

Employing People in Higher Education: Sexual Orientation

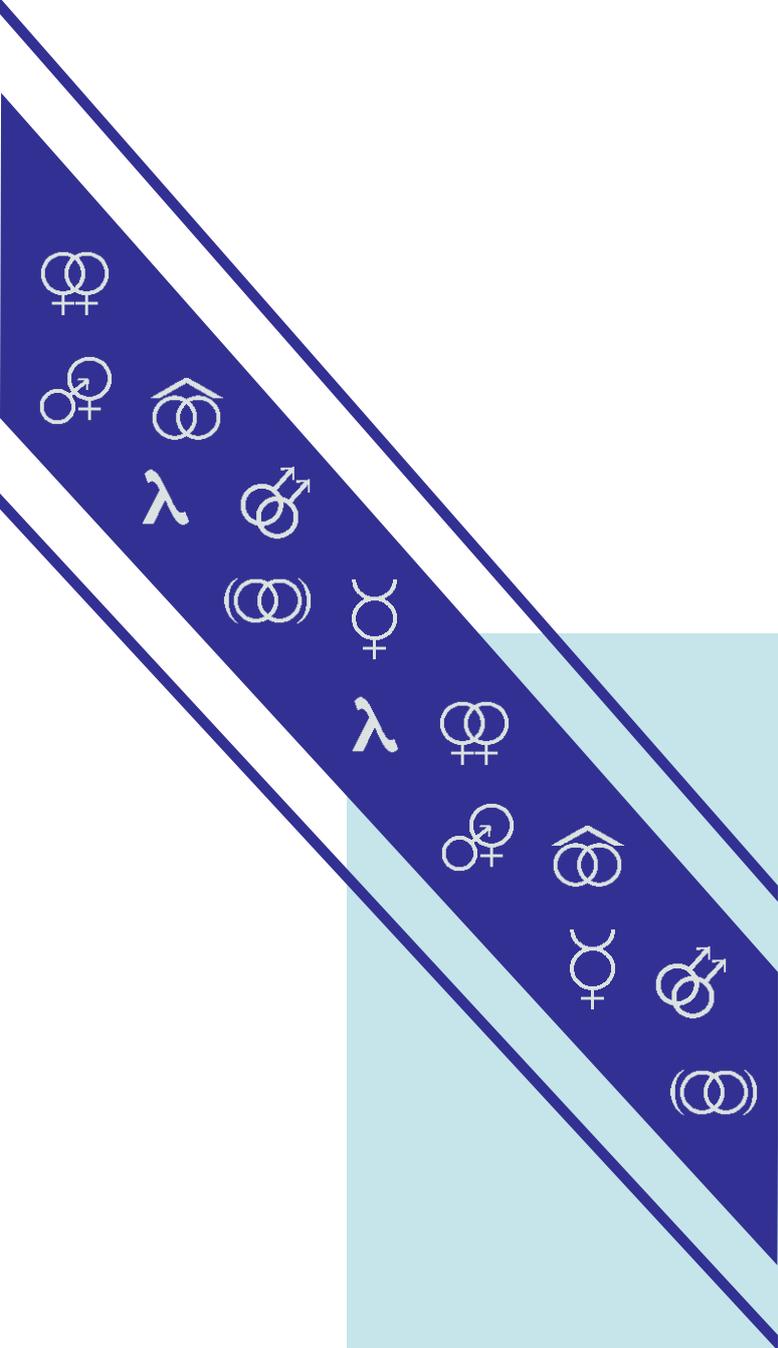
Guidance



equalitychallengeunit



Employing people in Higher Education: Sexual Orientation was written partly in response to the Employment Equality (Sexual Orientation) Regulations 2003 (Scotland, Wales and England) and Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003. The Regulations vary slightly between England, Wales, Scotland and Northern Ireland but this guide is relevant to all UK Higher Education Institutions. The guidelines complement other ECU leaflets, specifically *Implementing the new Regulations: Against Discrimination and Sexual Orientation & Religion and Belief: New Rights* both of which can be downloaded from our website www.ecu.ac.uk



Employing People in
Higher Education:
SEXUAL ORIENTATION



The Equality Challenge Unit was established in 2001 to improve equal opportunities for all who work or seek to work in the UK higher education sector. It is funded by the Higher Education Funding Council for England (HEFCE), the Scottish Higher Education Funding Council (SHEFC), the Higher Education Funding Council for Wales (HEFCW), the Department for Employment and Learning Northern Ireland (DELNI), Universities UK (UUK) and the Standing Conference of Principals (SCOP).

EMPLOYING PEOPLE IN HIGHER EDUCATION:
SEXUAL ORIENTATION

Equality Challenge Unit

December 2004

For their contribution to these guidelines, the Equality Challenge Unit would like to thank all those members of the LGB community who have provided comments and feedback, the NATFHE Equality Team, The Women and Equality Unit, and UCEA. The ECU would also like to thank the following institutions, or individuals within the institutions, for their contribution: University College London, Queen Mary, University of London, University College Chichester, University College, Dublin, University of Cambridge, Aston University, Loughborough University, Imperial College London, University of Hertfordshire, University of Oxford, Lancaster University, University of Bath, University of Dundee, University of Bristol and University of Southampton.

Contents

<u>Foreword</u>	1
SECTION 1	
<u>Introduction</u>	3
<u>History</u>	4
<u>The effect of this history on current perceptions</u>	5
<u>The legal position now</u>	7
<u>Future legal provision</u>	9
SECTION 2	
<u>Identification and perceptions of sexual orientation</u>	11
<u>Making the case for equality</u>	12
SECTION 3	
<u>Manifestations of discrimination on the basis of being lesbian or gay</u>	15
<u>Manifestations of discrimination on the basis of bisexuality</u>	22
<u>Manifestations of discrimination on the basis of heterosexuality</u>	23

Contents

SECTION 4

<u>Tackling discrimination – general provisions</u>	25
<u>Demonstrating commitment during recruitment</u>	29
<u>Demonstrating commitment and achieving retention</u>	32
<u>Monitoring staff on the grounds of sexual orientation</u>	36
<u>A note on managing conflicting freedoms</u>	38
<u>A note on transsexualism</u>	39
<u>Multiple discrimination</u>	39

APPENDIX A

<u>Glossary</u>	41
-----------------	----

APPENDIX B

<u>Resources</u>	43
------------------	----

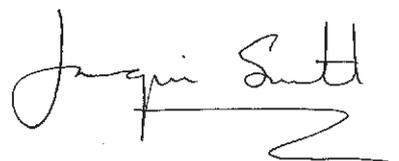
Ministerial foreword

This government is working hard to put an end to all forms of discrimination, and since 1997 has introduced extensive legislation to help achieve this aim. The Employment Equality (Sexual Orientation) Regulations were introduced in December 2003. These regulations provide an impetus to ensure that all members of society, regardless of their sexual orientation, are given equal treatment in their place of work.

Our universities and colleges are in a unique position to facilitate and integrate tolerance and diversity in our society. As providers of employment, and centres of learning, Higher Education Institutions play a crucial role in implementing these regulations and are able to lead the way in showing future generations the importance of equality and diversity.

I welcome these guidelines. They provide a comprehensive overview of the new legal position and they consider the broader social framework in which these changes are taking place. They explore in detail the subtleties of discrimination on the grounds of sexual orientation, and equip institutions with practical and effective methods of implementing and achieving equality of opportunity in relation to sexual orientation.

After a generation of discrimination law covering race and gender and more recently disability, the new regulations reflect changes in attitudes to sexual orientation. These guidelines will support Higher Education Institutions in playing a significant role in making sure those changes are reflected across society as a whole.



