

# Sotheby's INSTITUTE OF ART

## **EQUALITY, DIVERSITY AND INCLUSION STUDENT POLICY AND PROCEDURE**

**This policy and procedure is applicable to all SIA - London students registered with the University of Manchester**

### **SECTION 1 – POLICY**

#### **1. Equality, Diversity and Inclusion (EDI) Mission**

1.1 Sotheby's Institute of Art – London (SIAL) is committed to developing an environment that is inclusive, fair, open and welcoming of individuals from diverse groups. Diversity and equality are recognised, encouraged, promoted and valued at all levels of the Institute and in all its functions. This policy is applicable to all students of the Institute, and also may relate to staff or visitors' interactions with students.

#### **2. Accountability and responsibility**

2.1 The Director and the UK governance and leadership structures of the Institute are accountable under law and the regulatory provision of the Higher Education Sector for maintaining and promoting an equal, diverse, and inclusive environment. They are also responsible for developing policies, procedures, processes, and training opportunities that promote an inclusive environment.

2.2 It is the individual responsibility of every member of staff, student and visitor to the Institute to contribute to an equal, diverse and inclusive environment, and to report any incidents of bias or offensive behaviour appropriately.

#### **3. Related Policies**

3.1 Related policies include, but are not limited to:

- Safeguarding Policy
- Harassment, Bullying, Sexual Misconduct and Victimisation Policy
- Non-Academic Misconduct Policy
- Student Support Policy: Disabilities, Impairments and Other Conditions
- Freedom of Speech Code of Practice
- Student Code of Conduct
- Assessment Policy
- Fitness to Study Policy
- Mitigating Circumstances Policy
- Prevent Policy

#### **4. What is Equality?**

- 4.1 At its core, equality means fairness: we must ensure that individuals, or groups of individuals, are not treated less favourably because of their protected characteristics.
- 4.2 Equality also means equality of opportunity: we must also ensure that those who may be disadvantaged can get the tools they need to access the same, fair opportunities as their peers.

#### **5. What is Diversity?**

- 5.1 Diversity is recognising, respecting and celebrating each other's differences. A diverse environment is one with a wide range of backgrounds and mindsets, which allows for an empowered culture of creativity and innovation.

#### **6. What is Inclusion?**

- 6.1 Inclusion means creating an environment where everyone feels welcome and valued. An inclusive environment can only be created once we are more aware of our unconscious biases and have learned how to manage them.

#### **7. What are the Protected Characteristics?**

- 7.1 The following are the legal protected characteristics under The Equality Act 2010:
- Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation
- 7.2 Discrimination on the grounds of any of these characteristics is illegal. Discrimination can take many forms, including direct discrimination, indirect discrimination, bullying, harassment and victimisation.

#### **8. Diversity, Equality and Inclusion statement**

- 8.1 We believe that the aims and objective of having and enhancing equal, diverse and inclusive institutions will be best achieved by recruiting students from the diverse national and international communities that we serve. We will do this by engaging with and actively and financially supporting students from underrepresented groups, through the application process, during study and in their onward journey into the world of work. We will attempt to recruit staff that understand and reflect the global nature of our programmes. We aim to fully recognise and utilise the skills and experience of everyone within our communities. By recognising, respecting, understanding and celebrating difference, we recognise that SIAL will

become a more inclusive organisation, that our reputation as a forward-looking institution will be enhanced, and everyone associated, or wishing to be associated, with the Institute will benefit as a result.

- We are committed to eliminating discrimination and actively promoting equality of opportunity for our staff and students.
- We are committed to developing and maintaining a diverse workforce and student population.
- We will provide environments which are inclusive, fair, open and welcoming of diverse groups, and where prejudice, discrimination, and harassment are not accepted.
- This policy applies to all students, and may also apply to their interactions with staff, visitors, consultants and contractors who visit our premises.
- This policy covers the work of the Institute, its practices and policies, management, marketing, and the delivery of all academic and support services to its prospective and current students and graduates.
- This policy aims to ensure that all students, both prospective and current, are treated equally and as individuals regardless of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- We will ensure that we comply with all legislation and good practice by introducing, implementing and regularly reviewing our policies and procedures. We will regularly monitor and review the policy to ensure its compliance with legislation through the implementation of action planning.
- We will work with other institutions to tackle discrimination, promote diversity and disseminate good practice.
- The Governing Body is responsible for the final approval of this policy, following approval by ASC and Academic Board, whilst the Management Team are responsible for its effective implementation.

