

# Tackling racial harassment in higher education: Annexes

## Acknowledgements

Universities UK is extremely grateful for the time, energy, and emotional labour of all those who have contributed to the development of this guidance through panel discussions and meetings, focus groups, speaking with the authors, and reviewing sections of the guidance.

We are particularly grateful for the invaluable contributions of members of our advisory group, student and staff panels, and independent advisers who are named in Annexes F and G.

We would like to thank all the individuals and their institutions who have contributed a case study, example of good practice, details of campaigns, or provided other support: Abertay University, Cardiff University, De Montfort University, Queen's University Belfast, University of Bristol, University of Cambridge, University of East Anglia, University of East London, University of Edinburgh, University of Exeter, University of Glasgow, University of London, University of Sheffield, University of the West of Scotland, and the University of Winchester.

We would also like to thank those working in the following organisations who have freely shared their expertise and support: Advance HE, AMOSSHE: the Student Services Organisation, the Committee of University Chairs, the Department for Education, the Equality and Human Rights Commission, the Higher Education Funding Council for Wales, the National Union of Students, the Office of the Independent Adjudicator for Higher Education, the Office for Students, and the University and Colleges Employers Association.

Finally, the authors are grateful for the support of colleagues within Universities UK, Universities Scotland, Universities Wales, and Universities UK international.

Any omission from these acknowledgements is not deliberate.

## Annexe A: Methodology

UUK has used mixed methods to inform the development of this guidance, which has been structured using a ‘challenge-based’ approach that addresses issues alongside suggesting practical solutions.

- A desk-based review of existing literature and government policies across the UK.
- Establishment of an advisory group, staff and student panels, and student focus groups in Scotland to support the development of the guidance and ensure it is informed by voices with lived experience of racial harassment.
- Recruitment of independent experts to provide extra challenge and scrutiny.
- Call for case studies from UUK members to gather examples of ‘emerging practice’ from across the higher education sector.

## Annexe B: Terminology

This section defines terms used in this guidance, as well as other key terms used to describe race and ethnicity in the UK and internationally. Language is constantly evolving and good practice suggests that universities involve staff and students when determining which terms to use. This will ensure that terms used are appropriate, demonstrate awareness of the sensitivities and complexities involved, and underpinned by a strong rationale<sup>i</sup>.

UUK recognises the importance of allowing individuals to define their own experience and self-identify using the terms they prefer. We also acknowledge the challenges with any language that seeks to homogenise large, diverse groups of people. Where possible, when referring to an individual or group it is preferable to refer to their specific ethnicity (e.g. Indian, Chinese) rather than using umbrella terms such as ‘BAME’.

In this guidance, we have tried to avoid the term ‘BAME’ where possible, and do not use it to describe individuals. However, on occasion, we do use the term when speaking about groups comprised of multiple ethnicities. This is to provide some consistency in published research when speaking generally about large groups, while recognising the limitations of the term.

### **Allyship**

The term ‘allyship’ has been used in a range of contexts, including to support LGBT+ and disabled communities.

Although there is no single, widely-accepted definition, 'allyship' refers to the continued acts of being an ally. An ally is a person who is not directly affected by a particular kind of discrimination (e.g. a white person fighting racism, a straight person fighting homophobia) but is invested in proactively supporting anti-discrimination efforts. A white ally may, for example, use their position as a white person to challenge racist behaviours, microaggressions, or banter, raise objections about policies that may exacerbate racial inequalities, and help to amplify the voices of those experiencing racism. An ally works alongside those experiencing racism and takes guidance from them, rather than centering themselves.

### **Anti-racism**

The active process of identifying and eliminating racism by changing systems, organizational structures, policies and practices and attitudes, so that power is redistributed and shared equitably<sup>ii</sup>.

Anti-racism acknowledges there is no 'neutral' position on racism.

### **Antisemitism**

Offensive actions or statements fuelled by prejudice or stereotyping of Jewish people<sup>iii</sup>.

The UK government has adopted the following definition of antisemitism (the 'IHRA definition') and has requested that universities do the same.

*'Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities<sup>iv</sup>'.*

### **BAME**

An acronym for 'Black, Asian and minority ethnic' that is used to refer to individuals from these ethnic backgrounds. The term is commonly used by the UK government and other public bodies in the UK.

The acronym BME ('Black and minority ethnic') is used in a similar way.

There are limitations to this term, particularly that it is reductive, assumes that minority ethnic individuals are a homogenous group, and fails to account for significant differences between ethnic groups. It is also important to recognise

that terms such as 'BAME' are often labels placed upon groups, rather than identities with which the groups themselves have chosen to identify.

### **Black (as a political definition)**

Some groups use the term 'Black' in a broad, political sense to refer to people in Britain who have shared histories of oppression and continue to experience racism and diminished opportunities in today's society. These people are not necessarily solely from Black ethnic groups.

### **Ethnicity**

A 1983 House of Lords decision in the case of *Mandla-vs Dowell Lee*<sup>v</sup> defined an 'ethnic group' as having the following features:

- a long shared history of which the group is conscious as distinguishing it from other groups and the memory of which it keeps alive
- a cultural tradition of its own including family and social manners, often but not necessarily associated with religious observance
- a common, however distant, geographical origin
- a common language and literature

It is therefore important to distinguish the term 'ethnicity' or 'ethnic origin' from the term 'race'.

Everyone belongs to an ethnic group and has an ethnicity. Categorisations used by the UK government such as 'White British', 'Black Caribbean' or 'Bangladeshi' refer to ethnic groups.

### **Ethnic minority and minority ethnic**

Both these terms refer to an ethnic group that is in the minority in a society.

'Ethnic minority' places the emphasis on ethnicity as the main issue. There can be a tendency in the UK to see 'ethnic' as synonymous with not-white<sup>vi</sup> (e.g. 'ethnic shops'), and so the term could be perceived as implying the issue is with people not being white. As a consequence, the term tends to be reversed to refer to 'minority ethnic groups', to highlight the fact that everyone has an ethnicity and the issues being referred to relate to groups that are in the minority in the context of UK society<sup>vii</sup>.

## **Harassment**

As defined by the Equality Act 2010, harassment is unwanted conduct related to a relevant protected characteristic (including race) that has the 'purpose or effect' of either violating dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment<sup>viii</sup>. Therefore, behaviour may constitute harassment even if this is unintended by the perpetrator, provided it has the 'effect' of violating dignity or creating an offensive environment.

## **Institutional racism**

As defined by the Macpherson report, institutional racism is the collective failure of an organization to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping with disadvantage minority ethnic people<sup>ix</sup>.

The term 'institutional racism' has been in usage since the 1960s, but was highlighted in the UK by the 1999 Macpherson report, prompted by the racially motivated murder of Black teenager Stephen Lawrence in 1993 and the subsequent police and legal investigation. The then Home Secretary Jack Straw announced an independent inquiry into his death, conducted by the judge Sir William Macpherson. The Macpherson report made seventy recommendations to demonstrate commitment to 'zero tolerance' for racism in UK society and to enhance accountability for addressing racism, including in public sector spheres such as education.

The Macpherson report has prompted greater recognition of institutional racism in the UK. In particular, there has been an increase in research seeking to understand 'everyday' racism, both overt and subtle forms, that is happening within institutions, including the higher education sector, and how this can create or perpetuate inequalities between different ethnic groups. This has been reinforced by changes to legislation, such as the Equality Act 2010.