Jacqui Smith
Deputy Minister for Women and Equality

Notes

Section I

1

Introduction

- 1 The case for equality within Higher Education Institutions has been made and established in relation to gender, disability and race. The agenda has now expanded to include sexual orientation, and religion or belief. Legislation is also forthcoming to include protection against discrimination on the grounds of age. An institution that values equality of opportunity ensures that its staff reflects the diversity of society.
- 2 This guide is written for all those who work in Higher Education Institutions, but particularly managers. Equal Opportunities Officers or Human Resource Managers will probably make most use of section 4. Heads of Departments and those involved in managing staff may also find sections two and three useful as these sections detail the nature and origin of discrimination against people on the grounds of sexuality. Each section has an executive summary to help readers find the information they require.
- 3 *Employing people in Higher Education: Sexual Orientation* provides practical guidance. It explains the complexity and subjectivity of sexuality and explores some of the ways institutions can ensure that they are open and accepting of all staff. It details the nature of discrimination, and suggests some solutions to help staff eradicate prejudice in Higher Education Institutions.



History and current perceptions

History

This section examines:

- The definition of sexual orientation
- The legal restrictions in the UK
- Gay male sexuality
- The armed forces
- Age of consent
- Section 28 of the Local Government Act

- 4 The term sexual orientation refers to an individual's orientation towards persons of the same sex, persons of the opposite sex, or persons of the same sex or opposite sex. The term does not just refer to lesbian, gay or bisexual people; heterosexual people are also included.
- 5 Laws prohibiting or restricting activity by lesbian, gay or bisexual people have had a major impact on perceptions and responses of society to sexuality. These laws have an effect on those who identify as lesbian, gay or bisexual, and those who identify as heterosexual.
- 6 As late as the 1960s, gay male sexuality was completely illegal, even between consenting adults in private. Lesbians were not under any legal scrutiny. Until 1999, the Armed Forces were also able to investigate, punish or dismiss any lesbian or gay employees. This reinforced the assumption that it was permissible for everyone to treat people who were lesbian, gay or bisexual in a different way from people who were heterosexual.
- 7 In addition, Section 28 of the Local Government Act (1988) was introduced. It prevented local authorities from 'promoting' homosexuality, and labelled gay family relationships as 'pretend'. As a result, there were many schools that refused to discuss lesbian, bisexual and gay issues, or acknowledge that such issues existed. Section 28 (known as Section 2a in Scotland) was not repealed in Scotland until 2000 and not in England and Wales until 2003.

- 8 The age of consent for heterosexual people is sixteen. In 1967, when gay male sexuality was legalised, the age of consent for gay men was set at 21. In 1994 it was proposed that the age of consent should be equalised with that for heterosexual people and reduced to 16. This was rejected, and a compromise of 18 was adopted which highlighted the continued discrimination against gay men in law. Lesbians were still exempt from any legislation. In 1998 an amendment was moved to equalise the age of consent, which passed through the House of Commons but was defeated by the Lords. In 1999 another attempt was made as the Sexual Offences Act passed through parliament, but was again rejected by the Lords. A universal age of consent was achieved in 2001 using the Parliament Act.

The effect of this history on current perceptions

This section examines:

- The effects of legal inequality in society and employment
- The impact on perceptions by some heterosexual people
- The impacts on perceptions by some lesbian, gay and bisexual people
- Generational differences

- 9 It is impossible to summarise the general feelings of a group of people, based solely on their sexual orientation. It is possible, however, to consider some of the cumulative effects of the legal and social framework on lesbian, gay and bisexual people.
- 10 The legal restrictions placed on the freedoms of lesbian, gay and bisexual members of society have had an impact on the way they are perceived. This legal framework has often reinforced prejudice and (sometimes) hostility towards people who are lesbian, gay or bisexual. This can be expressed through verbal abuse, written abuse or violence.

The effect of this history

- 11 There are often generational differences, which remain important. Lesbian, gay or bisexual people of different generations have experienced a variety of consequences of the historical legal discrimination. Older gay men may have a criminal record for activities that are now legalised. Lesbians may feel invisible. Many lesbian, gay or bisexual adults say that they came out (see glossary) in secondary school but, due to the misunderstandings surrounding Section 28, felt unsupported. Information was not available and this often heightened anxieties. Learnt negative ideas about lesbian, gay male and bisexual identities can lead to a realisation that lesbian, gay and bisexual people are rejected from society. This can result in the internalisation and incorporation of the stigmatisation of sexuality by people who define as lesbian, gay or bisexual.
- 12 Some staff have hidden their sexual orientation in the work place. Discrimination in the work place has, until recently, been allowed. Lesbians, gay men and bisexual people could be refused employment because of their sexual orientation. A member of staff could be refused promotion, refused benefits, bullied, harassed, or fired without redress. Attempts were made to use the Sex Discrimination Act to counteract homophobia in the workplace. For example, a case was made that a member of staff would not be called a lesbian if she were not a woman, and therefore was discriminated against on the grounds of her sex. These cases were not successful.

The legal position now: The Employment Equality (Sexual Orientation) Regulations 2003 (EE(SO)R)

This section examines:

- The Employment Equality (Sexual Orientation) Regulations 2003 (EE(SO)R)
- The Adoption and Children Act (2002)
- Maternity and Parental Leave Regulations (1999 – amended 2002)
- Paternity and Adoption Leave Regulations (2002)
- Employment Rights Act 2002
- Civil Partnerships Bill 2004

- 13 The Employment Equality (Sexual Orientation) Regulations 2003 (EE(SO)R) covers sexual orientation and is applicable in all areas of the UK. It was incorporated into domestic law in December 2003 to provide protection for all staff regardless of their sexual orientation. It is a law that aims to ensure privacy, respect and equality for all in employment. The EE(SO)R does not refer to sexual preference. It only refers to the sexual orientations listed in paragraph 4 above. The law does not apply to sado-masochism or paedophilia, for example.
- 14 Since the introduction of the Regulations, it has been unlawful to discriminate against workers because of their sexual orientation. It is also unlawful to discriminate in relation to vocational training, which in this legal context expressly includes all students in Higher Education Institutions.
- 15 The Regulations prompt institutions to consider the ways in which their structures or policies may inadvertently, or consciously, discriminate against members of staff or students on the grounds of their sexual orientation. The law provides an imperative to consider the effects of heterosexism, homophobia and heteronormative structures within a Higher Education

The legal position now

Institution (see glossary for definitions of homophobia, heterosexism and heteronormativity).

- 16 The law does not prevent providers of goods and services from discriminating on the grounds of sexual orientation. This is in contrast to the legal protection afforded to people on the grounds of sex, race or disability. The exclusion in the legislation means that pubs for the lesbian, gay or bisexual community can exclude people who are, or who are perceived to be, heterosexual. It also means that a hotel can refuse to provide a room for a same sex couple, or a restaurant can refuse to serve a same sex couple. The exclusion is likely to have a greater impact on the lesbian, gay and bisexual community than the heterosexual community, though it is unlikely to have an effect in Higher Education Institutions.
- 17 The Regulations also contain some exceptions. Employers may, in limited circumstances, recruit someone with a particular sexual orientation, where that is a genuine and determining occupational requirement. A training provider may be able to refuse to offer training to a person on the grounds of sexual orientation but only where the training offered would equip the student to undertake particular employment where a genuine occupational requirement on the grounds of sexual orientation exists. A separate exemption, which can apply only where the employment is for the purposes of an organised religion, is included in the Regulations. This exemption was challenged by some trade unions, including NATFHE and UNISON who feared that it could be used against staff and students in Higher Education Institutions. Although the High Court upheld the legality of the legislation, it reaffirmed that its provisions should be applied narrowly. Case law will help determine what genuine occupational requirements exist.
- 18 The EE(SO)R requires that lesbian, gay and bisexual staff or students be employed under the same terms and conditions of service and be afforded the same benefits as heterosexual

people. The only exception to this is where benefits are restricted according to marital status. This means that a benefit does not have to be extended to same-sex couples if the benefit is only given to married couples. However, if a benefit is given to an unmarried opposite sex partner (e.g. childcare) it must also be given to a same-sex partner.

