



**Code:** QA152  
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## 1.0 Introduction

NUI Galway is committed to equality of opportunity for all staff and students irrespective of gender, civil status, family status, sexual orientation, religious belief, age, disability, nationality or ethnic or national origin, or membership of the Traveller community.

## 2.0 Policy Statement

NUI Galway is committed to the development, maintenance and support of a policy of equal opportunity for staff, students and prospective staff and students. The University has and will continue to develop policies, procedures and practices that comply with the Universities Act 1997 (as amended), the Employment Equality Acts 1998 to 2015, the Equal Status Acts 2000 to 2015, the Disability Act 2005, and the Irish Human Rights and Equality Commission Act 2014 amongst others. NUI Galway is committed to the eradication of unfair and discriminatory practices, direct and indirect, however and whenever they occur, and strives to ensure that concepts of diversity and equality of opportunity are enshrined in its values and objectives.

## 3.0 Aims and Scope

This policy document and associated procedure applies to staff members, registered students and course applicants, and to the University's interactions with the wider community.

In respect of staff, the aim of this policy is to promote equality of opportunity in relation to all areas of employment practice including recruitment and selection, training and development, progression and promotion, pay and employment conditions irrespective of gender, civil status, family status, sexual orientation, religious belief, age, disability, nationality or ethnic or national origin, or membership of the Traveller community.

In respect of registered students the aim of this policy is to promote equality of opportunity in relation to the provision of all services including teaching and supervision, assessment, progression, award and support services conditions irrespective of gender, civil status, family status, sexual orientation, religious belief, age, disability, nationality or ethnic or national origin, or membership of the Traveller community.

In respect of course applicants the aim of this policy is to promote equality of opportunity in relation to all decisions in respect of the admission of students.

More specific information is set out regarding staff at **Section 5** and students at **Section 6**. Information regarding interaction with the wider community is set out at **Section 7**.

#### 4.0 Responsibility and Implementation

The Governing Authority via the Equality, Diversity & Inclusion Committee (EDIC) has overall responsibility for the approval of this policy and ensuring that the University's goal of equal opportunities for staff and students is achieved.

The Equality, Diversity & Inclusion Campus Committee (EDICC), which reports to the EDIC is responsible for formulating, monitoring, evaluating and reviewing the University's Equal Opportunities policy.

The Vice President for Equality and Diversity has particular responsibility for the development and implementation of equality on campus.

The Office of the Vice President for Equality and Diversity (OVPED) is responsible for coordinating the operation of this policy for staff and the development, maintenance and monitoring of support procedures. Heads of Schools/Units are responsible for implementing this Equal Opportunities policy in relation to the staff and students of their School/Unit.

| <b>Name</b>                                 | <b>Responsibility</b>                                  |
|---|--|
| VP for Equality and Diversity               | Policy Owner   |
| EDICC                                       | Review & monitor policy in conjunction with the OVPED  |
| Office of the VP for Equality and Diversity | Policy coordination and operation                      |
| Head of School/Unit                         | Policy implementation in relation to their School/Unit |

Implementing equal opportunities for staff and students is a continual process that needs to be kept under constant review. The process involves devising policy, establishing procedures, describing good practice within the University and setting goals to ensure that the momentum of implementation is maintained.

The University will consult with staff and trade unions representing staff, and the Students' Union representing students, where appropriate and practical, on issues relating to equal opportunities policies and procedures.

The University seeks to ensure that, in so far as is reasonably practical, staff, students and applicants for employment or courses are informed of this policy and, as appropriate, any associated procedures and schemes. A copy of this policy will be included in the Human Resources Policies and Procedures repository and attention drawn to it at induction courses for new staff and students.

The University seeks to provide appropriate equality & diversity training for all staff and members of committees. The focus of training and development programmes is aimed at Heads of Schools/Units, senior staff, line managers and supervisors who have a particular responsibility for implementing this equality policy.

The Office of the Vice President for Equality and Diversity will evaluate the progress of this policy including, inter alia, reviewing statistical data on applicants for posts in the university, progression, promotions, access to training and career development.

The Equality, Diversity and Inclusion Campus Committee (EDICC), in association with the Head of Equal Opportunities, will carry out a review of this policy every three years. The EDICC shall advise the Equality, Diversity and Inclusion Committee (EDIC) of recommended revisions, in line with best practice and the legal provisions. Relevant changes in legislation will be reflected in this policy as they occur.