## **Intersectionality**

An approach from critical race theory and Black feminism that recognises the way structures of inequality can create specific oppressions relating to the synergy of more than one aspect of identity. It refers to situations of discrimination where, for example, a Black woman experiences discrimination where a Black man, or a White woman, does not<sup>x, xi, xii</sup>.

Intersectional discrimination arises from the synergy of categories of difference such as race, gender, religion or belief, caste, sexuality, disability or socioeconomic background, rather than being additive or cumulative<sup>xiii</sup> (as in cases of multiple discrimination). It goes beyond identity to highlight the social, economic and political structures that produce discrimination for groups at the cusps of the protected characteristics.

### **Islamophobia**

Offensive actions or statements fuelled by prejudice or stereotyping of Muslims<sup>xiv</sup>.

### **Person of colour**

Someone who does not consider themselves to be White<sup>xv</sup>. The phrase originated in America and is now in popular usage within the UK, although less commonly by public bodies.

The term has similar limitations to the term 'BAME' with regards to homogenising a large, diverse group of people and failing to account for the significant differences between ethnic groups.

### **Race**

'Race' is a social construct. Its changing manifestations reflect ideological attempts to legitimate domination in different social and historical contexts. Racism is therefore not about objective, measurable physical and social characteristics, but about relationships of domination and subordination<sup>xvi</sup>. This can be demonstrated by the fact that the same individual can be racialised differently in different countries and cultures.

Evidence has shown that the genetic differences within ethnic groups are greater than those between different ethnic groups, and there is therefore no genetic or biological basis for defining race<sup>xvii</sup>.

Many put the word 'race' in inverted commas to emphasise the fact that it is a social construct. While agreeing that race is socially constructed, UUK has chosen not to do so in this publication, on the grounds that race is real in the lived experience of Black, Asian and minority ethnic people.

## **‘Race’ as a protected characteristic**

As defined by the Equality Act 2010, the protected characteristic of race includes colour, nationality, and ethnic or national origins<sup>xviii, xix</sup>.

## **Race-based hate crime**

In England and Wales, the Crown Prosecution Service (CPS) defines hate crime as someone being hostile to another person because of their protected characteristic (including race) and showing this hostility by intimidation, harassment, damaging property, or violence<sup>xx</sup>. Such crimes motivated on the grounds of race would therefore be race-based hate crime. In Scotland, race hate crime is defined as any offence committed when there has been aggravation based on racial prejudice<sup>xxi, xxii</sup>. In Northern Ireland, although not legally defined, ‘hate crime’ is generally used to describe criminal offences which are motivated by hostility or bias on the basis of race, religion (including sectarianism), sexual orientation, transgender or disability<sup>xxiii</sup>.

## **Race-based hate incident**

A hate incident is any action motivated by hostility or prejudice based on protected characteristics, including race. When hate incidents are criminal offences, they become hate crimes.

In England and Wales, the police and CPS state that something should be reported as a hate incident if the victim (or anyone else present, such as a bystander) believes it to be so<sup>xxiv</sup>. This is sometimes known as the ‘Macpherson definition’, after the definition of racist incident used in the 1999 Macpherson report (see also definition of ‘institutional racism’). Similarly, in Northern Ireland the Public Prosecution Service state that something should be reported as a hate incident if the victim perceives this to be the case<sup>xxv</sup>.

In Scotland, at least one other independent source of evidence is needed to support the claim that an incident is a hate incident. The victim themselves cannot be the independent source of evidence<sup>xxvi</sup>.

## **Racial microaggressions**

Everyday, subtle and insidious forms and acts of racism that send a denigrating message to those who belong to racially minoritized groups<sup>xxvii</sup>. Microaggressions are likely to be less blatant than more overt forms of racism or racial harassment, and the perpetrator may often be oblivious to the offence they have caused.

Racial microaggressions may not be witnessed by others and, if they are, may not be recognized as such by bystanders.

While individual microaggressive acts may not always meet the Equality Act 2010 definition of harassment, they could lead to behaviour which does meet the definition through repetition or escalation of the behaviour. Microaggressive acts may often have a cumulative effect on those experiencing them.

Further discussion of racial microaggressions can be found at Annexe C.

### **Reporting party**

A student or member of staff who has made a disclosure or report.

### **Responding party**

A staff member or student who has a disclosure or report made against them.

### **White privilege**

White privilege can be defined as the inherent advantages possessed by a White person on the basis of their race in a society characterized by racial inequality and injustice<sup>xxviii</sup>.

Peggy McIntosh's 1988 essay 'Unpacking the invisible knapsack'<sup>xxix</sup> provides a metaphor of white privilege as an invisible rucksack, which White people carry, providing them with mostly hidden advantages in a society where racism is prevalent. This is in opposition to the detriments experienced by those who are the objects of racism. Her essay includes numerous examples of white privilege, including: representation of your ethnic background in media and positions of power, not fearing that your personal achievements will be ascribed by others as due to special treatment on the grounds of ethnicity, and an assumption that you will not suffer unfair treatment from authorities as a result of your race.

The concept of white privilege also implies that being White is seen as 'normal' or the default in society, while others are 'different' and othered. This can be seen in use of the term 'non-white' to describe individuals from minority ethnic backgrounds, for example.

White privilege does not mean that all White people are privileged in all respects, but that race is not a factor that will systemically disadvantage or hinder them in a racist society.

Related terms include:



### White fragility

The state in which even a minimum amount of racial stress becomes intolerable to a White person, triggering a range of defensive moves. These moves include the outward display of emotions such as anger, fear, and guilt, and behaviors such as argumentation, silence, and leaving the stress-inducing situation. These behaviors, in turn, function to reinstate white racial equilibrium<sup>xxx</sup>.

### White complicity

The way in which White people may contribute to systems that maintain and perpetuate racism, even when they may consider themselves to be non-racist.

## Annexe C: Racial harassment and racial microaggressions

As defined by the Equality Act 2010<sup>xxx</sup>, harassment is unwanted conduct related to a relevant protected characteristic, including race, that has the ‘purpose or effect’ of either violating dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment connected to a protected characteristic, including race, is unlawful in civil law.

Overt forms of racial harassment can include physical, verbal and, non-verbal harassment. The EHRC report sadly found many examples of staff and students at UK universities experiencing these forms of harassment<sup>xxxii</sup>.

Theme <sup>xxxiii</sup>	Example of ‘overt’ forms of racial harassment
Physical	Intimidating gestures, acts that fit into racist tropes, physical violence or assault, unprovoked assaults
Non-verbal	Racist graffiti, defacing notices or posters, negative stereotyping of ethnic groups, written threats of a racial nature
Verbal	Derogatory remarks about a person’s skin colour or appearance, unwelcome remarks reflecting racist stereotypes, racist jokes and ‘needling’

However, evidence from the EHRC indicates that many in higher education failed to also recognise the everyday, subtle and insidious forms and acts of racism, known as microaggressions, as a form of racial harassment<sup>xxxiv</sup>. Microaggressions are defined by Rollock as ‘brief, everyday interactions that send denigrating messages to people of colour because they belong to a racially minoritised group. Compared to more overt forms of racism, racial microaggressions are subtle and

insidious, often leaving the victim confused, distressed and frustrated and the perpetrator oblivious of the offense they have caused.<sup>xxxv</sup>

Racial microaggressions may constitute harassment under the terms of the Equality Act 2010. Even those microaggressive acts that do not constitute harassment, could lead to behaviour which does meet the definition through repetition or escalation of the behaviour.

