



**TITLE: *EQUALITY POLICY***

<b>Effective Date</b>	21 April 2021	<b>Version</b>	2
			The policy was revised to include links to websites and other policy documents, an update to content, reference to the College's Equality Action Plan and the addition of Appendix 1.
<b>Approved By</b>	Management Board	<b>Date Approved</b>	21 April 2021
		<b>Review Date</b>	21 April 2026 <i>or as required</i>
<b>Superseded or Obsolete Policy / Procedure(s)</b>		<b>Owner</b>	
1 – <i>Equality Policy</i> (17 January 2018)		President's Office	
Initial Issue			

**1. Purpose of Policy**

This policy is an expression of Carlow College, St. Patrick's (hereafter Carlow College) commitment to welcoming and respecting diversity amongst its learners, staff and visitors.

Carlow College recognises and values difference, in those we educate, employ and represent. Equality, diversity and inclusion impacts everything that we do and our policies. The College strives to create a culture of inclusion, mutual respect and equal opportunities, both within the College community and also in its involvement with external stakeholders. The College is proactive in its approach to equality, diversity and inclusion (please see the Carlow College [website](#) for further information).

Carlow College recognises the particular contributions to the achievement of its educational purposes that can be made by individuals from a wide range of backgrounds and experiences. It seeks to attract and retain the best talent to the College; to ensure that all staff and learners contribute their best to the ethos and culture of the College; to attract a diverse range of learners to enrich and diversify the College's learning environment; to comply with the legal requirements to prevent discrimination and promote equality; and to build awareness and understanding of the benefits of promoting equality and diversity in the wider community as

part of the College's mission with regard to social justice. The College reaffirms its commitment to gender and equality in higher education through its membership of Advance HE and adherence to the Athena SWAN Charter and Principles. The Athena SWAN Charter is a framework which is used across the globe to support and transform gender equality within higher education and research. The College is also represented on the Higher Education Authority (HEA) National Committee for Equality and Diversity.

The overall purpose of this policy is to promote equality of opportunity for staff and learners by ensuring that all academic, employment and other practices operate on the basis of the appropriate merits, qualifications, abilities, skills, knowledge and attitude required to perform the job effectively and efficiently, to the standards required both in the present and future.

In order to realise its commitment to equality, inclusion and diversity, the College will:

- promote the aims of this policy;
- be proactive in encouraging equality of opportunity and respect for diversity;
- be proactive in eliminating discrimination, including harassment and bullying, for example through training and the production and dissemination of codes of practice and guidance<sup>1</sup>;
- have regard to its obligations under relevant legislation, and for its policies, codes of practice and guidance to mirror the same and be changed to meet the demands of new legislation;
- make this policy, as well as all codes of practice and guidance available to all staff and learners;
- involve all staff and learners in the development, review and monitoring of our equality, diversity and inclusion initiatives and action plans and keep all informed of the practical results of this commitment;
- reflect where appropriate, within college reports our commitment to non-discrimination and diversity, including details of the measures and initiatives implemented, our internal procedures, the results achieved and plans to build on our progress; and
- review regularly the terms of this policy and all associated codes of practice and guidance.

### *1.1 Legislation and Policies that support Equality*

This policy is guided by equality legislation (please see footnote 2 below)<sup>2</sup>, and follows the guidelines of the Irish Human Rights and Equality Commission and the *Charter of*

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<sup>1</sup> For further information, please see the *Dignity and Respect Policy*.

<sup>2</sup> [Employment Equality Act, 1998](#); [Equality Act 2004](#); [Civil Law \(Miscellaneous Provisions\) Act 2011](#); [Equality \(Miscellaneous Provisions\) Act 2015](#); [Pensions Act, 1990](#); [Social Welfare \(Miscellaneous Provisions\) Act, 2004](#)

#### **Statutory Instruments:**

[SI 208 of 2012 - Employment Equality Act 1998 \(Code of Practice\) \(Harassment\) Order 2012](#)

[SI 321 of 1999 - Employment Equality Act, 1998 \(Section 76 - Right To Information\) Regulations, 1999](#)

*Fundamental Rights of the European Union* (2000), as well as consulting best practice at other higher education institutions, both nationally and internationally.

In relation to Carlow College, it is supported by our policies and procedures relating to:

- *Dignity and Respect Policy and Handbook*
- *Learner Admission, Progression and Recognition Policy*
- *Code of Conduct Policies for both staff and learners*
- *Learner Disability Policy*

## **2. Definitions**

The *Employment Equality Acts 1998 – 2015* make discrimination illegal in a wide range of employment and employment-related areas. These include recruitment, selection, and promotion; determination of pay; terms/conditions; training and development; appraisal and dismissal. The legislation defines discrimination as treating a person in a less favourable way than another person is, has been, or would be treated, in a comparable situation based on any of the following nine grounds as specified in the scope of the legislation:

- *Gender*: this means man, woman or transgendered;
- *Civil status*: includes being single, married, separated, divorced, widowed people, civil partners, or partners;
- *Family status*: this refers to the parent of a person under 18 years, or the resident primary carer or parent of a person with a disability;
- *Sexual orientation*: includes gay, lesbian, bisexual and heterosexual persons;
- *Religion*: means religious belief, background, outlook, or none;
- *Age*: all ages above the maximum age at which a person is statutorily obliged to attend school (16 years of age). There is no upper age limit.
- *Disability*: incorporating an impairment of a person's bodily or mental functions, or a condition, illness or disease causing, or likely to cause, chronic illness, or affecting a person's thought processes, perceptions, emotions or judgement, and including a disability that exists, previously existed but no longer exists, may exist in the future or which is imputed to a person
- *Race*: includes race, skin colour, nationality or ethnic origin. In relation to nationality, nothing in the relevant legislation shall render unlawful any action taken in accordance with the *Employment Permits Act 2003 and 2006*.
- *Membership of the Traveller community*: 'Travellers are a distinct ethnic minority, particular to Ireland, a characteristic feature of which is their preference for a nomadic way of life. Travellers share a common culture defined by its own distinctive linguistic, ritual, and religious components.'

*Direct discrimination* is taken to occur where a person is treated less favourably than another person is, has been or would be treated, in a comparable situation, on any of the nine grounds specified due to a fact or circumstance which:

- exists,

- existed but no longer exists,
- may exist in the future,
- or is imputed to the person concerned.

Discrimination also occurs where a person is, has been or would be, treated less favourably than another, in a comparable situation, due to an association with another person, on any of the grounds listed in the scope of the legislation.

*Indirect Discrimination* occurs where an employer sets down an apparently neutral provision which operates to the disadvantage of one of the nine categories. It occurs when the provision cannot be objectively justified by a legitimate, reasonable aim and the means of achieving the aim are not appropriate and necessary.

Discrimination at work is covered by the **Employment Equality Acts**.

Discrimination outside the workplace is covered by the **Equal Status Acts**.

### **3. Scope of Policy**

With regard to staff, this policy applies to (but is not limited to) the advertising of jobs and recruitment and selection, to training and development, to opportunities for promotion, to conditions of employment, benefits, facilities and pay/remuneration, to health and safety, to conduct at work, to grievance and disciplinary procedures and to termination of employment. In relation to staff, the policy and practice of Carlow College requires that all staff are afforded equal opportunities within employment and that entry into employment with the college and that progression within employment will be determined only by personal merit and the application of criteria which are related to the duties of each particular post. In all cases, ability to perform the job is the primary consideration.

In relation to learners, Carlow College aims to provide education of excellent quality to all its learners, whatever their background or life experience. In pursuit of this aim, the college is committed to using its best endeavours to ensure that all of its activities are governed by principles of equality of opportunity, and that all learners are assisted to achieve their full academic potential. In the admissions procedure, candidates will not be discriminated against by school type or home background. With regard to learners, this policy applies to not only recruitment and admission, but also to teaching, learning and assessment, to welfare, disciplinary and support services, to other facilities, to health and safety, to personal conduct, and to learner complaints and disciplinary procedures, to learner progress, including retention and withdrawal.

#### *3.1 All staff and learners*

This policy applies to all members of the college: learners and staff, permanent and temporary; to job applicants, learner applicants, current learners, associate members, and to visitors to the College.

These members of the college have a duty to act in accordance with this policy, and therefore to treat colleagues with dignity at all times and not to discriminate against or harass other learners or members of staff.

The College expects all its staff and learners to take personal responsibility for familiarising themselves with this policy and to conduct themselves in an appropriate manner at all times, and to respect equality of opportunity for all staff, learners, applicants and visitors. The College

regards any breach of this policy by any employee(s) or learner(s) as a serious matter to be dealt with through the College Disciplinary procedures and which may result in disciplinary action and summary dismissal.

This policy is supported by Carlow College policies and procedures for staff and learners. It applies to both direct and indirect discrimination.

### *3.2 Breaches of the Equality Policy*

Carlow College takes seriously any breach of this policy and discrimination will not be tolerated by the organisation. Breaches of this policy will be regarded as misconduct and may be subject to disciplinary action under the disciplinary procedure up to and including suspension, dismissal or expulsion, depending on the gravity of the breach.

The college encourages any prospective or current learner or member of staff who has a complaint concerning a breach of this policy to bring such a complaint to the College through its Grievance Procedures (there are separate Grievance Procedures for both staff and learners).

Employees will not be penalised, treated less favourably or be subject to adverse treatment because of pursuing rights by taking action, supporting action, or giving notice of intention to take or support action under equality legislation.

## **4. Policy Statement**

The College aims to provide an inclusive environment that values diversity and which maintains a working, learning and social environment where the rights and dignity of all its staff and learners are respected in order to assist them in reaching their full potential.

Carlow College is an equal opportunities employer, which is committed to providing equality and opportunity to all. The College is dedicated to promoting fairness, following good practice recommendations and codes of best practice, thus ensuring fair opportunities for internal promotions and across all other roles.