## **5.0 Equality in the Workplace**

The University ensures that, through its recruitment and selection procedures, it provides equality of opportunities for employment so that the workforce reflects the diversity of the community it serves. The University is committed to the achievement of equality of opportunity for all staff in all aspects of their employment including remuneration, career development, training and promotion. The University monitors and reviews employment policies and practices to ensure that they do not, directly or indirectly, discriminate unfairly against individual members of staff or groups of staff.

### **5.1 Policies and Procedures**

NUI Galway is committed to a policy of equality of opportunity in its employment practices and the following are specifically designed policies and procedures that foster this commitment:

#### **(a) Recruitment and Selection**

The NUI Galway policies and procedures pertaining to recruitment and selection aim to ensure that the best candidate for the job will be selected. Commitment to this principle of appointment on merit will assist the continuing development of the University and support equality of opportunity, in accordance with all relevant legislation.

Gender composition of all selection boards will be monitored by the Human Resources Office, and must be comprised of a minimum of 40% women and 40% men. All members of selection boards will complete unconscious bias training. The NUI Galway "[Recruitment Policy](#)" should be read in conjunction with this policy.

#### **(b) Harassment and Sexual Harassment**

The University believes that every staff member is entitled to work in an environment free from harassment and sexual harassment, and every student is entitled to study in an environment free from harassment and sexual harassment.

The NUI Galway "[Harassment and Sexual Harassment Policy](#)" ([QA132](#)) for staff should be read in conjunction with this policy.

#### **(c) Anti-Bullying**

The University encourages the promotion of a working, learning and social environment where all staff work positively and harmoniously together. The University believes that the work environment should give all employees the freedom to do their work without having to suffer bullying or intimidation from any member of staff, colleague or group of colleagues, student or

group of students.

The NUI Galway [“Staff Anti-Bullying Policy” \(QA115\)](#) should be read in conjunction with this policy.

#### **(d) Discrimination**

Any staff member who believes that they have been discriminated against on the grounds of age, nationality or ethnic origin, gender, civil status, family status, disability, religious belief, sexual orientation or membership of the Traveller community has the right to file a complaint regarding the alleged discrimination. The Equal Opportunities Grievance Procedure (*Appendix 1*) sets out the relevant complaints procedure.

#### **(e) Related Leave**

NUI Galway provides a suite of initiatives and leave policies to support work-life balance including career breaks, part-time working, parental leave and special unpaid leave under the Shorter Working Year scheme. These policies, amongst others, are available on the [Human Resources website](#).

### **5.2 Staff Training and Development**

The University is committed to equality of opportunity in relation to access to higher and further education and training programmes. This is provided to all staff primarily through the Human Resources Office, the Staff Training and Development Unit, CELT, Office of the VP for Equality & Diversity, and academic programmes which are available within the University.

## **6.0 Equality in Student Life**

NUI Galway recognises and implements the philosophy that equality of treatment in the educational environment is a fundamental right. Accordingly, NUI Galway pledges to use its best endeavours to devise and implement procedures which will ensure that no student or potential student will receive less favourable treatment than any other because of age (subject to University regulations in regard to matriculation and minimum age of entry), race, gender, civil status, family status, disability, religious belief, sexual orientation, or membership of the Traveller community. NUI Galway strives to provide appropriate facilities and services to enable all students to participate fully as students of the University. The provisions in this policy are without prejudice to the right of the University to adopt positive measures to promote equality of opportunity with respect to students as it deems appropriate.

### **6.1 Policies and Procedures**

NUI Galway is committed to a policy of equality of opportunity and the following are specifically designed policies and procedures that foster this commitment:

#### **(a) Selection of Students for Courses**

Selection for all courses and programmes will be on genuine course-related criteria. Where interviews occur, interview boards will reflect the University’s policy on gender balance, i.e. a minimum of 40% women and 40% men. Interviews will be conducted according to guidelines designed to avoid discrimination. Arbitrary considerations will not influence selection decisions.

### **(b) Disability Support Service**

NUI Galway provides a comprehensive support service for students with a disability via the Disability Support Service. For further information, students should refer to the [Disability Support Service](#) section of the NUI Galway website.

### **(c) Harassment and Sexual Harassment**

The University believes that every student is entitled to study in an environment free from harassment and sexual harassment, and every staff member is entitled to work in an environment free from harassment and sexual harassment. The NUI Galway [“Student Sexual Harassment and Harassment Policy” \(QA606\)](#) should be read in conjunction with this policy.