- 19 The Adoption and Children Act (2002), the Maternity and Parental Leave Regulations (1999 – amended 2002), Paternity and Adoption Leave Regulations (2002) and the Employment Rights Act 2002 have provided for lesbians and gay men and bisexual people to have the same parental leave entitlements as heterosexual people.

Future legal provision

- 20 In March 2004 the government published the Civil Partnership Bill. The intention is that same sex couples will have almost the same pension and other legal/financial rights as married, heterosexual couples. The Bill went through the House of Lords on 24 June 2004 and had its third reading in the House of Lords on 1 July 2004. The Bill has (at the time of going to print) passed to the House of Commons. The Civil Partnership Act is expected to come into force later in 2004, but it is likely to be a further twelve months before it is implemented. If this is the case, same sex couples will be able to register their partnerships from late 2005. The Equality Challenge Unit will publish further information once this Bill has received Royal Assent.



Notes

Section 2

2

Identification and perceptions of sexual orientation

This section examines:

- The starting point for institutions
- The prevalence of heterosexuality
- Recognition of lesbian, gay or bi-sexuality
- Maintaining and respecting privacy
- Facilitating freedom and increasing confidence

- 21 Sexuality is, for many, a private matter and something that is not considered relevant to disclose to colleagues or employers. However, there is often a strong underlying assumption in the work place that most people are heterosexual. This may be demonstrated through personal photographs at work, or discussion of holidays and other family activities. It is assumed that most people are heterosexual, and perceptions of lesbian, gay or bi-sexuality are often triggered by stereotypical ideas about the nature of sexuality.
- 22 The Regulations prohibit discrimination and harassment on the grounds of sexual orientation. A distinguishing feature of the Regulations is that they move away from traditional concepts of discrimination, which are generally determined by prejudice prompted by absolute and actual differences. Instead, these regulations respond to discrimination that occurs as a result of the individual perceptions of others.
- 23 For example, if a member of staff is subject to discrimination because a manager believes that that member of staff is gay, then he has been harassed on the grounds of sexual orientation, regardless of whether he is gay or not. The employee would be able to make a claim of harassment and would not, at any stage, have to reveal his sexual orientation. As a result, it is not necessary for Higher Education Institutions to know the demographics of sexual orientation within the organisation to implement the Regulations effectively. (Monitoring is, however, an issue to be considered. See Section 4.)

Identification and perceptions

- 24 The Sexual Orientation Regulations do not undermine an individual's right to privacy. Staff may not want to discuss their sexual orientation. It is, therefore, important that employers avoid situations that force staff to disclose their sexual orientation. It is not appropriate to ask a member of staff if they are gay, or indirectly attempt to identify their sexual orientation by asking about marital status or dependents.
- 25 It is, however, not desirable and not practical to implement a policy where staff are not expected to *tell* anyone about their orientation. Informal conversations and networking are an inevitable and welcome aspect of working for any organisation.
- 26 The key is to give staff the choice to be open about their sexual orientation without fear of recrimination or discrimination. By facilitating confidence and trust, staff will choose how to manage their own privacy.

Making the case for equality

This section examines:

- The possible perceptions of lesbian, gay or bisexual staff
- The effects of heteronormative assumptions
- Perceived assumptions of heterosexual staff
- The consequences of these perceptions on all staff

- 27 Staff who define as lesbian, gay or bisexual may feel that an institution is intrinsically discriminatory on the grounds of sexual orientation. If staff feel that they must be secretive about their orientation, it almost certainly will affect their attitude to work. Silence about diverse orientation within Higher Education Institutions may lead staff who are lesbian, gay or bisexual to feel unsure about colleagues' likely reactions. They may therefore conceal their relationships and social lives completely from their colleagues. Alternatively, lesbian, gay and bisexual staff may know that colleagues are aware of their sexuality, yet nevertheless feel inhibited from talking naturally about their partners or their lives.

- 28 A member of staff's secrecy about his or her private life may be deeply entrenched. Secrecy, however, can have a negative effect on an employee's comfort at work. Staff may find that they have to go to great lengths to establish a persona that implies a heteronormative (see glossary) lifestyle. This may involve lying about family or leisure time activities, finding a member of the opposite sex to accompany them to work-related functions, declaring a next of kin other than their partner (such as their parents), or simply presenting a private persona that does not invite questions or discussion. This level of discretion may lead to discomfort and anxiety, which in turn may affect the way an individual works.
- 29 Staff who identify as bisexual can experience different sorts of difficulties. It is often assumed that sexual orientation is binary: an individual is either heterosexual or lesbian or gay. This is discriminatory. Such conjecture may give rise to attitudes or responses to an individual based on assumptions and stereotypes. It also does not acknowledge the possibility that a person may have a relationship with someone of the opposite sex, but may identify as bisexual. Assuming that this person is heterosexual may inhibit the employee from discussing their social life, political views, previous relationships, or future relationships with the same degree of freedom and social enjoyment as other colleagues.

Notes

Section 3

3

Manifestations of discrimination on the basis of being lesbian or gay

This section examines:

- Why discrimination on the grounds of sexuality occurs
- How discrimination occurs
- The effects of this discrimination on staff
- The impact this has on the institution

30 Discrimination because an employee is lesbian or gay often occurs because there is a fundamental lack of understanding of how an individual can be attracted to a member of the same sex. There is often an assumption that this highly personal and complex set of emotions is a consequence of something that has happened in the past, or because the individual finds it difficult to find a member of the opposite sex with whom to have a relationship. The term ‘life style choice’ is often used to describe lesbian, gay or bisexual relationships. This assumes that an individual actively chooses to have relationships with a member of the same sex and they choose not to have a relationship with a member of the opposite sex. This label is applied more to lesbians than gay men. Although there are some schools of thought that believe that all forms of orientation are a choice, this term becomes discriminatory when it is not applied equally to heterosexuality.

“They constantly talk about how I choose to have a relationship with another woman. Of course, on some level, I do choose to conduct my relationship – I can choose not to. But if I turned this around and suggested that the white picket fence, car in the drive, 2.4 children is a ‘life style choice’, that would be thought odd. If I am making a choice, so are they. Or, we are all following our instincts and falling in love with who we fall in love with.”

Manifestations of discrimination

- 31 This disparity in attitude, this sense of difference, is the basis of most discrimination against lesbian and gay staff. Staff often feel that, if colleagues are aware of their sexuality, it becomes a prominent and frequently discussed aspect of all informal conversation. The member of staff is expected to provide the 'gay perspective' on any issue, or it is assumed that they are unable to engage in conversations that are considered to be an aspect of heterosexual culture. The person who is lesbian or gay is assumed to be 'different' from the apparent norm.

"I work in a large, predominantly male, department. When I started, I quickly recognised that the latest football news was the basis of most informal conversations between the men. Not being a particularly avid football fan, I abstained from conversation. I am openly gay, and it became clear that my colleagues assumed and excused my indifference to the great game because of my sexuality. No, I don't like football. This has nothing to do with the fact that I have a boyfriend."

