

Policy Identifier: Equality

Policy Title:	Equality Policy
Description:	Purpose is to ensure that an equality policy can be accessed by both staff members and students alike.
Author (Position):	Vice President (Academic Affairs) and Registrar
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Equality Policy

1. Context

Marino Institute of Education (MIE) recognises the importance of promoting equality in all aspects of its activity: education, employment and provision of services. MIE is committed to ensuring that this policy meets standards that reflect good practice in higher education.

2. Purpose

Purpose is to ensure that an equality policy can be accessed by both staff members and students alike.

3. Benefits

- 3.1 MIE is committed to non-discrimination for students, staff and service users in relation to all of the nine grounds specified in equality legislation.
- 3.2 MIE will seek to identify any barriers to full participation in university life as a student, staff member or service user, and take action to redress these as appropriate.

4. Principles

- 4.1 The principle of equality is enshrined in many international and EU treaties and declarations. The [Universal Declaration of Human Rights](#) sees equality as a fundamental principle in terms of a person's human rights – 'All human beings are born free and equal in dignity and rights', Art. 1.
- 4.2 The [Disability Act, 2005](#) places significant obligations on public bodies in terms of providing integrated access to services and information to people with disabilities¹, as well as promoting the employment of people with disabilities².

5. Definitions

Please note that these definitions are guidelines only and should not be taken as legal advice.

- 5.1. Discrimination is prohibited and has a specific meaning in the [Employment Equality Act, 1998](#) and [Equal Status Acts, 2000 \(as amended\)](#). Discrimination can be direct, indirect, by association or imputation.

¹ See [Code of Practice for Students with Disabilities](#)

² See [Employment of People with Disabilities](#)

- i. Direct discrimination – Direct discrimination is defined as the treatment of a person in a less favourable way than another person is, has been or would be treated in a comparable situation on any of the nine equality grounds.
- ii. Indirect discrimination – Indirect discrimination happens when there is less favourable treatment in effect or by impact. It happens when people are, for example, refused employment or training not explicitly on account of a discriminatory reason but because of a provision, practice or requirement which they find hard to satisfy. If the provision, practice or requirement puts people who belong to one of the grounds covered by the acts at a particular disadvantage, then the employer will have indirectly discriminated, unless the provision is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.
- iii. Discrimination by association - Discrimination by association happens where a person associated with another person (belonging to the nine equality grounds) is treated less favourably because of that association.
- iv. Discrimination by imputation - Discrimination by imputation occurs when a person is discriminated against on the basis of any of the nine equality grounds which is imputed to them (i.e. they are thought to fit into that ground).

5.2. Equality Grounds

Please note that these definitions are guidelines only and should not be taken as legal advice.

- i. Gender: a person's identity as a man, woman or non-binary gender identity
Discrimination relating to a person being transgender or having intersex status is covered by this ground.
- ii. Civil status: single, married, separated, divorced, widowed, civil partner, former civil partner.
- iii. Family status: pregnant, a parent of a person under 18 years, or the resident primary carer or parent of a person with a disability.
- iv. Age: this applies only to people over 16.
- v. Race and ethnicity: a particular race, skin colour, nationality or ethnic origin.
- vi. Disability: this is broadly defined to include people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions.

- vii. Sexual orientation: a person's preference in sexual partners, which may include but is not limited to such categories as gay, lesbian, bisexual, heterosexual or asexual.
- viii. Membership of the Traveller Community: people who are commonly called Travellers, who are identified both by Travellers and others as people with a shared history, culture and traditions, identified historically as a nomadic way of life on the island of Ireland.

5.3. Harassment

Harassment, in the [Equality Act, 2004](#), is any form of unwanted conduct related to any of the nine discriminatory grounds that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person³.

- i. Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature. In the cases, the unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. The emphasis is on the effect of the unwanted conduct on the recipient, not on the intention of the perpetrator.
- ii. There are other forms of bullying and harassment which are not included in the Acts but which are covered by other legislation such as the [Unfair Dismissals Act, 1977-2005](#), the [Safety, Health and Welfare at Work Act, 2005](#), Civil Law and Criminal Law.

5.4. Positive Action: The [Equality Act, 2004](#) allow for preferential treatment or the taking of positive measures which are bona fides intended to:

- i. Promote equality of opportunity
- ii. Cater for the special needs of persons, or a category of persons who, because of their circumstances, may require facilities, arrangements, services or assistance.
- iii. The [Equality Act, 2004](#) does not allow for positive discrimination except in certain specified circumstances.

5.5. Prejudice

Prejudice is a negative judgment, conviction or opinion formed beforehand or without

³ See [Dignity and Respect Policy](#)

knowledge or examination of the facts. It may be directed towards a group or an individual of that group.