## **9. Aims and Objectives**

### **9.1 We aim to:**

- Ensure all members of our community understand our mission and the priority this attaches to promoting Equality, Diversity and Inclusion;
- Ensure equality, diversity and Inclusivity values are embedded in the Institute's Academic Strategies and HR Strategies;
- Go beyond current legislative requirements and embrace equality, diversity and Inclusivity as a concept that will ensure best practice in the development and application of institutional policies and procedures;
- Ensure staff and students receive appropriate training to uphold the standards of behaviour and conduct expected under this policy, and to be able to recognise and challenge unacceptable behaviours and practices when they encounter them;
- Ensure that students know how and to whom to refer/report unacceptable behaviours and practices and how those concerns will be dealt with;
- Create an environment which is able to respond to the individual needs of students and which allows the Institute to enhance its reputation for high standards of quality;

- Ensure that a culture is developed which enables equality, diversity and Inclusivity to add value to our activities, in which all individuals feel they are valued and can work productively;
- Adopt a pro-active approach to widening participation by encouraging students from disadvantaged and under-represented backgrounds to enter and succeed in higher education and the world of work.

## **10. Action Planing**

- 10.1 An Equality, Diversity and Inclusion section will be included in the Student Experience Action Plan (SEAP) and will be used within the Institute to identify, monitor and review actions required to deliver the Equality, Diversity and Inclusion objectives (above). The actions in the SEAP will identify potential risks to equality of opportunity and how to mitigate those risks. The SEAP will be considered by the Academic Board and the Governing Body annually.

## **11. Responsibilities**

- 11.1 All students have a duty to co-operate with the Institute to ensure this policy is effective in ensuring equal opportunities for all and to prevent all forms of direct and indirect discrimination and/or harassment.
- Failure of individuals to comply with the Institute’s Equality, Diversity and Inclusion Policies may be treated as a disciplinary offence.
  - Serious breaches of the Institute’s Equality, Diversity and Inclusion Policies will be treated as gross misconduct and could render students liable to disciplinary action.
  - Individuals can be held personally liable as well as, or instead of, the Institute for any act of unlawful discrimination.
  - Individuals who commit acts of harassment may be guilty of a criminal offence.

## **12. Legislation**

- 12.1 The current legislative frameworks this policy relates to include:
- Human Rights Act 1998
  - Equality Act 2010
  - Criminal Justice Act 2003 (Sections 145 and 146)
  - Crime and Disorder Act 1998 (Sections 28-32)
  - Criminal Justice Act 1988 (Section 39)
  - Protection from Harassment Act 1997

## **13. Employee Awareness**

- 13.1 Student-facing employees of the Institute will be made aware of this policy at the time of their induction.
- 13.2 All employees will be expected to complete Equality, Diversity and Inclusion training as and when deemed necessary by the Institute and/or BrandEd.

#### **14. Student Awareness**

- 14.1 Students will be made aware of this policy through their Student Handbooks and the Orientation process.

#### **15. Equality Impact Assessment**

- 15.1 Equality impact assessment is the thorough and systematic analysis of a policy, procedure or strategy to determine whether it has a differential impact on a particular group. It is an anticipatory process that allows institutions to predict possible barriers faced by a group that is likely to face discrimination or disadvantage on the basis of age, gender, race, gender reassignment, disability, sexual orientation, religion or belief, marriage and civil partnership, pregnancy and maternity or paternity, or any other inappropriate distinctions (protected characteristics of the Equality Act 2010).
- 15.2 Equality Impact Assessments are one way in which institutions ensure that they are compliant with the Public Sector Equality Duty, set out in the Equality Act 2010. It is recommended by the OfS and Advance HE that formal and informal policies, procedures and strategies should be considered for equality impact assessment and the concepts of relevance and proportionality be adopted when deciding to undertake full equality impact assessments. SIAL will undertake to equality impact assess new policy, procedure and strategy documents and existing documents, as they become subject to review.