- 32 Despite the increased public discussion of lesbian and gay issues, sexuality is still 'interesting', and often people find that they are the only known lesbian or gay man to many people. This places a burden on the employee: they feel that they have to act as an ambassador for the lesbian, gay and bisexual community as a whole and ensure that they do not do anything to damage the new perceptions of the community. There is perhaps awareness that the impression that the individual makes will affect the recipient's attitude to sexuality and will make a difference to general social attitudes. It increases the individual's awareness of his or her own difference and can lead to a degree of stress and anxiety.

“I must always be cheery and jokey when answering their questions. Lesbians are traditionally perceived to be angry and they hate men, whilst looking like one. So I must never be angry, always charming, not wear the looser shirts which I prefer, but the tighter ones, don't mention how tumultuous my relationships are, imply that everything is as normal as they are. One of their kids may end up coming out one day. It would be nice to know that I have allayed their fears.”

- 33 Lesbian and gay staff can also be acutely aware of other people's anxieties about sexuality and avoid any situation where they are directly discriminated against by ensuring that no conflict ever arises. Willingness to avoid any difficult situations is an indication of a lack of faith in their employer's comfort with sexuality and may also be an indication of their loyalty to the institution.

“I never bring my partner to these dinners. It's just not worth it. The Principal cannot contain his discomfort and embarrassment, my partner hates it and feels like we are at a zoo and it is frankly much easier to bring my best friend. She loves these occasions and I think my department are secretly grateful that I never make a scene. They never say anything, but it is easier all round.”

- 34 These manifestations of discrimination are difficult to eradicate but may constitute bullying and harassment, which are covered by the Regulations.
- 35 More overt forms of discrimination are easier to identify because they are not hidden, though they may often be conducted between two people and therefore may not come to the attention of the Human Resources department or the Bullying and Harassment Officers, especially if the employee lacks confidence in these resources.

Manifestations of discrimination

- 36 The most overt form of discrimination manifests itself in situations where a person is treated in a detrimental way on the grounds of their sexual orientation.
- 37 An explicit form of discrimination is when an employee is ignored or excluded by colleagues. This can take a variety of forms and can range from complete exclusion to partial informal exclusion. A member of staff may be deliberately ostracised because of their sexual orientation, ignored in meetings and not included in any decision-making processes because a member of the department objects to their sexual orientation. This has an impact on the employee's career progression, and also has a detrimental effect on their morale. It may cause the member of staff to leave the institution because it is an unpleasant and unconstructive environment in which to work. A member of staff may also be excluded from informal networking. This can be offensive and prevents the development of constructive collaboration between staff, which leads to inefficiency.

“They all go out most Fridays after work. They don't invite me; I think they want to talk about their boyfriends and stuff and think that they'd have to keep trying to include me and feel that they won't be able to be as open with each other. They are all really good mates with each other. Family barbecues at a weekend, day trips. They probably think they are being kind by not including me, but it does hurt. My kids would love to go to a park for the day with the others. I just wish they would stop being so aware of my sexuality all the time.”

- 38 Another form of direct discrimination is when an employee is physically or verbally abused. It can take many forms and can come from either students or colleagues. It is highly detrimental to the morale of the employee. This type of abuse can be directly aimed at one individual and/or through graffiti, defacing of property, and insulting behaviour.

“I think the words ‘Mr Smith is a poof’ has been on the third desk along since the early nineties. I varnish over it but you can still read it. I suppose it serves the purpose of outing me to the class each year. There is always somebody in the group who will have a go, but trying to stop prejudice from students is a difficult task for an individual faculty member to take on.”

- 39 Verbal abuse is common because some people believe they have the moral right to insult individuals on the grounds of their sexual orientation. Statements are made that are often accusatory and insulting, even if this is not the intention of the perpetrator.
- 40 Language is extremely important in this instance. There are many terms used to describe the lesbian, gay or bisexual community. Acceptable words, when not used derisively, are:
- Lesbian
 - Gay
 - Bisexual
 - Partner

These are the most desirable terms. The term homosexuality is generally considered to be offensive. Instead, it is appropriate to use the term lesbian, gay or bi-sexuality inserting a hyphen between bi and sexuality.

- 41 Some words, although used by the lesbian, gay and bisexual community, are insulting when used by people who do not belong to that community. They can also be felt to be insulting if a gay man uses a term towards a lesbian or bisexual and vice versa. It is also common amongst students at the moment to refer to something as being ‘gay’ when it is thought to be inferior or laughable. This constitutes discrimination and should not be tolerated.

Manifestations of discrimination

- 42 Physical abuse, including sexual harassment, is also common and should not be condoned under any circumstances. As lesbian, gay and bisexual people become more open about their sexuality, they may be more likely to receive physical threats and violence, outside and inside work.

“He had been drinking and didn’t like me much anyway. He saw me walking through town with my partner. Started shouting abuse and laughing with his mates. I told him to shut up, and he took a swing.”

- 43 Another form of discrimination is discussing someone’s sexuality without his or her consent. This is commonly known as ‘outing’ someone and may constitute direct discrimination. Gossip and speculation about the orientation of a member of staff is common within any workplace but it should be made clear to all staff that such discussion is inappropriate.

“I was in my local gay club on a Friday night. The whole female contingent of my department came in, they were on a hen night and of course, they saw me. They were really excited that they ‘had a gay friend’ – it’s very fashionable these days. So of course, the next day, I don’t think there was anyone in the university who didn’t know I was gay. I don’t think they were being insulting or derogatory, they were just gossiping. But I didn’t want to come out at work.”

- 44 ‘Outing’ can also occur in a more aggressive context, and can be an attempt to undermine the reputation or professionalism of the person concerned. This can be damaging to the individual concerned, especially if others perpetuate the disclosure by discussing it further.

“I was married when I took up post. I’m not anymore – my ex-wife and I had an extremely difficult divorce and it was very stressful. I have now started dating a man who called the office and left a message with one of my colleagues. This colleague pushed and pushed and pushed and eventually I told him that I was dating the man who called. He went straight to my boss to inform him that I was not the upstanding man that they thought. My boss, thankfully, told him to shut up. But I really wasn’t ready for all that.”

- 45 Even without aggression, staff who are lesbian, gay or bisexual, may find themselves the subject of overt or covert jokes and derision. The concept of ‘office banter’ can often focus on the orientation of the employee and this can become insulting and tedious. Staff may feel obliged to go along with the jokes, reluctant to be seen to be taking things too seriously, or may feel marginalised by the constant attention paid to them. Although jokes about someone’s sexual orientation can often be an indication of acceptance, it is generally better if such comments and remarks are kept to a minimum.
- 46 Any or all of these forms of discrimination can become difficult for staff to tolerate on an on-going basis. This is heightened if they are isolated from other lesbian, gay or bisexual members of staff. Eventually, a member of staff may want to leave the institution and either move to a more diverse part of the country, or move to a university or college where there is a more prominent lesbian, gay or bisexual presence.

“I’m fed up of being the ‘only gay in the village’. Everybody knows that the University of **** has a much more inclusive ethos and the city itself just has more going on for gay people.”

Manifestations of discrimination

- 47 This dissatisfaction and discomfort by staff can be eased and eradicated within an institution and, if efforts are made, employers can ensure that all staff feel valued and enjoy working. Demonstrating this commitment improves recruitment and retention and is therefore better for the institution. Section Four details practical measures that can be taken to assist this process.