Carlow College will endeavour to remove barriers which might deter people from applying to the College, either as learners or staff. No prospective or actual learner, or member of staff will be treated less favourably than any other in a similar situation during their study or employment at Carlow College on one or more of the following grounds: age; disability; race; religion; civil status; family status; gender; sexual orientation; membership of the Traveller community.

The College upholds the principle of equality by promoting the continued development of academic, employment and other policies, procedures, guidelines and practices which do not discriminate unfairly on the above grounds of equality.

### *4.1 Contact and Queries*

All matters raised will be dealt with under the College's *Grievance Policy* and *Dignity and Respect Policy*. Any staff member or learner who wishes to raise issues concerning alleged discrimination should do so, in the first instance by contacting:

- Staff: relevant Line Manager, Human Resources and Union Shop Steward(s)
- Learner: relevant Academic Advisor, Programme Director

Carlow College also has trained staff members as part of the *Dignity and Respect Policy* that can act as an important first point of contact.

## **5. Roles and Responsibilities**

### *5.1 Board of Governors and its committees*

It is the responsibility of the Carlow College Governing Body and its committees to provide mechanisms through which the College's objectives for equality, diversity, inclusion and equal opportunities can be delivered.

### *5.2 Implementation of Policy*

The President, Vice-President for Academic Affairs/Registrar, Assistant Registrars, Programme Directors, Academic Advisors, Human Resource Manager, Line Managers and Director of Operations are required to provide leadership in all matters relating to Equality and to oversee the development of the College's *Equality Policy* frameworks and their application in the College.

It is indicative of Carlow College's commitment to Equality that Senior Management is responsible for implementing this policy. Line Managers and others in positions of authority should seek to ensure that employees do not experience discrimination, that diversity is accommodated and that equality is promoted.

### *5.3 The Management Board*

The Management Board, which is chaired by the President, has the responsibility for considering all existing and emerging equality legislation with a view to identifying relevant issues, which are then translated into key college policies for recommendation to and approval by the Board of Governors.

The Management Board provides an annual Equality Report. This report is submitted to the Governing Body for its information. Through its membership of Advance HE and its participation in the Athena SWAN process, the College compiles and prepares an analysis of data with regard to equality, which in turn informs the College's Equality Action Plan.

### *5.4 Objectives*

Carlow College aims to:

- Promote diversity in college publications (e.g. its website, prospectus and programme handbooks);
- The President / Board of Management will present an equality statement on the website for the College with input from Programme Directors;
- Promote Carlow College as a diverse environment in public discourse;
- Promote good relations between different groups at Carlow College;
- Promote awareness of equality and diversity policies among staff and learners;
- Monitor learner progress, recruitment and provision of services by equality criteria;
- Consult members of the College regarding all equality policies;
- Initiate the training of staff on equality issues;
- Participate in Irish diversity initiatives, and other networks, including EU networks to build awareness of and share best practice with regard to the benefits of diversity.

## **6. Associated Documents**

- Appendix 1: Supports Available to Learners and Staff

## **7. Referenced Policies**

- *Dignity and Respect Policy* and Handbook
- *Learner Admission, Progression and Recognition Policy*
- *Disciplinary Policy (Staff)*
- *Grievance Policy (Staff)*
- *Learner Code of Conduct and Disciplinary Policy*
- *Learner Disability Policy*

## **8. Monitoring and Review**

The Management Board monitors actions biannually and drafts a report annually to the Board of Governors. The *Equality Policy* will be formally reviewed every five years, unless there are legislative changes and / or requirements to revise the policy.

## Appendix 1: Supports Available to Learners and Staff



### SUPPORTS AVAILABLE TO LEARNERS AND STAFF

#### Contacts

The following College supports are available to staff and learners:

#### Employee Assistance Programme

There is an Employee Assistance Programme available for staff. For further information please phone 1800-995-955, Email: [eap@vhics.ie](mailto:eap@vhics.ie) or visit the Website: [www.livewell.optum.com](http://www.livewell.optum.com) (Username: Vhicarlowcollege).

#### Chaplaincy

Chaplaincy services offer pastoral and spiritual guidance and this is available to staff. For further information, please email: [chaplaincy@carlowcollege.ie](mailto:chaplaincy@carlowcollege.ie).

#### Counsellors

There is a counselling service available for students. For further information, please email: [counsellor@carlowcollege.ie](mailto:counsellor@carlowcollege.ie)

#### Learner Information and Retention Officer (LIRO)

Students can contact the LIRO from Monday to Thursday to assist with Dignity and Respect queries. For further information please email: [liro@carlowcollege.ie](mailto:liro@carlowcollege.ie)

#### Contact Persons

Staff may also refer to a contact person and details of our contact persons can be obtained in our [Dignity and Respect Handbook](#).

#### Nurse

There is a nursing service available in the College (Monday – Thursday) during the academic year. For further information, please email: [nurse@carlowcollege.ie](mailto:nurse@carlowcollege.ie).