meet individual needs.

Annex - Law and regulations context

The legislation (described briefly below) is reflected in and amplified by regulations and requirements of statutory bodies (such as regulations issued by the Quality Assurance Agency for Higher Education, and the funding bodies' Race Equality Schemes), government targets (such as Widening Participation), and in policies and action plans of individual institutions. The law therefore provides a minimum threshold; your institution's strategies will go beyond it and bear closely on your work.



This is not legal advice! This section cannot be read as the definitive guide to the legal implications of anti-discrimination legislation, but more as an indication of the relevant legal requirements.

Here we set out:

- ➔ The relevant laws and government requirements
- ➔ Positive action and positive discrimination
- ➔ Forms of unlawful discrimination

Equality legislation as it relates to HEIs

Equality laws apply in two ways: to employers and to providers of goods and services. Some parts of the legislation make particular reference to education providers and these are also listed below. Institutions must therefore establish non-discriminatory policies throughout and ensure that their services are promoted and provided to the full diversity of the population.

GENDER

Equal Pay Act 1970

This provides for equal pay for women and men for work of equal value unless the difference in pay is justified by objective factors that are not connected with any discrimination to the difference in sex. The Independent Review of Higher Education Pay and Conditions (1999), chaired by Sir Michael Bett, warned that universities and colleges were vulnerable to equal pay challenges from women, because of disparate pay and grading structures, and the lower representation of women in better-remunerated areas.

Sex Discrimination Act 1975

This Act outlaws discrimination in employment, provision of goods and services, education and housing on grounds of sex. Discrimination on grounds of marriage is prohibited in employment. The only grounds on which sex discrimination is permissible, is when there is a Genuine Occupational Qualification. In service delivery, there are exemptions for certain charities and for reasons concerned with women's physiology or longer life expectancy.

Gender Reassignment Regulations 1999

These Regulations amended the Sex Discrimination Act 1975, which thereafter provided that discrimination on the grounds of gender reassignment is unlawful.

Sex Discrimination – Indirect Discrimination and Burden of Proof Regulations 2001

This provided a new definition of indirect sex discrimination (see the definition of indirect discrimination below). Before, a *requirement or condition* needed to apply for a claim to arise. The new definition replaces

these elements with a *provision, criterion or practice*.

The *burden of proof* legislation places the responsibility on the employer to prove that there was no discrimination on the grounds of sex, so the complainant does not need to prove that there was such discrimination. The discriminatory action of an individual employee is also the responsibility of the employer.

RACE

Race Relations Act (RRA) 1976 and amendments

This Act outlaws discrimination on the basis of race, colour, and nationality or ethnic or national origins. The most important enhancement to this law is the **Race Relations (Amendment) Act 2000**, which places a positive duty on public authorities (which includes HEIs for the purposes of this Act) to have due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between people of different racial groups, which is set out in section 71(1) of the 1976 Act. This duty would

Annex (continued)

include positive action measures to address under-representation among staff or students, and monitoring the ethnic composition of the workforce and the student body.

Under the Race Relations Act 1976 (Statutory Duties) Order 2001 (2002 in Scotland) HEIs have specific duties as follows:

- ➔ To prepare and maintain a written statement of their race equality policy, and have arrangements in place for meeting their duties as soon as reasonably possible.
- ➔ To assess the impact of their policies on staff and students from different racial groups
- ➔ To monitor, by racial group, student admission and progress, along with staff recruitment and career progress
- ➔ To include in their respective race equality policies details regarding their arrangements for publishing their race equality policy, along with the results of monitoring and assessments.

The funding bodies have a statutory duty to ensure that the HEIs they fund are compliant with the Order's general and specific duties.

DISABILITY

Disability Discrimination Act 1995

Under this Act it is unlawful for employers to discriminate against current or potential workers who have a disability or who have had a disability in the past. Employers also have a duty under the Act to make reasonable adjustments to their practices and premises to accommodate a disabled person, to ensure that the disabled person is not placed at a substantial disadvantage in comparison with people who are not disabled. Both these duties operate unless the employer can show justification for such treatment.

New duties came into effect in September 2002 for education providers under Part IV of the DDA, as amended by the **Special Educational Needs and Disability Act (SENDA) 2001**. Schools, colleges, universities, providers of adult education and youth services must ensure that they do not

discriminate against disabled people. They must also make anticipatory reasonable adjustments to enable individual disabled students to study at their institutions where not making them would put these people at a substantial disadvantage. The duty to provide auxiliary aids and services as reasonable adjustments for disabled students came into force in September 2003. From September 2005, educational institutions will have to make adjustments to physical features of premises where these put disabled people or students at a substantial disadvantage.

The DDA (Amendment) Regulations 2003 that come into force in October 2004, extend the employment provisions of the DDA, and provide for the burden of proof in disability discrimination cases to be the same as for sex discrimination.

GENERAL

Human Rights Act 1998

This incorporates the European Convention on Human Rights into UK law. The Convention includes the right

to respect for private life; the right to freedom of thought, conscience and religion; the right to freedom of expression; and the right to freedom from discrimination in the enjoyment of the Convention's rights. Individuals can bring claims in domestic courts and tribunals under the Act against public authorities for breaches of Convention rights.