A key recommendation by the EHRC in its 2019 investigation is to prevent misunderstanding by students and staff, particularly in relation to understanding racial microaggressions. An understanding of both overt and subtle forms of racism is key to developing robust and effective practice in addressing harassment. It will enable universities to move beyond a narrow and unsophisticated version of racism in overt forms, and help to shift thinking to understand that everyday racial harassment is a lived reality for many staff and students, carrying equal implications on mental health and wellbeing as much as the 'overt' forms of racial harassment.

Sue et al suggest that racial microaggressions appear in three forms<sup>xxxvi</sup>:

- (1) Microassaults are explicit racial derogations characterised by a verbal or nonverbal attack, meant to hurt the intended victim through name-calling, avoidant behaviour, or purposeful discriminatory actions.
- (2) Microinsults are characterised by communications that convey rudeness and insensitivity, and demean a person's racial heritage or identity. Subtle snubs that are frequently unknown to the perpetrator, but clearly convey a hidden insulting message to the recipient.
- (3) Microinvalidations are characterised by communications that exclude, negate or nullify the psychological thoughts, feelings or experiential reality of a person of colour.

Not all comments or behaviours experienced as microaggressions will fit neatly into a category described here. In all instances, the impact of a certain behaviour on the person experiencing it is key, and it must be for that individual to define their experience.

Some examples of racial microaggressions, adapted from the research of Sue et al and Rollock, are listed below. These examples are by no means exhaustive and are not intended to provide a list of 'things not to say', but rather to illustrate that even comments which may appear banal may serve to exclude, demean, or offend others. Readers are encouraged to reflect on these examples and consider the possible implications of the language we use.

Theme	Example of racial microaggressions	Possible implications
<p>Alien in own land: Belief that visibly ethnic minority citizens are foreigners</p>	<p>Where are you from? Where are you really from?</p> <p>Where were you born?</p> <p>You speak good English.</p> <p>Asking a BAME person to teach a white person words in their 'native' language</p>	<p>You must be an outsider</p> <p>Only White people can be British</p>
<p>Ascription of intelligence: Assigning a degree of intelligence to a person of colour based on their race</p>	<p>You are a credit to your race</p> <p>You are so articulate</p>	<p>It is unusual for someone of your ethnic background to be so intelligent</p>
<p>Colour blindness: Denial or pretense that a White person does not see colour or race.</p>	<p>When I look at you, I don't see colour</p> <p>When you come to the UK, you have to follow our rules.</p>	<p>I do not understand or empathise with the specific difficulties you experience</p> <p>I am not interested in your experience as a racial/cultural being</p>
<p>Assumption of criminal status: A person of colour is presumed to be dangerous, criminal, or deviant on the basis of their race</p>	<p>A White person avoiding sitting next to a person of colour</p>	<p>People from certain backgrounds are inferior</p> <p>You are a criminal</p>
<p>Denial of individual racism: Denial of personal racism or one's role in its perpetuation.</p>	<p>I'm not racist. I have several Black friends.</p> <p>As a woman, I know what you go through as a racial minority.</p>	<p>I can't be racist/I'm immune from racism</p> <p>I'm just like you, our experience is the same</p>
<p>Myth of meritocracy: Statements which assert that race does not play a role in life successes</p>	<p>I believe the most qualified person should get the job.</p> <p>Everyone can succeed, if they work hard enough.</p> <p>Exclusion of a BAME staff member in key meetings or seminars</p> <p>Exclusion of a BAME staff member in recruitment processes</p>	<p>You got this job because of quotas/positive action, you don't really deserve it</p> <p>The problem is with you, not anyone or anything else</p> <p>I do not think you can make a valuable contribution</p>

Pathologizing cultural values/ communication styles: Notion that the values and communication styles of people of colour are abnormal.	Dismissing an individual who brings up race/culture in work/teaching setting	The way you do things is wrong Leave your cultural baggage out of this
Second-class citizen: Treated as a lesser person or group	BAME person mistaken for a service worker Being ignored as attention is given to the white person	People from certain ethnic backgrounds cannot be in high-ranking positions I am not interested in the views of people who are not like me
Environmental microaggressions: Macro-level microaggressions which are more apparent on systemic and environmental levels	A university with buildings that are all named after White people Over-representation of white students and staff in publicity about the university	Only certain kinds of people are valued here. You don't belong We don't recognise the contributions that BAME colleagues make

Bearing in mind the importance of language in contributing to a sense of being welcome and belonging, one emerging area of interest with possible relevance to higher education is the use of micro-affirmations. Contrary to microaggressions, micro-affirmations are defined by Rowe as ‘small acts in the workplace fostering inclusion, listening, comfort, and support for people who may feel unwelcome or invisible in an environment’<sup>xxxvii</sup>. Powell et al argue that, within the context of higher education, micro-affirmations can communicate to students that they are ‘welcome, visible, and capable of performing well in the college environment.’<sup>xxxviii</sup>

Micro-affirmations can have value both when students are doing well and experiencing challenges. It is suggested that the use of micro-affirmations may actually be particularly effective in encouraging those to use and build on existing strengths to respond to new challenges. Examples of micro-affirmations cited by Powell et al include<sup>xxxix</sup>:

- “I see you are making progress in this area ... excellent work.”
- “I am concerned about you. Come visit me in office hours to talk more about this.”
- “I know this is difficult news...”

- “Have you thought about using this campus resource (e.g. the learning centre, counselling and wellness services, the writing centre)? Many successful students utilize this campus resource.”
- “I can tell that you are very outgoing/intellectually driven/social; have you considered participating in this opportunity/program ...?”
- “I see that you feel good about this, and I believe you should be proud of what you have accomplished thus far.”

## Annexe D: Policy and legislative context

This section outlines legal and public policy frameworks relevant to racial harassment as they apply across England, Scotland, Wales and Northern Ireland to provide an understanding of these contexts for universities in each nation.

### Legislative frameworks

The Equality Act 2010<sup>xl</sup> applies in England, Scotland and Wales. It was introduced in 2010 to legally protect people from discrimination in the workplace and wider society, consolidating several previous Acts (including the Race Relations Act 1976). A key provision of the Equality Act 2010 is the Public Sector Equality Duty (PSED). This requires all public bodies, including publicly-funded universities, to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

In addition to this general duty, the Act allows for additional specific PSED duties to be set in both Scotland and Wales.

In Wales, a number of additional provisions apply to higher education institutions, including the following on equality objectives<sup>xli</sup>:

- The need to prepare and publish its equality objectives at least every four years from the first date of publication;
- The need to publish objectives to meet the general duty. If an authority does not have an objective for each protected characteristic – in addition to any objective to address pay differences – it must publish reasons why not;
- The need to publish a statement setting out the steps it has taken (or intends to take to meet the objectives) and how long it expects to take to meet each objective;
- The need to make appropriate arrangements to monitor progress towards meeting its objectives and to monitor the effectiveness of its approach; and

- The need to give appropriate consideration to relevant equality information it holds when considering what its equality objectives should be.