Manifestations of discrimination on the basis of bisexuality

- 48 Discrimination against a person who is bisexual can manifest itself in the same way as the types of discrimination faced by both heterosexual and lesbian and gay people. There is an extra level of complexity for people who are bisexual however, which is based on the fact that people make assumptions. If someone is in a relationship with a member of the opposite sex, it is assumed they are heterosexual. Furthermore, people who are bisexual are able to engage in conversations that are predominantly heterosexual in content or lesbian, gay or bisexual and therefore it is assumed that they belong to one or another. Bisexual people can then be reluctant to disclose their sexual orientation, for fear of being excluded from either group or simply dismissed.

“My gay colleagues all assume I am confused. Actually, my heterosexual colleagues assume the same.”

- 49 There can seem little point in disclosing the fact that an individual is bisexual because the common experience is that people find it more difficult to understand bisexuality than lesbian or gay male sexuality and heterosexuality. There is also the assumption that there is a greater element of choice for bisexuals and therefore a degree of confusion as to why a person would ‘choose’ to have a relationship with a member of the same sex. This returns to the theory that a non-heterosexual relationship is based on choice.

“I am bisexual and have had relationships with women in the past. But I’ve just got a joint mortgage with my boyfriend. So I tick all those heteronormative boxes. I told a colleague I was bisexual and their response was that I wasn’t because I was now in a relationship with a man. The assumption is that I can only be bisexual when single, otherwise I am gay or straight. It seems too much hassle to bother telling anyone else as they simply do not understand that I am attracted towards people of the same sex or the opposite sex.”

Manifestations of discrimination on the basis of heterosexuality

- 50 It is generally thought that people are not discriminated against on the grounds of heterosexuality. This, however, is not the case. Discrimination on the grounds of heterosexuality, though perhaps not as prevalent as discrimination against lesbian, gay and bisexual people, can still have a detrimental effect on the individual, which leads to a degree of anxiety and discomfort at work.
- 51 Law protecting people in relation to sexuality has been in place in the USA for some time. A recent successful case was brought where a heterosexual man felt that his Head of Department (who was a lesbian) discriminated against him. He successfully argued that she treated him differently because of his sexual orientation. The case demonstrates that grounds for different treatment can develop as soon as an individual finds him or herself in the minority. Adverse or stereotypical judgements, derision and harassment can be equally meted out to heterosexuals.
- 52 The new legislation provides for genuine occupational requirements in relation to sexual orientation. For example, an organisation may be able to demonstrate that someone who defines himself or herself as lesbian, gay or bisexual, should hold

Manifestations of discrimination

the post of LGB Officer, but this would need to be a genuine and determining requirement for the job. The scope and extent of genuine occupational requirements in relation to sexual orientation has yet to be established and therefore institutions should use this provision with caution and seek advice.

- 53 Heterosexual people also experience pressures to conform to a way of life that is thought to be acceptable and 'normal'. Like lesbian, gay or bisexual people, this is an unacceptable assumption. People may not get married, have children, or aspire to such, but it would be wrong to draw from this any conclusions about an individual's sexual orientation.
- 54 All these forms of discrimination are an indication of a social pressure to conform to a construct that is perceived to be the most satisfactory way to lead one's life. It has a direct impact on those who do not perpetuate a heteronormative lifestyle, yet it also affects those who are perceived to move away from the conventional manifestation of sexuality. The key concept to eradicate this level of discrimination is to respect the choices and orientations of the individual and to educate people to demonstrate that not everyone has to live their life in the same way. It is oppressive and arrogant to assume that everyone aspires to the same thing in his or her private life. It is also patronising and discriminatory to attempt to impose a vision of the 'right manifestation' of sexual orientation onto others. The next section will explore ways in which institutions can demonstrate and implement an atmosphere of tolerance and respect, which celebrates diversity and difference.

Tackling Discrimination

General Provisions

This section examines:

- General steps institutions can take to achieve inclusion on the basis of sexual orientation.
- This section includes recommendations regarding:
 - Equal Opportunities statements
 - Dignity at Work Policies
 - Bullying and harassment officers
 - Training
 - Confidentiality and the Data Protection Act
 - Partnership Rights
 - Websites
 - Research
 - Alumni
 - Community orientated events

55 Institutions can respect the privacy of their individual staff whilst taking steps to communicate tolerance and acceptance of all staff, regardless of sexual orientation. There are general policies and practices that can be implemented which help to demonstrate that Higher Education Institutions recognise the importance of protecting staff against discrimination on the grounds of sexual orientation.

56 The first stage is to ensure that all **equal opportunities statements** include reference to sexual orientation. Omission encourages staff and potential staff to conclude that, although an institution may strive not to discriminate against staff on the grounds of race, gender or disability (for which extensive legislation exists), protection for staff on the grounds of sexual orientation is not a priority. It implies that a hierarchy exists in

Tackling discrimination

the institution's commitment to equal opportunities, which contradicts the ethos and basis of equality.

- 57 Statements and policies should refer to sexual orientation, as this encapsulates heterosexual staff, as well as lesbian, gay and bisexual staff. It is worth noting however that the term sexual orientation does not indicate that the institution does not discriminate on the grounds of gender identity, which includes transsexual and transgender people, (see paragraph 87 for further information), and should be explicitly mentioned.
- 58 Higher Education Institutions should also examine all other policies to see if discrimination could occur on the basis of sexual orientation, and whether this discrimination can be removed. **Dignity at Work** policies should make clear reference to how staff can stop discrimination on the grounds of their sexual orientation. It is also worth considering nominating a specific **Bullying and Harassment Officer** for Sexual Orientation. Nominated officers would assure staff that confidentiality would be respected and that the officer would understand the delicacy of discussing personal information. Staff should be aware of what constitutes discrimination and how, through informal conversation and networking, discrimination can occur. This is a difficult concept to communicate to staff, and it is therefore worth considering **training sessions** (supplemented by this publication) to allow individuals to understand how they can be discriminatory.

“My Dean knows I am gay though nothing has ever been said. He doesn't want to mention it in case that is an example of him being discriminatory. But instead, all the faculty have been invited for Sunday lunch at one time or another with their husbands and wives and he is too scared to ask me in case I feel uncomfortable about bringing my partner. His concern is nice – better than the opposite – but if he just asked me to come and my partner was welcome, then I could make the decision as to whether I wanted to do that and I wouldn't feel excluded.”

- 59 Working practices and structures can be a barrier to integration. Human Resources departments should reiterate a commitment to **confidentiality** and explain the **Data Protection Act** so that staff feel comfortable disclosing the name of their next of kin or declaring dependents. This should be possible without the employee being married or heterosexual. Staff should also be aware of the procedure to change their details if necessary.

“I’ve just put my child’s name on the waiting list for the nursery. They looked a bit puzzled as I have not been on maternity leave but I’m sure they’ll work it out eventually.”

- 60 Higher Education Institutions should recognise that, even though they may extend benefits to same sex couples, staff may not be aware of this. It is important to be explicit about this aspect of equality. It is still legal to offer benefits only to spouses. However, if benefits are offered to opposite sex unmarried partners, it will now be illegal not to extend those benefits to **same-sex partners**. Staff may not be aware that they are entitled to these rights, even if an institution is willing to offer them. It will take time to demonstrate a shift in culture to one of acceptance and tolerance.

“Partners can get a discount at the university pool but I feel a bit awkward signing up my partner. I don’t really know how people would react if they knew I was gay.”