## **SECTION 2 – PROCEDURE**

#### **16. Reporting an EDI Concern or Incident of Discrimination – Students**

- 16.1 The Institute recognises that students who feel they may have an EDI concern or experienced an incident may seek initial guidance and support from their Personal Tutor, Programme Director/Course Leader or the Head of Counselling and Student Support. However, the first step in formally expressing a concern or a complaint of harassment or discrimination, or getting more information, is to speak with the Registrar, Joanna Mills-Foy ([j.mills-foy@sothebysinstitute.com](mailto:j.mills-foy@sothebysinstitute.com))
- 16.2 The Registrar is available to assist the individual in deciding which route to take with the complaint: informal resolution including possible mediation, or formal investigation and determination.
- 16.3 A person who has not experienced harassment or discrimination but has information regarding someone else who has experienced harassment or discrimination is expected to report that information. To make a third-party concern or complaint, the individual is encouraged to contact the Registrar as soon as possible.
- 16.4 If the complaint refers to a visitor to SIAL it should be reported to the Registrar, and a decision will be made, by the Director, on a case-by-case basis, as to how to follow up on the complaint.

## **17. Complaints about staff members**

- 17.1 If the complaint relates to a member of faculty or any member of SIAL / BrandEd staff, the complainant can contact the Registrar for initial discussion, who will then refer the matter to the Director of Human Resources. Complaints about members of staff will be dealt with under the relevant employee policy and procedure, such as the BrandEd Disciplinary Policy and Procedure.

## **18. Reporting an EDI Concern or Incident of Discrimination – Visitors**

- 18.1 If a visitor to the institution, such as a contractor, guest or visiting speaker witnesses or experiences harassment or discrimination, of or from a student, they should initially report it to the Registrar where the complaint can then be escalated to the appropriate person.

## **19. Responding to a report of an EDI concern of Discrimination**

- 19.1 As stated in the Institute's Non-Academic Misconduct Policy, it may be appropriate to use a Local Informal Resolution in order to resolve concerns swiftly and effectively at the point at which a concern is raised, or as close to that point as possible. The assumptions underlying this form of resolution are that both parties perceive a problem (although they may define the problem differently), that both share a common interest in solving that problem, and that together they can negotiate an agreement that will be satisfactory to everyone involved. The focus is on what will happen in the future between the parties, rather than on what has happened in the past. No sanctions are imposed in resolving informal complaints.
- 19.2 If at any point during an informal resolution of a complaint, either the complainant or the respondent communicates dissatisfaction with the process or resolution and the Registrar deems it appropriate, they can terminate the informal resolution and begin the formal investigation and determination process.
- 19.3 If the complaint cannot be addressed via the informal resolution process or where cases are too serious to consider within the Local Resolution Stage, they will be referred to the Institute's Director's Office. The Director (or his / her Deputy) will consider whether an investigation is to be commissioned under the SIAL Non-Academic Misconduct Policy.

## **20. Confidentiality**

- 20.1 It is essential for all of those involved in informal and formal complaints procedures to maintain appropriate confidentiality. Cases relating to EDI complaints may be of an extremely sensitive nature and information will only be shared with relevant individuals with the agreement of the reporting party. The Institute reserves the right to share information in exceptional circumstances where disclosure is necessary to protect any individual or the academic community from harm.
- 20.2 Any individuals involved in any part of the process – either in relation to those seeking support or those submitting a complaint – must treat information that is disclosed to them as confidential. Any unauthorised disclosure of confidential information will be considered a policy violation and will be addressed accordingly. Throughout all proceedings, the Institute will act in compliance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018.

## **21. Support for individuals involved in an EDI related case**

- 21.1 SIAL recognises that for all individuals involved in an EDI related case, it can be a stressful and upsetting experience. Students involved in an EDI case who feel they would benefit from additional support can seek it from the Head of Counselling and Student Support, Dawn Ashdown-Harris ([d.ashdownharris@sothebysinstitute.com](mailto:d.ashdownharris@sothebysinstitute.com)).
- 21.2 Members of staff involved in an EDI case who feel they need additional support can speak to their Line Manager or Human Resources, or use the Employee Assistance Programme, Health Assured.

## **22. Anonymous Disclosure**

- 22.1 SIAL will evaluate whether to investigate anonymous reports on a case-by-case basis. If such cases are investigated, it must be recognised that anonymous disclosure will inevitably limit both the scope of any investigation and also the scope of any subsequent outcome.