### **(d) Anti-Bullying**

The University believes that the learning environment should give all students the freedom to carry out their studies without having to suffer bullying or intimidation from any student or group of students or member of staff.

The NUI Galway [“Student Anti-Bullying Policy” \(QA600\)](#) should be read in conjunction with this policy.

### **(e) Discrimination**

Any student or course applicant who believes that they have been discriminated against on the grounds of age (subject to University regulations in regard to matriculation and minimum age of entry), race, gender, civil status, family status, disability, religious belief, sexual orientation or membership of the Traveller community has the right to file a complaint regarding the alleged discrimination. The *Equal Opportunities Grievance Procedure (Appendix 1)* sets out the relevant complaints procedure.

Both formal and informal guidance and advice to students shall be given in such a way, and in such language, that it includes and represents equally any category of student or potential student.

## **7.0 Equality in the Community**

NUI Galway is committed to equality of opportunity irrespective of gender, civil status, family status, sexual orientation, religious belief, age, disability, race or membership of the Traveller community.

If a member of the public feels they have been discriminated against on any of these grounds by a party acting on behalf of the University, and within the control of the University, they should address their complaint in writing to the Head of Equal Opportunities who will deal with the complaint appropriately.

Members of the public should also be aware of our disability complaints procedure, which sets out the mechanisms for complaints relating to access to University buildings amongst other issues. This procedure is set out in the [“Disability Complaints Procedure” \(QA156\)](#).

Finally, members of the public should also note that the University, as a public body, is subject

to review by the Ombudsman. A referral of a complaint to the Ombudsman is available to a complainant should they be dissatisfied with the University's response.

## **8.0 Appendices**

Appendix 1 – Equal Opportunities Grievance Procedure



## Appendix 1 Equal Opportunities Grievance Procedure

### 1.0 Introduction

The objective of this procedure is to provide an opportunity for a member of staff, student, course applicant or member of the public to formally raise a complaint of discrimination on matters relevant to their employment, conditions of service or access to education and services on the above grounds when the normal and customary channel of discussion with their line manager is unable to resolve the issue. The procedure cannot be used to substitute or extend the appeal function in other procedures. **Section 4** outlines the procedure for Staff, **Section 5** outlines the procedure for Students, **Section 6** outlines the procedure for members of the public.

### 2.0 Principles

- 2.1 A complaint of discrimination will be examined as quickly as possible with a view to resolution at as early a stage as possible. Any recommendations for further action will be clearly stated.
- 2.2 At all stages of the procedure the member of staff or student will be given the opportunity to state their case and have the right to be accompanied by a trade union/Student Union representative or a University colleague/fellow student.
- 2.3 Where an investigation raises issues of possible misconduct, reference will be made to the relevant disciplinary procedure.
- 2.4 The Equal Opportunities Grievance Procedure provides a mechanism to solve problems and no complainant<sup>1</sup> shall suffer any form of victimisation as a result of raising a complaint under this procedure.
- 2.5 Nothing in this procedure may be construed as diminishing an employee or students' rights in law.
- 2.6 This procedure will be implemented in accordance with the Equal Opportunities Policy.
- 2.7 Anyone who is responsible for hearing a complaint of discrimination should have received appropriate equality training.
- 2.8 Panels convened to decide on the complaint of discrimination should reflect an appropriate gender balance.
- 2.9 Records shall be kept detailing the nature of the grievance raised, the response, any action taken and the reasons for it. Investigation proceedings and records shall be kept confidential. Records will be retained in line with Data Protection legislation and related applicable University policies and procedures.

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<sup>1</sup> Throughout this procedure the individual making the complaint of discrimination is referred to as the "complainant" and the individual against whom these allegations have been made is referred to as the "respondent".

- 2.10 The Principle of “Natural Justice” will apply at all times in the application of this procedure. The Human Resources [Guidance Note on the Principles of Natural Justice](#) should be read in conjunction with this procedure.

### 3.0 Timelines

The timelines outlined within this procedure should be treated as a guide to all parties involved in the complaints process. It is in the interests of all parties that complaints are progressed in a timely and efficient fashion. It is expected an investigation will normally take up to 6 months to complete from receipt of the complaint in accordance with the schedule below:

- Complaints should be made within 6 months of an incident occurring.
- Complaints will be acknowledged within 5 working days.
- The Investigation team will endeavour to conduct the investigation within 40 working days.
- The Complaints Panel will decide on the complaint, having received the investigation report, within 20 working days.
- The decision will be issued within 10 working days of such decision.