RELIGION AND BELIEF

Employment Equality (Religion or Belief) Regulations 2003

These regulations make it unlawful to discriminate on grounds of religion or belief and apply to all staff and students in HEIs.

SEXUAL ORIENTATION

Employment Equality (Sexual Orientation) Regulations 2003

These regulations make it unlawful to discriminate on grounds of sexual orientation, or perceived sexual orientation, and apply to all staff and students in HEIs.

Annex (continued)

Wales

Welsh Language Act 1993

Also pertinent to institutions providing services to people in Wales is the Welsh Language Act 1993, which places a duty on public authorities to produce a Welsh language scheme to ensure the survival of Welsh. They include measures such as bilingual advertising in English and Welsh and provision of courses for those who wish to learn Welsh. Providers of services are encouraged to make sure that the needs of Welsh speakers are adequately met.

Northern Ireland

Fair Employment and Treatment (Northern Ireland) Order 1998

This Act applies to institutions in Northern Ireland and aims to ensure equality of opportunity for both the Protestant and Catholic communities, and also includes many other areas of discrimination law. There are several duties placed on employers of more than 11 people, including the duty to monitor all applicants throughout the process of recruitment, selection,

retention and dismissal. Annual returns must be filed with the Equality Commission of Northern Ireland, which is authorised to take criminal proceedings against employers who do not comply with their legal duties.

FORTHCOMING LEGISLATION

Age Discrimination

Although there is currently no legislation on age, the EU Employment Framework Directive heralds regulations scheduled for 2006. Most universities and colleges' policies will include reference to age already. It is anticipated that the subsequent regulations will follow the ones on religion or belief and sexual orientation, but with due regard to differences in treatment that may be justified, in particular by legitimate employment policy, labour market and vocational training objectives.

Gender reassignment

Gender Recognition Bill

This Act empowers a Gender Recognition Panel to consider applications from a

transsexual person, and to grant legal recognition of the person's acquired gender. From this point, a transgender person fully assumes their new gender. Any references to their transgender status would constitute bullying and harassment. People in this situation are fully protected by the Sex Discrimination Act.

Disability Discrimination Bill

The main provisions of this Bill include an expansion of the definition of disability to include people who are HIV+, cancer and multiple sclerosis from the point of diagnosis. Further, there will be a positive duty on public authorities to eliminate discrimination and promote equality of opportunity.

GENERAL PRINCIPLES arising from the legislative/ regulatory provisions

'Positive action' vs 'positive discrimination'

The term **positive action** refers to a variety of measures designed to counteract the effects of past discrimination and to help eliminate

stereotyping. Under this broad definition, positive action may include initiatives such as the introduction of non-discriminatory selection procedures, training programmes, or policies aimed at preventing sexual harassment. So, it is lawful to encourage people from under-represented sections of the community into the recruitment pool, where they can then be considered on the basis of merit alone together with all existing applicants.

This kind of positive action can include special encouragement on advertisements, use of minority media, open days and taster courses. The race and sex discrimination laws provide for single-sex or single ethnic group training in order to address past disadvantage. For example, several institutions run men-only taster courses to encourage men into teaching. Participants on such positive action courses must not be guaranteed employment or places on further courses, as this may discriminate against others.

Annex (continued)

Positive action is distinct from **positive discrimination**, which generally means employing or treating more favourably someone because they come from a disadvantaged group, regardless of whether they have the relevant skills and qualifications. This remains unlawful in the UK (with a few exemptions). The use of aspirational **targets** in areas where imbalances can be addressed, encouraging different people to apply for specific jobs, and ensuring that unlawful discrimination does not occur for under-represented groups is lawful.

But **quotas**, that require a minimum level of people from particular groups to be trained or recruited and rely on positive discrimination, are unlawful.

The four forms of discrimination

- ➔ **Direct discrimination** occurs when a person is treated less favourably than someone else on the grounds of a personal factor such as sex, ethnic origin, religion, belief or sexual orientation. This includes treatment based upon stereotyping and segregation in the area of race. Such discrimination has no general defence, except for appropriate Genuine Occupational Qualifications under each of the areas.
- ➔ **Indirect discrimination** occurs when a provision, criterion or practice causes disproportionate disadvantage to one or more groups of people based on race, colour, nationality, ethnic origins or gender, unless it can be proven to be a proportionate means of achieving a legitimate aim.
- ➔ **Harassment** comprises unwelcome verbal or physical conduct based on sex, race, disability, religion, sexual orientation etc that diminishes a person's dignity.
- ➔ **Victimisation** is discrimination against someone because of his or her involvement in a discrimination complaint under the protected actions either as the complainant or as a witness, or as someone who has previously been accused, and found not guilty, of a harassment complaint.



For more information on web-based equality and diversity resources, and a description of the law as it applies to higher education, see www.ecu.ac.uk

More examples of good practice, and an updated glossary are on the toolkit pages on that site.

ALSO

To comment on this toolkit, and to submit to the website:

- ➔ relevant case studies
- ➔ images
- ➔ comments and additions to the glossary

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