

BISHOP GROSSETESTE UNIVERSITY

Document Administration

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BISHOP GROSSETESTE UNIVERSITY

SEXUAL ORIENTATION AND GENDER IDENTITY POLICY

1. Introduction

This policy is applicable to both staff and students and should be read in conjunction with all other relevant University employment and student policies and strategies.

2. Aims

BGU is committed to developing an environment that is inclusive, fair, open and welcoming of individuals from diverse groups. Diversity and equality are recognised, encouraged, promoted and valued at all levels of the University and in all its functions.

3. Sexual Orientation and Gender Identity Statement

BGU will not accept for anyone to discriminate, harass or victimise employees and students of the University on grounds of their actual or perceived sexual orientation or gender identity. Any such discrimination, harassment or victimisation carried out by a student or member of staff will be likely to result in disciplinary action under the appropriate disciplinary procedures. Equally, any harassment in respect of those with whom an individual is associated (e.g., inappropriate and/or offensive remarks about a friend or family member) will not be tolerated.

The University's Dignity Policy gives details of the kinds of behaviour which may be considered harassment. The University will ensure all appointments, opportunities, training, benefits and conditions of service apply equally to all staff, irrespective of their sexual orientation, or gender identity wherever it is possible to do so. The University will provide a supportive environment for staff or students who wish it to be known that they are lesbian, gay or bisexual. We recognise an individual's right to choose whether they wish to be open about their sexual orientation. To 'out' someone without their permission is a form of harassment and will be treated as such.

The University welcomes, and will provide appropriate support for, lesbian, gay, bisexual or transsexual staff and student groups.

No student or member of staff should be allowed to refuse to work with, or be taught by, or teach someone because of his or her actual or perceived sexual orientation or gender identity. The University recognises assumptions should not be made that partners of staff and students are of the opposite sex. If the opportunity for social gatherings is being extended to the partners of staff or students, care should be taken with the wording of invitations, posters etc. to ensure inclusivity.

Sexual harassment in the form of unwanted sexual advances or similar behaviour is unacceptable irrespective of the sexual orientation or gender identity of the victim or perpetrator.

The University recognises that rights to freedom of thought, conscience and religion are absolute. However, any manifestation of beliefs has to take account of the rights and reasonable sensitivities of others. Staff and students will have a range of views on same-sex relationships. This policy does not infringe anyone's rights to hold these views but does seek to prevent them being manifested in such a way that intimidates or humiliates, is hostile or degrading, or results in discrimination.

4. Breaches of the Policy - What to do

Students or members of staff who feel that they are being subjected to discrimination or harassment should not feel that it is their fault or that they have to tolerate it. It is better to take action or seek help so that the matter can be dealt with and resolved at an early stage. Advice is available from Human Resources (for staff) or Student Advice (for students).

When an individual identifies a concern with another's behaviour, this should wherever possible be dealt with informally. This may be sufficient to stop it. If the person alleging harassment does not feel able to talk to the alleged harasser, this does not constitute consent to the harassment, nor will it prejudice any formal complaint that is brought.

If it is not possible to speak to the person concerned, or if, having spoken, the behaviour continues, it is important to keep a note of the details of any relevant incidents causing distress, including dates and times and the names of any other people present. The individual should try to avoid being alone with the person who has caused the discrimination or harassment. If it is not possible to resolve the situation informally, the person alleging harassment should invoke the Grievance Procedure (for staff), or Procedures Relating to Student Disciplinary Offences. Any formal complaint of discrimination or harassment will be handled sensitively, in a timely and confidential manner with a view to ensuring, so far as practicable, minimal stress to those involved.

5. Sexual Orientation Defined

Legal definitions of sexual orientation are set out in section 12 of the Equality Act 2010. The Regulations seek to protect all individuals, whatever their sexual orientation.

Sexual orientation is defined as having a sexual attraction to:

- Persons of the same sex (lesbians and gay men)
- Persons of the opposite sex (heterosexuals)
- Persons of both sexes (bisexuals)

It is important to note that the Regulations also protect those who are perceived by others to be of a particular sexual orientation, whether or not they are.

What the legislation doesn't cover:

The Regulations do not protect people on account of their involvement in sexual practices, preferences or fetishes. For example sadomasochism, or paedophilia.

6. Gender Identity Defined

Transgender

A small number of people find the sex they are assigned at birth does not match their gender identity, i.e. their internal sense of where they exist in relation to being female or male. Different terms are used to describe the range of people whose gender identity is different from their birth label. The most common umbrella term is transgender people or trans people.

Transsexual

A transsexual is an individual who feels a consistent and overwhelming desire towards transition and fulfilling their life as a member of the opposite gender. Most transsexual people wish to complete gender re-assignment. However, it is important to note that not all transsexual people are able to go through surgery for medical reasons.

Gender Reassignment

Gender reassignment is the process of transition that a person goes through when they change from being the gender they were assigned at birth – either male or female – to living permanently and completely in the gender with which they identify.

Intersex people

One in 4,000 people are born with both male and female organs. Normally the decision on gender is taken at birth but often gender re-assignment takes place in adulthood. An intersex person may be heterosexual, homosexual, lesbian or bisexual.

What the legislation does not cover:

Cross-dressers who are not transsexual because they do not intend to live permanently in the gender opposite to their birth sex are not protected by the Act. However, they will be protected from direct discrimination and harassment if this is experienced because someone thinks that they are transsexual, even if that is not the case.

7. Action Plans

Our Single Equality Action Plan is used to identify, monitor and review actions related to BGU's:

- Race Equality Policy
- Disability Equality Scheme
- Sexual Orientation and Gender Identity Policy
- Sex Equality Scheme
- Religion and Belief Policy



An annual Diversity and Equality Report is considered by the University's Senior Management Group, Senate and University Council.

8. Responsibilities

All students and employees have a duty to co-operate with the University to ensure this policy is effective in ensuring equal opportunities for all and to prevent all forms of direct and indirect discrimination, harassment or victimisation.

Failure of individuals to comply with the Sexual Orientation and Gender Identity Policy will be treated as a disciplinary offence.

Serious breaches of the Sexual Orientation and Gender Identity Policy will be treated as gross misconduct and could render students and employees liable to exclusion and dismissal respectively.

Individuals can be held personally liable as well as, or instead of, the University for any act of unlawful discrimination.

Individuals who commit acts of discrimination in the areas of sexual orientation and/or gender identity may be guilty of a criminal offence.

9. Equality Impact Assessment

As of January 2013 the University is in the process of updating and revising its Equality Impact Policy and procedures. Further information will be inserted here once this has been agreed.

10. Monitoring, Review and Feedback

Following consultation with staff and students to ensure that the proposed data collection is sensitively and appropriately handled, the University will collect data for the first time in 2013 which will invite staff and students to identify themselves in relation to sexual orientation and gender identity. This will support the Diversity and Equality Committee in its responsibility to monitor.

If you believe there is action that the University needs to take in order to address discrimination on grounds of sexual orientation, or gender identity, or if you would like to speak to someone confidentially, please contact the following people who will be happy to discuss your concerns and ideas with you:

Staff members: Director of Human Resources
Students: Head of Student Advice



11. Further Information

www.ecu.ac.uk - Equality Challenge Unit

www.equalityhumanrights.com - EHRC

www.bis.gov.uk - Dept. for Business, Innovation and Skills.