Universities must also have due regard to the need to have objectives to address the causes of any pay differences that seem reasonably likely to be related to any of the protected characteristics, and publish an equality objective to address any gender pay gap identified (or else publish reasons why it has not done so).

There are a number of additional provisions in Scotland. Those that apply to higher education institutions and colleges include:

- The need to report on progress of mainstreaming the general duty into all functions every two years;
- The need to publish and deliver a set of equality outcomes that cover all protected characteristics (or explain why not all protected characteristics are covered) every four years;
- The need to assess the impact of new and revised policies and practices against the needs of the general duty on an ongoing basis;
- The need to gather information on the protected characteristics of employees and publish every two years, as part of mainstreaming reports if not published elsewhere;
- The need to publish board diversity information as part of mainstreaming reports, including the gender breakdown of governing body or board members and how this information has/will be used to improve diversity amongst members;
- The need to publish gender pay gap information every two years, and publish statements on equal pay and occupational segregation for gender, race and disability every four years;
- The need to have due regard to the general duty in specified procurement practices on an ongoing basis; and
- The need to publish the above information in a manner that is accessible<sup>xlii</sup>.

The Scottish Funding Council has signed a Memorandum of Understanding with EHRC Scotland to transfer some responsibilities for equalities monitoring that formerly sat with the EHRC.

Responsibility for anti-discrimination legislation is devolved to the Northern Ireland Assembly by the UK Government. There is no single Act of law equivalent to the Equality Act considering all forms of discrimination, although Section 75 of the Northern Ireland Act 1998 contains some provisions similar to the PSED<sup>xliii</sup>.

Under this Act, public authorities must have regard to the desirability of promoting good relations between persons of different racial groups, religious belief, and several other protected categories. Harassment and discrimination on the grounds of race, colour, ethnic or national origins, or ethnicity are prohibited by

the Race Relations (NI) Order 1997. The Fair Employment and Treatment (NI) Order 1998, which provides for a statutory duty to promote fair participation in employment, may also have relevance to racial harassment<sup>xliv</sup>.

## **Wider policy contexts**

### UK-wide

A number of areas relating to racial inequalities have been examined by the UK Government in recent years. The Race Disparity Unit was established by the Prime Minister in 2016. In 2017, the Unit published the Race Disparity Audit<sup>xlv</sup>, examining racial inequalities in various areas of UK life, including education. Information about the experiences and outcomes of those from different ethnic groups can be found via the UK government's Ethnicity Facts and Figures service<sup>xlvi</sup>.

In 2020, in response to the Covid-19 pandemic and protests sparked by the Black Lives Matter movement, the UK Government has established an independent Commission on Race and Ethnic Disparities. This will examine inequalities within the UK, focusing on areas including poverty, education, employment, health, and the criminal justice system. The Commission will submit its findings to the Prime Minister by the end of 2020<sup>xlvii</sup>.

### England

The Home Office's Hate Crime Action Plan (2016) <sup>xlviii</sup> applies to England and Wales and outlines the UK government's commitment to tackling hate crime, including on the basis of race. The Action Plan was published in 2016 to apply until May 2020; however, many of the actions in the plan continue to apply after this date, and further details on the Home Office's next steps are forthcoming. Statistics on hate crimes reported to the police in England and Wales are reported annually<sup>xlix</sup>.

In response to UUK's 2016 *Changing the culture* report, the Office for Students (then as the Higher Education Funding Council for England) provided a £4.7million Catalyst fund to support 119 projects safeguarding students in English higher education institutions, with a specific focus on addressing sexual harassment, online harassment and hate crime. Advance HE was commissioned to provide an evaluation of these projects<sup>i</sup>.

English institutions should note the Office for Students' proposed statement of expectations (currently under consultation) for addressing harassment and sexual misconduct in higher education<sup>ii</sup>. Under current proposals, adherence to this statement will form part of an institution's conditions of registration.

## Wales

In Wales, listed public authorities are required to produce a Strategic Equality Plan. The Welsh Government has published its Strategic Equality Action Plan for 2020 to 2024<sup>lii</sup>, including its long-term aim to eliminate harassment, hate crime and discrimination on the ground of protected characteristics including race.

The Higher Education Funding Council for Wales (HEFCW) has published a draft Strategic Equality Action Plan for the same period<sup>liii</sup>, drawing on the Welsh Government plan to outline its own plans to advance equality in higher education in Wales, including eliminating harassment.

Welsh universities publish their own Strategic Equality Plans (SEP) as per their listed status. Institutions must prepare and publish SEPs at least every four years, publish objectives to meet the general duty, make appropriate arrangements to monitor progress and give consideration to relevant equality information it holds.

Universities in Wales will have published their 2020-24 Strategic Equality Plans by October 2020 and have made these publicly available<sup>liv</sup>.

## Scotland

The Scottish government Race Equality Framework for Scotland 2016 to 2030<sup>lv</sup> sets out a strategic approach to promoting racial equality and tackling racism and inequalities. It describes six 'visions' of its intended outcomes, including community cohesion, participation in public life, and inclusive educational opportunities for all. The Race Equality Framework is accompanied by the Race Equality Action Plan, detailing 120 actions for how this will be achieved.

The Hate Crime and Public Order (Scotland) Bill was introduced to Holyrood in April 2020. It seeks to modernize, consolidate, and extend existing hate crime legislation into one Act. One of the purposes of the Bill, as described by the Scottish Government, is to ensure that crimes motivated by prejudice will be treated more seriously and will not be tolerated by society. The Bill has been created to make this clear to victims, those who commit hate crimes, and the wider society.

The Crown Office and Procurator Fiscal Service publishes regular statistics on the incidence of hate crimes<sup>lvi</sup>.

Universities Scotland is reviewing the 2016 UUK-Pinsent Masons guidance on student misconduct that may also constitute a criminal offence to take greater account of the Scottish legislative and policy context, and to ensure it is trauma-informed. Racially motivated incidents are within the scope of this review.



## Northern Ireland

The Criminal Justice (No. 2) (Northern Ireland) Order 2004 enables a sentence to be increased where it is proven that the offence for which a person is convicted was motivated against a protected characteristic. However, no specific offence of 'hate crime' exists in Northern Irish law. An independent review of hate crime legislation in Northern Ireland, commissioned by the Department of Justice, is currently underway<sup>lvii</sup>.

In 2018/19, 37% of hate crime cases submitted to the Public Prosecution Service by the Police Service of Northern Ireland were racist hate incidents<sup>lviii</sup>. Although this proportion is lower than in the other nations of the UK, this should be taken in the context that the proportion of those from minority ethnic backgrounds in Northern Ireland is significantly lower than other nations of the UK<sup>lix</sup>. Racially motivated hate crimes are also lower as a proportion of total hate crimes due to the additional category of sectarian hate crime in Northern Ireland.

## Annexe E: Complaints handling and redress for staff and students

The table below sets out concerns relating to managing complaints, raised by staff and students in the EHRC inquiry.