- 61 Lesbian, gay and bisexual staff may experience a sense of isolation within their place of work; there is perhaps sometimes a feeling that they are the only employee in the university or college because it is difficult to meet other lesbian, gay or bisexual colleagues. It is useful to both current and potential staff if a page on the institution’s **website** provides contacts and web links for local LGB organisations, networks, help-lines, trade union information, and venues. If the Higher Education Institution

Tackling discrimination

recommends a web link, it should mean that it will not be blocked by any IT fire-walls that might exist in the institution. There are many websites available for the lesbian, gay and bisexual community but some contain words and images that may be prohibited due to screening software that exists within the institution.

- 62 Higher Education Institutions are in a position to demonstrate their acknowledgement of the diversity of sexual orientation by promoting **existing** and **new research** in the field. Institutions can issue press releases to magazines and specific lesbian, gay and bisexual news websites about the latest research or interesting new interpretations and theories. Queer theory, for example, is a recognised theoretical framework and by sharing findings, the institution is reiterating that resources and academic respect are given to those working in this area. Demonstrating that institutions are able to acknowledge sexual orientation is an indication that the institution is diverse and tolerant.
- 63 Institutions often use **alumni** to appeal to potential staff and students. As the number of high profile representatives of the lesbian, gay and bisexual community increases (for example, Ben Summerskill or Angela Eagle) it is appropriate to add these people to the list of alumni that the institution is proud to be associated with. The same applies to the bestowal of **honorary degrees**, which acknowledge the work of individuals in society. Universities and colleges play a key part in shaping society's attitudes. If Higher Education Institutions acknowledge and contribute to the visibility of openly lesbian, gay or bisexual people, it demonstrates that variations from conventional manifestations of sexual orientation are celebrated within the institution.
- 64 Some urban centres in the UK (e.g. Manchester, Liverpool, Brighton, London, Nottingham, Leicester, Birmingham, Edinburgh/Glasgow) host **community events**, for example, a Pride Festival. Providing sponsorship or hosting a stall is a good

way of demonstrating to the local community that an institution is committed and welcoming of all staff, regardless of sexual orientation. It also sets a good example for the rest of society. Rather than failing to acknowledge that this community exists, by participating and facilitating their work the Higher Education Institution demonstrates co-operation.

- 65 The above examples are instances of what can be done. But the circumstances and opportunity will vary with each Higher Education Institution. By examining what already exists within a local community and engaging with these activities, Higher Education Institutions can demonstrate their own commitment to staff, regardless of their sexual orientation.

Demonstrating commitment during recruitment

This section examines:

- How to show potential employees an institutional commitment to all staff regardless of orientation, including recommendations about:
 - Job advertisements
 - Lesbian, gay and bisexual community press
 - Training for those involved in recruitment
 - LGB institutional contact
 - Application form omissions
 - Marital status
 - International Guides

- 66 Lesbian, gay or bisexual staff will not want to work for an organisation where they perceive that they may be subjected to bullying and harassment on the grounds of their sexual orientation. Potential staff may think that they will not fit in a particular institution or that they may not be the sort of person that a particular department is looking for. Departments or

Demonstrating commitment

other work-units within institutions can be small and the success of the department will rest on the ability of the team to collaborate effectively. Potential staff may feel that their personal life will be incompatible with that of the rest of the team.

- 67 There are several ways to demonstrate to potential staff that an institution welcomes and celebrates diversity on the grounds of sexual orientation. The clearest way to demonstrate this commitment is to ensure that any **advertisements for jobs** explicitly state that the institution does not discriminate on the grounds of sexual orientation. If there are any benefits to partners regardless of marital status, this should also be promoted. This will demonstrate to potential staff that the institution includes sexual orientation in their equality planning. Institutions may also wish to consider placing adverts in **press and other media** that specifically target the lesbian, gay and bisexual community. This is an unequivocal indication that institutions are committed to recruiting the best staff and are aware that some potential staff may begin with the assumption that a given university or college is not a viable potential employer.
- 68 When sending out application forms, it is useful if an institution can assure potential applicants that all staff who are involved in the recruitment process have undertaken equal opportunities **training** for all aspects of equality and are therefore aware of some of the potential issues and concerns of lesbian, gay or bisexual staff. It is also useful if a **contact** can be provided so that a potential member of staff can e-mail or call if they wish to discuss, informally, an institution's attitude to lesbian, gay and bisexual staff. If a potential member of staff can email, they will be able to find out, for example, the facilities that exist in the town. The fact that this resource exists will reassure staff that they can be more open during interview. This, in conjunction with the webpage that details the institution's provision, is a simple and cost effective way of reassuring potential staff.

“It was so nice to be able to email Mike, even if it just made me aware that if I got the job, I wouldn’t be the only gay person in the university. And although the facilities for gay people are pretty limited in this town, it sounds as if there are a lot of informal meet ups between staff.”

- 69 If potential staff feel that the institution is committed to welcoming people, regardless of sexual orientation, they are more likely to provide a more **comprehensive application form**. They will be more likely to mention any community or volunteering work they have done which will enable employers to gain a more comprehensive view of an individual’s talent.

“I was president of my LGB soc at uni but I didn’t want to mention it. Well, you hear don’t you, about how that makes people think you’re some sort of radical lesbian or something. It seems a little in your face doesn’t it?”

- 70 During interview, candidates should not be asked about their **marital status** or their dependents, explicitly or implicitly. If a candidate does indicate their sexual orientation, this should not in any way prejudice their application. Institutions should also be aware that difficulties in previous employment might have led to restrictions in career development and opportunities for the potential candidate. It is also good practice to discount any previous convictions of which the person concerned would not have been convicted if they were not lesbian, gay or bisexual.

“Would my wife be happy to accompany me to dinners with alumni – was an awkward moment during the interview.”

- 71 It might also be useful to produce a **guide** for members of staff from **other countries** that details the legal and social provision for staff on the grounds of sexual orientation. Many countries

Demonstrating commitment

have different policies with regard to sexuality, and there may be some confusion about the legal position in the UK. The British Council produces detailed guidelines for international staff and students coming to the UK and this may form the basis for an equivalent leaflet from the institution (see Appendix B for more information or visit the British Council's website – www.britcoun.org).

- 72 Even if the institution does not employ an applicant, it has benefited if a potential member of staff speaks positively about their experience. Institutions (and companies) quickly develop a reputation if they are seen to not be supportive of staff regardless of sexual orientation and it is therefore important to demonstrate an ethos of equality to all potential staff.

Demonstrating commitment and achieving retention

This section examines:

- Protecting staff on the grounds of sexual orientation
- The section includes recommendations for best practice in relation to:
 - Performance management
 - Sexual Orientation Working Groups
 - Homophobic behaviour and solutions
 - Model policy
 - Contacts for staff
 - Mentoring schemes

- 73 There are several key principles in ensuring that staff feel valued within the institution regardless of their sexual orientation. The institution should be free from bullying and harassment, and staff should be managed fairly and their **performance** judged on their ability to do their job, rather than their sexual orientation, or any other irrelevant factor. These are fundamental principles of equal opportunities.

- 74 There are, however, several other best practice procedures that can be implemented to ensure that staff feel integral and valued within the institution. The success of these initiatives nevertheless depends largely on the nature of the institution and the general existent attitude to staff on the grounds of their sexual orientation.
- 75 A first invaluable step is to ask current staff and trade unions how the institution can best serve the needs of the staff. It is good practice to establish a **Sexual Orientation Working Group**. All staff should be welcome to attend, and membership should be promoted by inviting those who have an interest in sexual orientation issues within the institution. Institutions should also invite trade union representatives to attend and contribute to the meetings. It ought never to be assumed that a member of an already existent equal opportunities committee is lesbian, gay or bisexual and therefore able to provide the relevant insight. It should also not be assumed that anyone who participates in the Sexual Orientation Working Group defines as lesbian, gay or bisexual. This may deter people from being involved in the procedures because they may feel that participation is tantamount to declaring their sexual orientation. Equal Opportunities Departments and Human Resources will need to take care to demonstrate that the Working Group is to support staff of all orientations.