During each stage of the process, the complainant and the respondent will be made aware of specific deadlines. In addition, regular updates will be given on the progress of the case. Every effort will be made to ensure that mutually agreeable dates for the investigation interviews (if required) will be set up as quickly as possible and that paperwork will be completed in a timely fashion by all parties.

### 4.0 Procedure for Staff

#### 4.1 Stage 1: INFORMAL STAGE

Where a member of staff or applicant for employment is aggrieved on a discrimination matter relevant to their employment or conditions of service the individual shall normally in the first instance raise the matter with the immediate superior making it clear that they wish to invoke the first stage of the **Equal Opportunities Grievance Procedure**.

Where an immediate superior is the source of the discrimination complaint, or it is otherwise inappropriate for that person to deal with the matter, the complaint of discrimination may be raised with the next manager in line directly or through a union representative or with the Head of Equal Opportunities.

Upon receipt of a complaint of discrimination the appropriate manager, having consulted with the Head of Equal Opportunities, should carry out an investigation to establish the facts promptly. A clear written record should be made of the issues raised and discussed and an accurate record of the matters still in dispute should be made for the next stage of the procedure.

A member of staff has the right to be accompanied by a representative of a recognised Trade Union or a University colleague. It is not necessary to have gone through the informal procedures

in order to make a formal complaint.

#### **4.2 Stage 2: FORMAL STAGE**

If the member of staff remains aggrieved, or if they prefer to raise the matter formally in the first instance, they shall submit a written complaint of discrimination to the Head of Equal Opportunities. The Head of Equal Opportunities will acknowledge receipt of the complaint of discrimination within 5 working days. An Investigation Team will be appointed by the Vice President for Equality & Diversity. The Head of Equal Opportunities will inform the member of staff of the identity of the Investigation Team.

The Investigation Team will investigate the complaint, including taking evidence from the aggrieved member of staff, any person against whom a complaint of discrimination has been made, and other relevant witnesses. A trade union representative or University colleague may accompany any member of staff involved during the evidence gathering process.

A written report of the investigation will be compiled and furnished to the member of staff and the person(s) against whom the complaint has been made. This report will include copies of all documentation relied upon by the person(s) against whom the complaint has been made. The report will also be forwarded to the Complaints Panel (as below).

The Complaints Panel will consist of 3 members; a Head of Discipline/Manager, Head of School/Unit, as appropriate and as appointed by the Vice President for Equality & Diversity, and a representative of the Human Resources Office. The complaint of discrimination will be decided upon by the Complaints Panel, who may seek additional information as they deem necessary.

Where the Complaints Panel deem it necessary to meet the staff member making the complaint, the Head of Equal Opportunities will notify the member of staff of the meeting and of their right to be represented by a trade union representative or University colleague, giving at least 5 working days' notice of the meeting. The panel may also hear evidence from relevant witnesses and the Investigation Team.

The Complaints Panel will make its decision, giving reasons, and the Vice President for Equality & Diversity will send written notification to the member of staff, normally within 10 working days of such decision. The member of staff will also be informed of their right of appeal.

#### **4.3 Stage 3: APPEAL STAGE**

If the member of staff remains aggrieved they may submit an appeal in writing to the Vice President for Equality & Diversity, normally within 10 days of having received the decision on their complaint. The appeal must set out in detail the grounds upon which the appeal is made.

The only accepted grounds for appeal are:

- That there have been procedural irregularities in the way the complaint of discrimination has been dealt with at earlier stages
- That further evidence has become available which was not available or could not on reasonable grounds be made available at an earlier stage

An appeal will not be considered outside of these grounds. Disagreement with the Complaint's Panel decision is not grounds for appeal. An appeal will be considered by the Vice President for Equality & Diversity in the first instance to determine whether it has been effectively lodged within the stipulated time limit and meets the accepted grounds for appeal.

Where an appeal meets the accepted grounds for appeal it will be considered by a panel comprising a Vice-President or Dean, Head of School/Unit, and an external member of Governing Authority.

New grievances cannot be considered at this stage nor can evidence which in the view of the Vice President for Equality & Diversity was withheld at earlier stages without good cause.