- Mismatch between how universities perceive they were addressing complaints and the views of those reporting a complaint
- Institutional policies and procedures not always adhering to sector models and ACAS guidance on managing complaints
- Lack of training for staff to respond effectively to complaints and investigations such as training to understand how power dynamics could influence these processes, and to understand trauma informed investigations
- Staff managing informal complaints (outside student and staff complaint specialists) did not always have an understanding, and the skills, to manage conversations about race, which could result in poorly handled complaints
- Lack of advice and support for both reporting and responding parties when making a complaint; this included what happened when a complaint was made, and the personal implications of doing this. This was critical in terms of managing expectations
- Lack of feedback given to both reporting and responding parties on the progress and outcome of a complaint. This also applied to the outcomes and any sanctions from disciplinary proceedings
- Dissatisfaction by reporting and responding parties on the thoroughness and independence of the complaints and investigations process
- The length of time for resolving complaints
- Limited feedback sought by universities on the effectiveness of institutional complaints processes, and therefore limiting potential to improve the process

## Models and frameworks for handling student complaints

Frameworks for handling student complaints are set out below:

- [Office of the Independent Adjudicator \(OIA\) in England and Wales](#),
- [the Scottish Public Services Ombudsman \(SPSO\)](#)
- [the Northern Ireland Public Services Ombudsman \(NIPSO\)](#)

Where a complaint refers to misconduct which could also constitute a criminal offence, universities should refer to the 2016 [UUK/ Pinsent-Masons guidance](#)<sup>lx</sup>. This guidance refers to all forms of misconduct. The guidance is currently under review by Universities Scotland. This includes recognising the potential for trauma in a student who has experienced racism/microaggressions; developing a trauma-informed approach and exploring how to dismantle some of the structural whiteness embedded in higher education systems and processes<sup>lxi</sup>.

### Guidance on handling complaints relating to racial harassment

As employers, universities in Great Britain should follow the Advisory, Conciliation and Arbitration Service (ACAS) Codes of Practice on good employment relations practice in terms of complaints relating to racial harassment. This includes the [code](#) of practice on disciplinary and grievance procedures and the non-statutory [guidance](#) which accompanies the code. The code sets out the minimum procedures an employer should follow in handling these issues. While it is not a freestanding legal obligation to follow the code, if a case reaches the employment tribunal, it will take into account the procedure that has been followed and may apply an uplift to any compensation awarded if the employer has not complied with the ACAS Code.

Universities should also refer to the EHRC [Sexual harassment and harassment at work: technical guidance](#) which sets out information on preventing and responding to harassment with reference to informal and formal resolution, conducting investigations and reporting outcomes and data protection.

In Northern Ireland, the Labour Relations Agency (LRA) has published [codes of practice on disciplinary and grievance procedures](#).

These frameworks are clear on the importance of understanding what outcome or redress is being sought by an individual raising a complaint and this is an important consideration for ensuring that those who do raise a complaint, feel a sense of justice. Notwithstanding this, universities will also be aware that not everyone will be able to articulate the redress they would like; rather the emphasis may be on ensuring that the university is aware of the issue/behaviour; and acknowledging it and, where appropriate, acts upon it.

For some complaints, formal resolution will be the most appropriate way to respond. There may, however, be occasions when it is possible to resolve the concern to the satisfaction of the student or staff member who experienced the harassment (ie the reporting party) by using less formal routes, including mediation and local resolution, both of which can also form part of an educative approach. Successful informal action can also be beneficial in resolving issues quickly.

Redress for staff or students experiencing harassment may include an apology, recognition of offence caused, remedial action to prevent future incidents (at either an individual or institutional level), disciplinary action against the responding party<sup>lxii</sup>, dismissal or expulsion from a university course, or criminal or a legal remedy.

There are a range of sanctions available to universities where a complaint is upheld. These should be transparent to staff and students<sup>lxiii</sup>. This can include a formal written warning, as well as a range of disciplinary options. Educative measures may also support the responding party's learning and reduce the likelihood of repeated incidents.

## Annexe F: Membership of the UUK Advisory Group and independent advisors

### **Advisory group**

Dr Jason Arday, Assistant Professor in the Department of Sociology, Durham University

Professor Nick Braisby, Vice-Chancellor, Buckinghamshire New University

Professor Nishan Canagarajah, Vice-Chancellor, University of Leicester

Professor Frances Corner OBE, Warden, Goldsmiths, University of London

Kirsteen Coupar, formerly Director of Student Services, London South Bank University

Professor Lynn Dobbs, Vice-Chancellor, London Metropolitan University

Gavin Douglas, Deputy Secretary, University of Edinburgh

Dr Kennetta Hammond Perry, Director of the Stephen Lawrence Research Centre/Reader in History, De Montfort University

Dr Stevie-Jade Hardy, Evidence and Evaluation Lead at the Office of the Police and Crime Commissioner/Violence Reduction Network for Leicestershire/Honorary Fellow at the University of Leicester

Roshan Israni, Deputy Chief Executive, University and Colleges Employers Association

Dr Dominik Jackson-Cole, Equality, Diversity and Inclusion Learning Adviser, SOAS University of London

Jenny Jenkin, Secretary and Registrar, London School of Hygiene and Tropical Medicine

Ammara Khan, Head of Race Equality Charter, Advance HE

Jenny Lennox, Bargaining and Negotiations Official, University and Colleges Union

Ruth Levin, Senior National Officer, Unison

Nona McDuff OBE, Pro Vice-Chancellor, Students and Teaching, Solent University

Fope Olaleye, formerly Black Students' Officer, National Union of Students (also Chair of Student Panel)

Naina Patel, Director of Human Resources, University of the Arts London

Linda Peka, Deputy Registrar and Chief College Operations Officer, University of Exeter

Professor David Richardson, Vice-chancellor, University of East Anglia (Chair)

Ben Rogers, Director of Registry Services, Cardiff Metropolitan University

Professor Iyiola Solanke, Chair in EU Law and Social Justice, University of Leeds

Professor Wendy Thomson, Vice-Chancellor, University of London

Paulette Williams, Head of Student Success Projects, University College London

Professor Marcia Wilson, Dean of the Office for Institutional Equity, University of East London (also Chair of Staff Panel)

### **Independent advisors**

Jatin Haria, Executive Director at the Coalition for Racial Equality and Rights

Sandra Kerr, Race Equality Director, Business in the Community

Dr Tony Sewell, CEO of Generating Genius, Fellow of UCL, Senior Research Fellow for Demography, Immigration, and Integration at Policy Exchange, Chair of the Commission on Race and Ethnic Disparities

## Annexe G: Membership of Student and Staff Panels

Coralie Absolum, Alexander Acheampong, Dr Barbara Adewumi, Eyram Ahadzie, Professor Alfred Akisanya, Asif Akram, Eireann Attridge, Patrice Belton, Rachel Boyle, Kocoa Brown, Olive Ceesay, JJ Chan, Ankit Duggal, Siobhan Endean, Sara Elkhawad, Dr Ama Eyo, Titilayo Farukuoye, Judella Fereira, Charlene Grigaitis-Schickler, Aveen Hameed, Bhairavi Hariharan, Linda Harrison, Maisha Islam, Franklin Jacob, Eseoghene Johnson, Lizzie Johnson, Afia Khan, Alisha Lobo, Dr Noah Karley, Azadeh Madanian Mohammadi, Abhiyaan Malhotra, Asnat Marealle, Chrystalle Margallo, Ntsiki Mkhize, Paddy Mukasa, Ishani Mukherjee, Lauryn Mwale, Theresa Ogbekhiulu, Fope Olaleye (Chair – Student Panel), Dr Hope Osayande, Aaliyah Patel, Kaushika Patel, Sabiha Patel, Adnan Rahman, Gurpal Singh Rai, Dhanjeet Ramnatsing, Davena Rankin, Saleem Rashid, Mandeep Rupra, Moni Serneabat, Rianna Walcott, Mishan Wickremasinghe, Professor Marcia Wilson (Chair – Staff Panel)

Universities UK would also like to thank the National Union of Students and Advance HE for their work in establishing and supporting these panels.