## **23. Misconduct which is also a criminal offence**

- 23.1 The internal disciplinary process is a civil matter. It is based upon an allegation that a student has breached the Institute's Non-Academic Misconduct Policy and rules. The allegation has to be proven 'on the balance of probabilities', and the most serious sanction that can be applied is permanent expulsion from the Institute.
- 23.2 The criminal process is an external procedure and deals with allegations that a student has committed a criminal act. The allegation has to be proven in external courts 'beyond reasonable doubt' and the most serious sanction that can be applied is imprisonment. The Institute cannot make a finding of a criminal offence; however, it can consider whether a breach of discipline appears to have occurred and, if so, refer the matter for consideration under the Non-Academic Misconduct Policy.
- 23.3 Where the alleged misconduct could also constitute a criminal offence, special provisions will apply. The Institute's own misconduct investigations or proceedings may be delayed until such time as the police and/or courts have completed their investigations and proceedings. Alternatively, the Institute may choose to start/continue their own investigations under the relevant procedure.
- 23.4 In the event that a police investigation is under consideration, pending or underway, the Director may impose precautionary measures for the safety and security of all involved. Precautionary measures may include imposing conditions such as no-contact agreements, suspension from studies, or temporary exclusion from all or part of Institute's premises.
- 23.5 In exceptional circumstances, the Director will refer concerns to the police where they consider it appropriate (e.g. where there is a perceived legitimate risk), or where the Institute is legally obliged to do so and will co-operate with the police in their investigation of an alleged breach of the law or of any matter that may involve a student.

## **24. Penalties for students found to have committed EDI related misconduct.**

- 24.1 Penalties for students found to have committed EDI related misconduct listed in the 'Table of Penalties' are non-exhaustive and will be applied on a case-by-case basis, taking into

account the circumstances of each offence, including any aggravating or mitigating factors, and of any established precedents. For repeated or multiple offences, 'Category 2' penalties will normally be considered. More than one penalty may be applied simultaneously from either category as deemed appropriate by the Conduct Review Panel.

<b>Table of Penalties</b>
<b>Category 1 Penalties</b>
<ul style="list-style-type: none"> <li>a. A formal warning or a final warning (for a repeated offence);</li> <li>b. A formal written reprimand, which will then be added to the student's file;</li> <li>c. A requirement to make a verbal/written apology to any party concerned, as, and if, appropriate;</li> <li>d. The payment by the student of compensation for damage or loss caused, which shall not exceed the value of any damage caused or loss incurred;</li> <li>e. Requirement to remove material published either in hard copy or electronically that is deemed to be inappropriate;</li> <li>f. Set conditions or expectations for the student's future behaviour.</li> </ul>
<b>Category 2 Penalties</b>
<ul style="list-style-type: none"> <li>g. Restricted ability to contact the complainant, where the complainant is a student or member of staff of the Institute;</li> <li>h. Requiring that the student does not represent the Institute in a paid or unpaid capacity for a specified period of time. This could include employment by the Institute on a contractual or casual basis, engaging in placement activities, representing the Institute at events, or voluntary roles, such as student representative;</li> <li>i. Conditions for the continuation of student status;</li> <li>j. Exclusion from, or restrictions concerning, participation in specified activities (including external programme-related activities) or use of specified facilities at the Institute for a stated period. Conditions for return to those activities may be specified;</li> <li>k. The suspension of the student's studies, in whole or in part, for a specified period or until an agreed review date;</li> <li>l. Expulsion from the Institute, with or without the right to re-register for any further programme of study with the Institute;</li> <li>m. Such other penalty as may be deemed appropriate, provided that the penalty is both proportionate and relevant to the offence.</li> </ul>

## **25. Monitoring, Review and Feedback**

- 25.1 Effective monitoring and review, through the use of data analysis and action planning, allows us to ensure our practices are capable of helping to guard students against any potential for discrimination. In order to ensure maximum effectiveness of this policy it is essential all



students are encouraged and enabled to give constructive feedback and make suggestions for amendments to this policy. Such feedback will be considered by the ASC and the Academic Board at the earliest opportunity. If you believe there is action that The Institute needs to take in order to address discrimination, or you would like to speak to someone confidentially, please contact the Registrar or your Student Representatives to discuss your concerns and ideas.

25.2 The Equality, Diversity and Inclusion Policy will be reviewed by ASC and the Academic Board, for approval by the Governing Body every three years.

<b>Title</b>	Equality, Diversity and Inclusion Student Policy and Procedure
<b>Date first implemented</b>	October 2024
<b>Approving body</b>	Governing Body
<b>Version</b>	October 2024
<b>Effective</b>	From January 2025
<b>Supersedes</b>	N/A
<b>Next review date</b>	Summer 2027
<b>Frequency of review</b>	Every three years
<b>Policy owner</b>	Quality Team

## Annex A – Additional Glossary of Terms

**Accessibility** – Accessibility in diversity, equity, and inclusion (EDI) means making information, environments, and activities usable for as many people as possible.