“Nobody made any assumptions about my sexuality. It was a nice atmosphere, and the head of equal opps, who was chairing the meeting, accepted my observations without making me feel that I was on an episode of Oprah. They seemed to genuinely want to improve working practices within the college.”

- 76 Once the working group is established, institutions may learn that some existing practices or approaches are, or are perceived to be, discriminatory. Only by talking to staff about concerns and experiences will it be possible to identify these practices and

Achieving retention

make attempts to rectify them. It is essential that institutions tackle any discrimination demonstrated by staff or students. It should be made clear that any manifestation of prejudice constitutes a breach of internal policies and the law.

All staff, regardless of sexual orientation, should feel able to report any incident of **homophobic behaviour**, without necessarily being the recipient. If there is a particular problem with bullying and harassment within an institution, it may be worth considering displaying prominent anti-homophobia posters, which both articulate the new legal position and provide contact details for members of staff who wish to talk to someone, in confidence, about negative experiences.

- 77 The recognised trade unions in Higher Education in England have also agreed a joint policy statement to combat homophobia in universities and colleges. This includes a clear statement of the commitment to tackling homophobia within an institution. The ECU has developed a **model policy** based on the trade union position which can be found in the ECU publication *Implementing the new Regulations Against Discrimination: Practical Guidance* and can be downloaded from the website.
- 78 The Sexual Orientation working group may wish to consider whether it would be useful to establish a lesbian, gay and bisexual **contact** for staff, who may wish to co-ordinate social gatherings and networking opportunities for lesbian, gay and bisexual staff. This could be the same representative as that for potential staff. The contact would enable any staff who define as lesbian, gay or bisexual to establish support networks within the institution, or at least recognise that they are not the only person who defines as such within the university or college. **Informal groups** may also be particularly effective if there are limited resources within the area, or if the lesbian, gay and bisexual community is dominated by students. If it is considered appropriate, meetings could be advertised on pay slips, or on the main sexual orientation web page. The meetings would only be for people

who define as lesbian, gay or bisexual. It should also be emphasised that the meeting would be confidential and that those who attend would not discuss who else attends with others. Disclosure of sexuality by someone who defines as lesbian, gay or bisexual still constitutes harassment and discrimination; the sexual orientation of the perpetrator is immaterial.

- 79 Establishing informal networks may also be an effective way of establishing **mentorship** arrangements between members of staff. Establishing mentoring arrangements between staff is an effective way of retaining staff and will help to shape the professional and personal development of the mentee and mentor. Often, staff who define as lesbian, gay or bisexual feel excluded from the usual networking and career development arrangements and therefore establishing links between members of staff may help to counteract this impression.

“It was so nice to have a glass of wine after work and talk about my boyfriend without being poised to explain the origins of homosexuality.”

- 80 These provisions could be developed and negotiated with the working group and could run alongside the general provisions that can be implemented immediately. Slowly, the culture of the institution will change and all staff, regardless of sexual orientation, will be an integral part of the institution.

Monitoring staff

Monitoring staff on the grounds of sexual orientation

This section examines:

- The case for monitoring on the grounds of sexual orientation
- How to avoid difficulties
- How to respond to information gathered

81 Monitoring on the grounds of race is a legal requirement for public authorities, including colleges and universities. It is not yet a legal requirement to monitor staff on any other grounds, including that of sexual orientation. Whilst general best practice suggests that staff and potential staff should be monitored on the grounds of sexual orientation, experience has proven that staff and potential staff have been reluctant to declare their orientation because they are not convinced that the information will be kept confidential or that it is relevant. There is also suspicion that any declaration will result in prejudice or will not be used in a constructive way. Before it is decided whether to monitor or not, it would be advisable to negotiate an agreed position with the recognised unions. If they support the process and aims of monitoring in the institution and encourage their members to participate, the exercise has much more chance of being meaningful. Proceeding to monitor in the face of union opposition would probably be counter-productive.

82 If institutions want to monitor at the recruitment stage, it is essential that forms explicitly state why the process is important and how the information will be used. It is also useful to provide a contact within the institution that potential staff can question about an institution's policy on sexual orientation (see paragraph 68). The following is an example of how this can be phrased:

On this form, we have asked you to tell us your sexual orientation. We are not under any obligation to monitor this information, and you are not obliged to share it with us. We are, however, anxious to establish whether people of all sexual orientations are interested in applying to our institution. We want to recruit the best people for our positions, and if we

discover that we are failing to do this, we will alter our recruitment methods. By providing us with this information, we can establish whether we are being effective in our objective of implementing diversity and equality of opportunity in our university/college. Any information you give us will be kept in complete confidence and will not be shared with those who will be interviewing you. If you would like to find out more about our policies in relation to sexual orientation, feel free to email lgb@institution.ac.uk, who will answer your queries in confidence.

- 83 For staff currently in post, monitoring for sexual orientation as part of a review of staff satisfaction can be a useful method of mainstreaming, but the same anxieties may arise. It is helpful to establish that an institution is making efforts to consider equal opportunities in relation to sexual orientation *before* they start monitoring. This will allay fears that institutions feel obliged to monitor but do not intend to do anything with the information. Again, institutions should be explicit about the reasons for collecting information:

On this form, we have asked you to tell us your sexual orientation. We are not under any obligation to monitor this information, and you are not obliged to share it with us. We are, however, anxious to establish whether staff of all sexual orientations feel that they have the same access to equal opportunities and resources as all other staff. We want to retain staff within the university/college, and if we discover that certain groups feel disadvantages, we will examine and alter our procedures. By providing us with this information, we can establish whether the university/college is fair to its entire staff. Any information you give us will be kept in complete confidence and will not be shared with anyone else within the university/college. If you would like to find out more about our policies in relation to sexual orientation, feel free to email lgb@institution.ac.uk, who will answer your queries in confidence.

Monitoring staff

- 84 Accompanying a process of staff reviews with an equal opportunities form will allow institutions to recognise any patterns of experience. For example, if all respondents who indicate that they are lesbian, gay or bisexual also identify that they do not feel they have adequate career progression, this is an indication that there may be a problem that needs to be addressed. Monitoring in this way can also highlight any hidden prejudice that exists within an institution. If, for example, homophobic comments are made on the form, this is a clear indication that there is a problem that should be addressed immediately.
- 85 Institutions should aim to monitor all cases of discrimination on the basis of sexual orientation. Monitoring will enable institutions to identify the ways in which discrimination manifests itself and take steps to prevent it happening in the future. These new Regulations may now lead to an increase in complaints being brought by staff. Complaints will enable institutions to identify key issues that affect staff on the grounds of sexual orientation. In collaboration with a working group, it is possible for the institution to establish solutions. This will improve recruitment, retention and the general ethos of the institution.

A note on managing conflicting freedoms

- 86 Institutions may need to manage conflicting freedoms. This is a situation where the rights of one individual cut across the rights of another. For example, a member of staff may object to lesbian, gay or bi-sexuality on grounds of his or her religion or belief and may therefore be uncomfortable about working in the same vicinity as someone who is lesbian, gay or bisexual. Equally, staff will have a range of views on same-sex relationships. The Regulations do not seek to infringe anyone's rights to hold these views. The Regulations do, however, prevent these views being manifested in the workplace in such a way that offends, intimidates or humiliates, or is hostile or degrading to others. The Regulations are intended to protect people from discrimination, not facilitate it.