There are many other colleagues that UUK would like to thank in pulling this guidance together including, Nicola Bradfield, Coventry University, Emma Douthwaite, OfS, Ian Hynes, Intersol Global, Jo Nuckley, OIA, Helen Scott, Universities HR, Jill Stevenson, University of Stirling, Mark Wright, EHRC. '

## Annexe H: Further information, and resources

### **Nationwide support services for those experiencing racial harassment and hate crime**

- Community Security Trust, support for victims of antisemitism  
<https://cst.org.uk/>
- TELL MAMA, supporting victims of Islamophobia and anti-Muslim hate  
<https://tellmamauk.org/>
- True Vision, police-funded website providing information about racism and hate crime, include self-reporting and information pack, as well as online reporting facilities [www.report-it.org.uk](http://www.report-it.org.uk)
- Victim Support England and Wales <https://www.victimsupport.org.uk/>
- Victim Support Northern Ireland <https://www.victimsupportni.com/help-for-victims/hate-crime/>

- Victim Support Scotland <https://victimsupport.scot/>

### Resources to support universities in addressing racism and racial harassment

- British Medical Association (2020) Racial harassment charter for medical schools: <https://www.bma.org.uk/advice-and-support/discrimination-and-harassment/racial-harassment-in-medical-schools/racial-harassment-charter-for-medical-schools>
- Business in the Community, Race at work charter: <https://www.bitc.org.uk/race/>
- Business in the Community, 'Let's Talk about Race' guide to starting conversations race: [https://www.bitc.org.uk/wp-content/uploads/2019/10/Lets-Talk-About-Race\\_03012018.pdf](https://www.bitc.org.uk/wp-content/uploads/2019/10/Lets-Talk-About-Race_03012018.pdf)
- Cardiff University (2020) Strengthening Race Equality: A Resource Guide – one university's guide to its current initiatives to tackle racial inequalities, campaigns, and further resources: [https://www.cardiff.ac.uk/\\_data/assets/pdf\\_file/0003/2436627/StrengtheningRaceEquality\\_Final.pdf](https://www.cardiff.ac.uk/_data/assets/pdf_file/0003/2436627/StrengtheningRaceEquality_Final.pdf)
- CIPD guidance on establishing an employee resource group: [https://www.cipd.co.uk/knowledge/fundamentals/relations/diversity/employee-resource-group-black-ethnic-minorities?utm\\_source=mc&utm\\_medium=email&utm\\_content=cipdupdate\\_09092020.EdL1\\_ERG\\_Guidance&utm\\_campaign=cipd\\_update&utm\\_term=1143580](https://www.cipd.co.uk/knowledge/fundamentals/relations/diversity/employee-resource-group-black-ethnic-minorities?utm_source=mc&utm_medium=email&utm_content=cipdupdate_09092020.EdL1_ERG_Guidance&utm_campaign=cipd_update&utm_term=1143580)
- University of Suffolk (2019) Higher Education Online Safeguarding Self-Review Tool: <https://www.uos.ac.uk/sites/www.uos.ac.uk/files/Higher-Education-Online-Safeguarding-Self-Review-Tool%202019.pdf>
- Race Equality Charter good practice database: <https://www.advance.ac.uk/charters/rec-athena-swan-initiatives>
- Scottish Association of Minority Ethnic Educators research and resources guide: <https://www.samee.org.uk/policies-and-research>

### Examples of campaigns

- Keele University documentary, 'An everyday dimension of racism' <https://www.youtube.com/watch?v=OCBJZQrXG0>
- 'Re:Tension' film, Ricardo Barker <https://www.youtube.com/watch?v=dUKnwlbloVU&feature=youtu.be>
- University and Colleges Union: *Witness*

[https://www.youtube.com/results?search\\_query=witness+ucu](https://www.youtube.com/results?search_query=witness+ucu)

- University of Edinburgh: *Don't Cross the Line*:  
<https://www.ed.ac.uk/equality-diversity/respect/campaign/campaign-materials>
- University of Sheffield Black and Minority Ethnic Committee: '*A Bit Racist is Still Racist*': <https://yoursu.sheffield.ac.uk/make-a-change/campaigning/a-bit-racist-is-still-racist>

### Further information on racial inequalities in higher education

- Degree awarding gaps: Universities UK/National Union of Students (2019) *Black, Asian and Minority Ethnic student attainment at UK universities: #ClosingTheGap* available at <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/bame-student-attainment-uk-universities-closing-the-gap.pdf>
- Ethnicity pay gaps: Universities and Colleges Employers Association (2018) *Caught at the crossroads? An intersectional approach to gender and ethnicity pay gaps in HE* available at: [https://uceastorage.blob.core.windows.net/ucea/download.cfm/docid/caught\\_at\\_the\\_crossroads.pdf](https://uceastorage.blob.core.windows.net/ucea/download.cfm/docid/caught_at_the_crossroads.pdf)
- Staff experience, including retention and progression: Equality Challenge Unit (2011) *The experience of black and minority ethnic staff in higher education in England* available at: [https://s3.eu-west-2.amazonaws.com/assets.creode.advancehe-document-manager/documents/ecu/experience-of-bme-staff-in-he-final-report\\_1578673611.pdf](https://s3.eu-west-2.amazonaws.com/assets.creode.advancehe-document-manager/documents/ecu/experience-of-bme-staff-in-he-final-report_1578673611.pdf)
- University and College Union (2016) *The experiences of Black and Minority Ethnic staff in further and higher education* available at: [https://www.ucu.org.uk/media/7861/The-experiences-of-black-and-minority-ethnic-staff-in-further-and-higher-education-Feb-16/pdf/BME\\_survey\\_report\\_Feb161.pdf](https://www.ucu.org.uk/media/7861/The-experiences-of-black-and-minority-ethnic-staff-in-further-and-higher-education-Feb-16/pdf/BME_survey_report_Feb161.pdf)
- Student retention: Social Market Foundation/UPP Foundation (2017) *On course for success? Student retention at university* available at: <http://www.smf.co.uk/wp-content/uploads/2017/07/UPP-final-report.pdf>

## Annexe I: Bibliography

Acas (2015) *Code of Practice on disciplinary and grievance procedures* available at <https://www.acas.org.uk/acas-code-of-practice-for-disciplinary-and-grievance-procedures/html>

Acas (2020) *Discipline and Grievances at work: The Acas guide* available at [https://archive.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG\\_Guide\\_Feb\\_2019.pdf](https://archive.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf)

Advance HE (2018) *Evaluation of Safeguarding Students Catalyst Fund Projects: Thematic Analysis Report 1* available at [https://www.officeforstudents.org.uk/media/bd771e1c-b650-49d1-bd60-a6188d084506/ofs2018\\_safeeval.pdf](https://www.officeforstudents.org.uk/media/bd771e1c-b650-49d1-bd60-a6188d084506/ofs2018_safeeval.pdf)