5.6. Reasonable Accommodation of People with Disabilities⁴:

- i. In service provision ([Equal Status Acts, 2000 \(as amended\)](#))
 - a. A person selling goods or providing services, a person providing accommodation, educational institutions and clubs must do all that is reasonable to accommodate the needs of a person with a disability.
 - b. This involves providing special treatment or facilities in circumstances where, without these, it would be impossible or unduly difficult to avail of the goods, services, accommodation etc.
 - c. However, Higher Education Institutions are not obliged to provide special facilities or treatment when this costs more than what is called a nominal cost. What amounts to nominal cost will depend on the circumstances such as the size and resources of the body involved.
- ii. In employment ([Employment Equality Act, 1998](#))

Nothing in the Act requires an employer to recruit or promote a person who is not fully competent and fully available and capable of undertaking the duties attached to the position. For the purposes of the Act, a person who has a disability is considered fully competent and capable on reasonable accommodation (referred to as appropriate measures) being provided by the person's employer⁵.
- iii. An employer is obliged to take appropriate measures to enable a person who has a disability:
 - a. To have access to employment
 - b. To participate or advance in employment
 - c. To undertake training unless the measures would impose a disproportionate burden on the employer.
- iv. Appropriate measures are practical measures to adapt the institution including:
 - a. The adaptation of premises and equipment

⁴ See [Code of Practice for Students with Disabilities](#)

⁵ See [Code of Practice for Students with Disabilities](#)

- b. Patterns of working time
- c. Distribution of tasks or
- d. The provision of training or integration resources.

The employer is not obliged to provide any treatment, facility or thing that the person might ordinarily or reasonably provide for himself or herself. In determining whether the measures would impose a disproportionate burden, account is taken of the financial and other costs entailed, the scale and financial resources of the employer's business, and the possibility of obtaining public funding or other assistance

5.7. Stereotyping

Stereotyping is when characteristics conventionally associated with a particular group are applied to the individuals perceived to be of that group. Stereotypes are generalisations; they may be ill-informed, and they can be either positive or negative.

5.8. Vicarious liability

Employers are liable for discriminatory acts of an employee in the course of his or her employment, unless they can prove that they took reasonably practicable steps to prevent the conduct⁶.

6. Policy

6.1 Reasonable Accommodation of People with Disabilities

MIE seeks to ensure that students, staff and service users with a disability have as complete and equitable an access to all services and facets of the Institute's life as can reasonably be provided⁷. MIE is committed to a programme of improving the physical access of facilities and to providing accessible information⁸.

MIE seeks to create an environment where students, staff and service users with disabilities can discuss what their needs are with all of the Institute's areas⁹. Such areas will seek to make reasonable accommodations for those needs that are disclosed to them⁷. Students/incoming students may register with the [Disability](#)

⁶ See [Dignity and Respect Policy](#)

⁷ See [Code of Practice for Students with Disabilities](#)

⁸ See [Accessible Information Policy](#)

⁹ See [Consent to Disclose and Share Disability Information](#)

[Service](#) and staff/prospective staff may contact the Human Resources department in order to discuss their needs and to access relevant supports.

6.2 Equality in Service Provision (students, staff and service users)

i. Students

The provisions of the Equality Policy apply to registered students of MIE as well as to applicants to study at the Institute. MIE will ensure equality of access and opportunity for students and will ensure its admissions process, assessment, administration and other procedures do not discriminate directly or indirectly against any student in relation to any of the nine equality grounds¹⁰. This applies to extra-curricular as well as to academic elements of MIE life. Student societies are expected to implement this policy throughout their activities.

ii. Widening participation

MIE facilitates access to its programmes by students from under-represented groups through its outreach activities, its foundation courses and its alternative admissions routes¹¹. MIE works towards the national objectives for widening access to higher education.

The primary office for this is MIE's [Access Programmes](#).

Accommodating diversity: MIE services will seek to provide high-quality services in an inclusive, accessible and flexible manner to the diversity of the student, staff and service user population.

Equality: MIE will seek to accommodate the diversity of students, staff and service users from across the nine equality grounds and other under-represented groups by:

- a. Actively identifying and addressing student, staff and service user needs across the nine grounds and from other under-represented groups. Various data, feedback and consultation methods will be used for this purpose.
- b. Providing reasonable accommodation for students, staff and service users with disabilities and providing integrated access to services where

¹⁰ See [Admission, Access and Transfer Policy](#) and [Academic Assessment and Academic Progression](#)

¹¹ See [MIE Access Routes](#)

practicable.

- c. Exploring barriers to participation for students, staff and service users.
- d. Taking positive action measures to promote equality of opportunity for disadvantaged persons where necessary.
- e. Ensuring flexibility in the operation of systems and services.
- f. Embedding inclusiveness within all activities and academic practices.

7. Related Documents

- 7.1. [Dignity and Respect Policy](#)
- 7.2. [Code of Practice for Students with Disabilities](#)
- 7.3. [Accessible Information Policy](#)
- 7.4. [Consent to Disclose and Share Disability Information](#)
- 7.5. [Admission, Access and Transfer Policy](#)
- 7.6. [Academic Assessment and Academic Progression](#)
- 7.7. [Employment of People with Disabilities](#)