A note on transsexualism

87 Legislation that protects staff on the grounds of sexual orientation protects all staff regardless of sexual orientation. Transgender or transsexual members of staff are as likely to be lesbian, gay, bisexual or heterosexual as any other member of society. Transgender and transsexual staff are often included in provision for lesbian, gay and bisexual staff (often abbreviated to LGBT) and it is best practice to consider improving provisions for both LGB and T staff at the same time. Transgender and transsexual staff, however, have little in common with lesbian, gay or bisexual staff and their concerns are unlikely to be the same. Transsexuals are protected by the Sex Discrimination Act (1975), and the Gender Recognition Act (2004) and are likely to be discriminated against on the grounds of their gender identity rather than their sexual orientation. For advice and best practice guidance on how to support transsexual staff, visit our website or call and ask for a copy of the ECU's *Employing Transsexual People in Higher Education* (August 2004).

Multiple discrimination

88 Everyone has a sexual orientation but this is not their only mode of identity. People can be discriminated against on the basis of gender, race, disability, religion or belief, or age. This can lead to multiple manifestations of discrimination, which may heighten an individual's sense of vulnerability. For example, a Muslim woman who is a lesbian may face different sorts of discrimination from a gay Protestant man. Employers should be aware that discrimination against an individual does not always occur solely on the basis of one aspect of their identity and should therefore support staff by demonstrating an awareness of multi-faceted identities. For more information and resources on multiple discrimination, please refer to the Stonewall website at www.stonewall.org.uk

Notes

Appendix A

A

Glossary

Bisexual: a person who has an emotional and/or sexual orientation towards people of the same sex and people of the opposite sex.

Coming Out: to acknowledge one's lesbian, gay or bi-sexuality, either to oneself or to others; most often a public declaration of being lesbian, gay or bisexual.

Gay: a man who has an emotional and/or sexual orientation towards men. Women also define as gay, sometimes rather than lesbian; it is a generic term for lesbian and gay sexuality.

Heteronormative: a term used in the discussion of gender and society. Closely linked to heterosexism, this covers all roles (social, familial, and legal) and forces individuals to conform to pervasive heterosexual standards of identity.

Heterosexism: a bias towards heterosexuality, to the exclusion of other sexualities. It acts to enforce heterosexuality, assuming that all individuals are heterosexual.

Heterosexual: a person who has an emotional and/or sexual orientation towards people of the opposite sex.

Homophobia: literally, the fear of lesbian, gay or bisexual people and their sexuality, sometimes merely implied, but often taken to the point where discriminatory statements are made or actions are taken against lesbian, gay or bisexual people.

Inverted homophobia: a prejudice against lesbian, gay or bisexual people from people who are orientated towards people of the same sex or are in a same sex relationship.

Lesbian: a woman who has an emotional and/or sexual orientated towards people of the same sex.

LGB: short for the Lesbian, Gay and Bisexual community.

Outed: revealing a person's sexuality without their consent, usually in public.

Glossary

Sexual Orientation: the legislative term in Britain used to describe how an individual chooses to identify their sexuality.

Trans: a general term used to describe those who are transgender, transsexual or transvestite. For more information, see the ECU publication *Employing Transsexual People in Higher Education* (August 2004).

Appendix B

B

Resources

Legislation

The Employment Equality (Sexual Orientation) Regulations (Scotland, Wales and England):

www.hmso.gov.uk/si/si2003/20031661.htm

Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003:

www.equalityni.org/uploads/pdf/NISOfinal.pdf

The Civil Partnership Bill:

www.publications.parliament.uk/pa/ld200304/ldbills/053/04053.i-viii.html

The Adoption and Children Act 2002:

www.hmso.gov.uk/acts/acts2002/20020038.htm

Employment resources

The Equality Challenge Unit

3rd Floor, 4 Tavistock Place,

London WC1H 9RA

Tel: 020 7520 7060

Fax: 020 7520 7069

E-mail: info@ecu.ac.uk

www.ecu.ac.uk

Department for Trade and Industry

Enquiry Unit

Tel: 020 7215 5000

The Women and Equality Unit

Tel: 0845 001 0029

E-mail: www.womenandequalityunit.gov.uk

The Equal Opportunities Commission

Tel: 0845 601 5901

www.eoc.org.uk

Resources

Advisory, Conciliation and Arbitration Service (ACAS)

London Office: Tel: 020 7210 3613

Welsh Office: Tel: 02920 76 2 636

Scottish Office: Tel: 08457 47 47 47

www.acas.org.uk

British Council

<http://www.britishcouncil-usa.org/learning/students/predepartureguide/toc.htm>

Political and campaigning organisations

Stonewall Lobby Group

Tel: 020 7881 9440

E-mail: info@stonewall.org.uk

www.stonewall.org.uk

Trade Union contacts

UNISON

1 Mabledon Place, London WC1H 9AJ

Tel: 0845 355 0845

www.unison.org.uk/out/index.asp

AUT (Association of University Teachers)

Egmont House, 25-31 Tavistock Place, London WC1H 9UT

Tel: 020 7670 9700

www.aut.org.uk/index.cfm?articleid=110

NATFHE

27 Britannia Street, London WC1X 9JP

Tel: 020 7837 3636

www.natfhe.org.uk/help/EqLAG.html

Amicus

General Secretary, Senior Management Team

Press Office, 35 King Street, London, WC2E 8JG

www.amicustheunion.org/main.asp?page=119

GMB

National Office, 22/24 Worples Road, London, SW19 4DD

Tel: 020 8947 3131

www.gmb.org.uk/docs/ViewADocument_search.asp?ID=899

T & G

Transport House, 128 Theobald's Road, London WC1X 8TN

Tel: 020 7611 2500

www.tgwu.org.uk/Templates/Internal.asp?NodeID=42442

The Educational Institute of Scotland

46 Moray Place, Edinburgh EH3 6BH

Tel: 0131 225 6244

www.eis.org.uk/html/library/LGGuidelines.htm

British Medical Association

BMA House, Tavistock Square, London WC1H 9JP

Tel: 020 7387 4499

www.bma.org.uk/ap.nsf/Content/CarBarDocExp%5CLesgaybisexdoxc?OpenDocument&Highlight=2,lesbian

British Dental Association

64 Wimpole Street, London W1G 8YS

Tel: 020 7935 0875

Religious organisations

(useful when managing conflicting freedoms)

Gay and Lesbian Humanist Association

E-mail: info@galha.org

www.galha.freemove.co.uk/index.html

Lesbian and Gay Christian Movement

E-mail: lgcm@aol.com

www.lgcm.org.uk

Jewish Gay and Lesbian Group

E-mail: info@jglg.org.uk

www.jglg.org.uk

The Safra Project (Muslim women)

E-mail: safra_project@hotmail.com

This publication can be downloaded from the ECU website (www.ecu.ac.uk) under Publications. For readers without access to the internet, we can also supply it on 3.5" disk, CD-ROM, or in large print. Please call 020 7520 7060 for alternative format versions.

The Equality Challenge Unit, 3rd Floor, 4 Tavistock Place, London, WC1H 9RA
Tel: 020 7520 7060 Fax: 020 7520 7069 info@ecu.ac.uk

The ECU's publications are produced free of charge. Information can be reproduced accurately as long as the source is clearly identified.

Designed by Sian Cardy