Advance HE (2018) *Religion and belief: supporting inclusion of staff and students in higher education and colleges* available at [https://s3.eu-west-2.amazonaws.com/assets.creode.advancehe-document-manager/documents/ecu/Religion\\_and\\_belief-supporting\\_inclusion\\_of\\_staff\\_and\\_students\\_in\\_higher\\_education\\_and\\_colleges\\_1579782722.pdf](https://s3.eu-west-2.amazonaws.com/assets.creode.advancehe-document-manager/documents/ecu/Religion_and_belief-supporting_inclusion_of_staff_and_students_in_higher_education_and_colleges_1579782722.pdf)

Advance HE (2019) *Safeguarding Catalyst Fund projects evaluation: Summative Evaluation Report* available at: <https://www.officeforstudents.org.uk/media/e3c0bd5e-7e03-4235-941a-f933da269728/catalyst-evaluation-summative-report.pdf>

Advance HE (2019) *Evaluation of Safeguarding Students Catalyst Fund Projects: Thematic Analysis Report 2* available at <https://www.officeforstudents.org.uk/media/21a55030-ab94-425c-ba68-05997a9fa1d6/catalyst-evaluation-thematic-analysis-report-two.pdf>

Advance HE (2019) *Evaluation of Safeguarding Students Catalyst Fund Projects: Round three – Interim report* available at <https://www.officeforstudents.org.uk/media/1f23be64-ae64-4cbe-b771-916bbf30f6e2/evaluation-of-safeguarding-students-catalyst-fund-projects-round-three-interim-report.pdf>



Advance HE (2020) *Evaluation of Safeguarding Students Catalyst Fund Projects: Round three – Final report* available at

<https://www.officeforstudents.org.uk/media/c9cbf68d-023d-4bca-bc84-095fdc8ca8c3/catalyst-round-three-summative-report.pdf>

Benzeval M et al (2020) 'Understanding Society Working Paper Series' *The Idiosyncratic Impact of an Aggregate Shock: The Distributional Consequences of COVID-19* available at

<https://www.understandingsociety.ac.uk/sites/default/files/downloads/working-papers/2020-09.pdf>

Bhavnani R et al (2005) *Tackling the roots of racism: Lessons for success*

Bhopal K, Henderson H (2019) 'Educational review' *Competing inequalities: gender versus race in higher education institutions in the UK*

British Medical Association (2020) *A charter for medical schools to prevent and address racial harassment* available at

<https://www.bma.org.uk/media/2030/bma-med-school-charter-implementation.pdf>

Cabinet Office (2017) *Race Disparity Audit* available at

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/686071/Revised\\_RDA\\_report\\_March\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/686071/Revised_RDA_report_March_2018.pdf)

Committee of University Chairs (2020) *The Higher Education Code of Governance* available at [https://www.universitychairs.ac.uk/wp-](https://www.universitychairs.ac.uk/wp-content/uploads/2020/09/CUC-HE-Code-of-Governance-publication-final.pdf)

[content/uploads/2020/09/CUC-HE-Code-of-Governance-publication-final.pdf](https://www.universitychairs.ac.uk/wp-content/uploads/2020/09/CUC-HE-Code-of-Governance-publication-final.pdf)

Crenshaw K (1989) 'University of Chicago Legal Forum' *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics* available at

<https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf>

Delgado R, Stefancic J (2017) *Critical Race Theory (Third Edition): An Introduction*

DiAngelo R (2011) 'The International Journal of Critical Pedagogy' *White Fragility* available at <http://libjournal.uncg.edu/ijcp/article/view/249/116>

Equality and Human Rights Commission (2014) *Equality Objectives and Strategic Equality Plans: A Guide for Listed Public Authorities in Wales* available at

[https://www.equalityhumanrights.com/sites/default/files/equality\\_objectives\\_and\\_strategic\\_equality\\_plans\\_wales.pdf](https://www.equalityhumanrights.com/sites/default/files/equality_objectives_and_strategic_equality_plans_wales.pdf)

Equality and Human Rights Commission (2018) *Unconscious bias training: An assessment of the evidence for effectiveness* available at <https://www.equalityhumanrights.com/sites/default/files/research-report-113-unconscious-bias-training-an-assessment-of-the-evidence-for-effectiveness-pdf.pdf>

Equality and Human Rights Commission (2019) *Freedom of expression: a guide for higher education providers and students' unions in England and Wales* available at <https://www.equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf>

Equality and Human Rights Commission (2019) *Tackling racial harassment: universities challenged* available at: <https://www.equalityhumanrights.com/en/publication-download/tackling-racial-harassment-universities-challenged>

Equality and Human Rights Commission (2020) *Sexual harassment and harassment at work: technical guidance* available at [https://www.equalityhumanrights.com/sites/default/files/sexual\\_harassment\\_and\\_harassment\\_at\\_work.pdf](https://www.equalityhumanrights.com/sites/default/files/sexual_harassment_and_harassment_at_work.pdf)

Equality Challenge Unit (2010) *Anti-discrimination law in Northern Ireland* available at <https://www.ecu.ac.uk/wp-content/uploads/external/anti-discrimination-law-in-ni.pdf>

Equality Challenge Unit (2017) *The public sector equality duty: specific duties for Scotland (revised)* available at [https://s3.eu-west-2.amazonaws.com/assets.creode.advancehe-document-manager/documents/ecu/ECU\\_Public-sector-equality\\_Scotland-2017\\_1579099261.pdf](https://s3.eu-west-2.amazonaws.com/assets.creode.advancehe-document-manager/documents/ecu/ECU_Public-sector-equality_Scotland-2017_1579099261.pdf)

Fazackerley A (2020) 'The Guardian' *It's not banter, it's racism: UK students accuse universities of brushing complaints aside* available at <https://www.theguardian.com/education/2020/jul/07/its-not-banter-its-racism-uk-students-accuse-universities-of-brushing-complaints-aside>

Higher Education Statistics Agency (2017/18) *Higher Education Graduate Outcome Statistics (experimental statistics)*

Higher Education Statistics Agency (2018/19) *Staff Record*

Home Office (2016) *Action Against Hate: The UK Government's plan for tackling hate crime* available at

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543679/Action\\_Against\\_Hate\\_-\\_UK\\_Government\\_s\\_Plan\\_to\\_Tackle\\_Hate\\_Crime\\_2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/543679/Action_Against_Hate_-_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf)

Labour Relations Agency (2011) *Code of practice on disciplinary and grievance procedures* available at <https://www.lra.org.uk/sites/default/files/2019-05/Code%20of%20Practice%20on%20Disciplinary%20and%20Grievance%20Procedures%20-%203rd%20April%202011.pdf>

Lau J (2020) 'Times Higher Education' *Coronavirus sparks a rising tide of xenophobia worldwide* available at <https://www.timeshighereducation.com/news/coronavirus-sparks-rising-tide-ofxenophobia-worldwide>

Lewontin R (1972) 'Evolutionary Biology' *The Apportionment of Human Diversity*

McGregor-Smith R (2017) *Race in the workplace: The McGregor-Smith Review* available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/594336/race-in-workplace-mcgregor-smith-review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/594336/race-in-workplace-mcgregor-smith-review.pdf)

McIntosh P (1988) *White Privilege: Unpacking the Invisible Knapsack* available at <https://www.racialequitytools.org/resourcefiles/mcintosh.pdf>