## **5.0 Procedure for Students**

### **5.1 Stage 1: INFORMAL STAGE**

Where a student or course applicant is aggrieved on a discrimination matter relevant to their access to education, the individual shall normally in the first instance raise the matter with the Head of Discipline making it clear that they wish to invoke the first stage of the **Equal Opportunities Grievance Procedure**.

Where it is otherwise inappropriate for the Head of Discipline to deal with the matter, the complaint of discrimination may be raised with the Head of School or through a Student's Union representative or with the Head of Equal Opportunities.

A written response outlining the complaint of discrimination and any action to be taken will be provided, normally within ten working days of receipt of the complaint of discrimination. A note should be kept of any meeting/s to allow clarification and agreement on the nature and scope of the complaint of discrimination.

A student has the right to be accompanied by a representative of the Students' Union or a fellow student. It is not necessary to have gone through the informal procedures in order to make a formal complaint.

### **5.2 Stage 2: FORMAL STAGE**

If the student remains aggrieved, or they prefer to raise the matter formally in the first instance, they shall submit a written complaint of discrimination to the Head of Equal Opportunities. The Head of Equal Opportunities will acknowledge receipt of the complaint of discrimination within 5 working days. An Investigation Team will be appointed. This team will consist of the Head of Equal Opportunities, an academic member of staff nominated by the Vice President for Equality & Diversity, and a representative of the Students' Union. The Head of Equal Opportunities will inform the student of the identity of the Investigation Team.

The Investigation Team will investigate the complaint, including taking evidence from the aggrieved student, any person against whom a complaint of discrimination has been made and other relevant witnesses. A Students' Union representative or fellow student may accompany any student involved during the evidence gathering process.

A written report of the investigation will be compiled and furnished to the complainant and the person(s) against whom the complaint has been made (respondent). This report will include copies of all documentation relied upon by the person(s) against whom the complaint has been made. The report will also be forwarded to the Complaints Panel (as below).

The Complaints Panel will consist of the Head of Discipline, Head of School or Head of Unit, as appropriate and as appointed by the Vice President for Equality & Diversity, and a representative of the Student Services Office. The complaint of discrimination will be decided upon by the Complaints Panel, who may seek additional information as they deem necessary.

Where the Complaints Panel deem it necessary to meet the student making the complaint, the Head of Equal Opportunities will notify the student of the meeting and of their right to be represented by a Students' Union representative or fellow student, giving at least 5 working days' notice of the meeting. The panel may also hear evidence from relevant witnesses and the Investigation Team.

The Complaints Panel will make its decision, giving reasons, and the Vice President for Equality & Diversity will send written notification to the student, normally within 10 working days of such decision. The student will also be informed of their right of appeal.

### **5.3 Stage 3: APPEAL STAGE**

If the student remains aggrieved they may submit an appeal in writing to the Vice President for Equality & Diversity, normally within 10 days of having received the decision on their complaint. The appeal must set out in detail the grounds upon which the appeal is made.

The only accepted grounds for appeal are:

- That there have been procedural irregularities in the way the complaint of discrimination has been dealt with at earlier stages
- That further evidence has become available which was not available or could not on reasonable grounds be made available at an earlier stage

An appeal will not be considered outside of these grounds. Disagreement with the Complaints Panel decision is not grounds for appeal. An appeal will be considered by the Vice President for Equality & Diversity in the first instance to determine whether it has been effectively lodged within the stipulated time limit and meets the accepted grounds for appeal.

Where an appeal meets the accepted grounds for appeal it will be considered by a panel comprising a Vice-President or Dean, Head of School/Unit as appropriate, and an external member of Governing Authority.

New grievances cannot be considered at this stage nor can evidence which in the view of the Vice President for Equality & Diversity was withheld at earlier stages without good cause.

## **6.0 Procedure for Members of the Public**

If a member of the public feels they have been discriminated against by a party acting on behalf of the University, or within the control of the University, on any of these grounds, they should address their complaint, in writing, to the Head of Equal Opportunities, who will deal with the complaint appropriately.

Members of the public should also be aware of our disability complaints procedure, which sets out the mechanisms for complaints relating to access to University buildings amongst other issues. This procedure is set out in the [\*"Disability Complaints Procedure" \(QA156\)\*](#).

Finally, members of the public should also note that the University, as a public body, is subject to review by the Ombudsman. A referral of a complaint to the Ombudsman is available to a complainant should they be dissatisfied with the University's response.