**Bullying** – Bullying is unwanted physical, verbal or non-verbal conduct which may intentionally or unintentionally violate a person’s dignity or create an intimidating, hostile, degrading, humiliating or offensive environment which interferes with an individual’s learning, working or social environment. It is persistent, offensive, intimidating, malicious, humiliating or insulting behaviour – often associated with the misuse of power or position which aims to undermine the confidence and self-esteem of the recipient. Some examples of bullying include:

- Verbal and/or physical intimidation;
- Ignoring, patronising or ostracising;
- Setting arbitrary or unachievable workloads in an unreasonable manner, and making threats associated with failure to achieve;
- Excessive supervision
- Public reprimand, ridicule, sarcasm or humiliation
- Posting offensive comments on social networking sites or in other media;
- Sending offensive text messages, or emails;
- Intentionally blocking a person’s training, learning or development opportunities.
- Threatening to expose someone as a member of a protected group

**Direct Discrimination** – Direct discrimination is when someone is put at a disadvantage or treated less favourably because of a 'protected characteristic

**Equity** – Equity is the process of removing barriers that prevent people from accessing opportunities and resources, and ensuring that everyone is treated fairly. It recognizes that people have different starting points in life due to their circumstances, backgrounds, and identities, and that treating everyone equally may not be equitable.

**Harassment** – Harassment (as defined by Part 2 Section 2 of the Equality Act 2010<sup>2</sup>) includes unwanted behaviour or conduct which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:

- Disability
- Race
- Age
- Religion and belief
- Sexual Orientation
- Sex
- Gender Identity
- Marriage and civil partnership
- Pregnancy or maternity (where interpreted as discrimination)

**Indirect Discrimination** - Indirect discrimination is a legal term in the UK that occurs when a rule, policy, or practice that applies to everyone has a worse effect on someone because of a protected characteristic.

**Unconscious Bias** - How a person thinks can depend on their life experiences and sometimes they have beliefs and views about other people that might not be right or reasonable.

This is known as 'unconscious bias' and includes when a person thinks:

- better of someone because they believe they're alike
- less of someone because that person is different to them, for example, they might be of a different race, religion or age

This means they could make a decision influenced by false beliefs or assumptions. Sometimes it's also called 'stereotyping'

**Sexual Misconduct** – Sexual misconduct is defined as any unwanted conduct of a sexual nature which occurred in person or by letter, telephone, text, email or other electronic and/or social media and includes, but is not limited to, the following behaviour:

- Engaging, or attempting to engage in a sexual act with another individual without consent (including rape);
- Sexually touching another person without their consent;
- Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature;
- Inappropriately showing sexual organs to another person;
- Repeatedly following another person without good reason;
- Distributing private and personal explicit images or video footage of an individual without their consent.
- Arranging or participating in events which may reasonably be assumed to cause degradation and humiliation to those who have experienced sexual violence, for example inappropriately themed social events or initiations.
- Exploiting a position of authority to coerce someone into sexual activity.

**Underrepresented Groups** – This is a term used by the Office for Students (OfS) as part of its agenda to widen the participation in Higher Education by certain groups of UK students who are statistically less likely to attend or succeed in Higher Education. The OfS defines underrepresented groups as: Groups of students who share the following particular characteristics where data shows gaps in equality of opportunity in relation to access, success or progression:

- students from areas of low higher education participation, low household income or low socioeconomic status

- some black, Asian and minority ethnic (BAME) students
- mature students
- disabled students
- care leavers.

National data indicates that there are additional groups of students with particular equality gaps and support needs that can be addressed in an access and participation plan. These are also included in their definition of underrepresented groups:

- carers
- people estranged from their families
- people from Gypsy, Roma and Traveller communities
- refugees
- children from military families.

**Victimisation** – Victimisation occurs when someone is treated badly because they have made a complaint about discrimination or harassment, or because an individual thinks that they are doing or may do these things. Some examples of victimisation include:

- Excluding someone from social situations following a complaint, or rumour;
- Denying someone the opportunity to participate in a project, social event or apply for a placement opportunity because they are perceived to be a 'troublemaker';
- Lowering a student's assessment results because they have made or supported a complaint.