Office for Students (2020) *Consultation on harassment and sexual misconduct in higher education* available at <https://www.officeforstudents.org.uk/media/ebff4577-6ada-42af-ba98-07250db97c2f/consultation-on-harassment-and-sexual-misconduct-in-higher-education-18032020.pdf>

Office of the Independent Adjudicator (2016) *The good practice framework: handling student complaints and academic appeals* available at <https://www.oiahe.org.uk/media/1859/oia-good-practice-framework.pdf>

Office of the Independent Adjudicator (2018) *The good practice framework: disciplinary procedures* available at <https://www.oiahe.org.uk/media/2045/good-practice-framework-disciplinary-procedures-section.pdf>

Parliamentary and Health Service Ombudsman (2016) *Principles of Good Complaint Handling* available at <https://nipso.org.uk/site/wp-content/uploads/2016/02/0188-Principles-of-Good-Complaint-Handling-bookletweb-1.pdf>

Powell et al (2013) 'The Mentor: An Academic Advising Journal' *Micro-affirmations in Academic Advising: Small Acts, Big Impact* available at <https://journals.psu.edu/mentor/article/view/61286/60919>

Public Health England (2020) *Disparities in the risks and outcomes of COVID-19* available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/908434/Disparities\\_in\\_the\\_risk\\_and\\_outcomes\\_of\\_COVID\\_August\\_2020\\_update.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908434/Disparities_in_the_risk_and_outcomes_of_COVID_August_2020_update.pdf)

Rollock N (2012) 'International Journal of Qualitative Studies in Education' *Unspoken rules of engagement: navigating racial microaggressions in the academic terrain*

Rollock N (2019) *Staying Power: The career experiences and strategies of UK Black female professors* available at [https://www.ucu.org.uk/media/10075/Staying-Power/pdf/UCU\\_Rollock\\_February\\_2019.pdf](https://www.ucu.org.uk/media/10075/Staying-Power/pdf/UCU_Rollock_February_2019.pdf)

Rowe M (2008) 'Journal of the International Ombudsman Association' *Micro-affirmations and micro-inequities*

Scottish Government (2016) *Race equality framework for Scotland* available at <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2016/03/race-equality-framework-scotland-2016-2030/documents/00497601-pdf/00497601-pdf/govscot%3Adocument/00497601.pdf?forceDownload=true>

Scottish Public Services Ombudsman (2020) *The Higher Education Model Complaints Handling Procedure: Implementation Guide* available at <https://www.spsso.org.uk/sites/spso/files/csa/HEMCHPImplementationGuide.pdf>

Sir William Macpherson of Cluny (1999) *The Stephen Lawrence inquiry* available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/277111/4262.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf)

Social Market Foundation/UPP Foundation (2017) *On course for success? Student retention at university* available at <http://www.smf.co.uk/wp-content/uploads/2017/07/UPP-final-report.pdf>

Solanke I (2011) 'Industrial Law Journal' *Infusing the Silos in the Equality Act with Synergy*

Solanke I (2013) 'Research Handbook on EU Labour Law' *A Method for Intersectional Discrimination in EU Labour Law*

Sue et al (2007) 'American Psychologist' *Racial Microaggressions in Everyday Life*

The 1752 Group/McAllister Olivarius (2020) *Sector guidance to address staff sexual misconduct in UK higher education* available at <https://1752group.com/wp-content/uploads/2020/03/the-1752-group-and-mcallister-olivarius-sector-guidance-to-address-staff-sexual-misconduct-in-uk-he-1.pdf>

Townsend M, Iqbal N (2020) 'The Guardian' *Far right using coronavirus as an excuse to attack Asians, say police* available at <https://www.theguardian.com/society/2020/aug/29/far-right-using-coronavirus-as-excuse-to-attack-chinese-and-south-east-asians>

Universities and Colleges Employers Association (2018) *Caught at the crossroads? An intersectional approach to gender and ethnicity pay gaps in HE* available at [https://uceastorage.blob.core.windows.net/ucea/download.cfm/docid/caught\\_at\\_the\\_crossroads.pdf](https://uceastorage.blob.core.windows.net/ucea/download.cfm/docid/caught_at_the_crossroads.pdf)

University and College Union (2016) *Tackling workplace racism: A UCU bargaining guide for branches* available at [https://www.ucu.org.uk/media/8233/Tackling-workplace-racism--a-UCU-bargaining-guide-for-branches-Jul-16/pdf/ucu\\_tacklingworkplacercism\\_bargainingtoolkit\\_jul16.pdf](https://www.ucu.org.uk/media/8233/Tackling-workplace-racism--a-UCU-bargaining-guide-for-branches-Jul-16/pdf/ucu_tacklingworkplacercism_bargainingtoolkit_jul16.pdf)

Universities UK (2016) *Changing the culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students* available at <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/changing-the-culture.pdf>

Universities UK (2018) *Changing the culture: one year on* available at <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2018/changing-the-culture-one-year-on.pdf>

Universities UK (2018) *Guidance for allegations of student misconduct* available at <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2018/uuk-cu-first-disclosures-briefing-note.pdf>

Universities UK (2019) *Changing the culture: two years on* available at <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/uuk-changing-the-culture-two-years-on.pdf>

Universities UK (2019) *Tackling online harassment and promoting online welfare* available at <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/tackling-online-harassment.pdf>

Universities UK (2020) *Stepchange: mentally healthy universities* available at <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2020/uuk-stepchange-mhu.pdf>

Universities UK/National Union of Students (2019) *Black, Asian and Minority Ethnic student attainment at UK universities: #ClosingTheGap* available at <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/bame-student-attainment-uk-universities-closing-the-gap.pdf>

Universities UK/Pinsent Masons (2016) *Guidance for Higher Education Institutions: How To Handle Alleged Student Misconduct Which May Also Constitute A Criminal Offence* available at <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/guidance-for-higher-education-institutions.pdf>

Welsh Government (2020) *Strategic Equality Plan 2020-2024* available at <https://gov.wales/sites/default/files/publications/2020-04/strategic-equality-plan-equality-aims-objectives-actions-2020-2024.pdf>

Woolf K (2020) 'British Medical Journal' *Differential attainment in medical education training*

---

## Endnotes

<sup>i</sup> Available at: <https://www.advance-he.ac.uk/guidance/equality-diversity-and-inclusion/using-data-and-evidence/use-of-language-race-ethnicity>

<sup>ii</sup> NAC International Perspectives: Women and Global Solidarity available via: <http://www.aclrc.com/antiracism-defined>

<sup>iii</sup> For fuller discussion of alternative definitions, see <https://cst.org.uk/antisemitism/definitions>

<sup>iv</sup> The full text of the definition can be found at:

[https://www.holocaustremembrance.com/sites/default/files/press\\_release\\_document\\_antisemitism.pdf](https://www.holocaustremembrance.com/sites/default/files/press_release_document_antisemitism.pdf)

<sup>v</sup> Available at: [http://www.hrcr.org/safrica/equality/Mandla\\_DowellLee.htm](http://www.hrcr.org/safrica/equality/Mandla_DowellLee.htm)

<sup>vi</sup> Bhavnani R, Mirza HS, Meeto V (2005) *Tackling the roots of racism: Lessons for success*

<sup>vii</sup> See <https://www.advance-he.ac.uk/guidance/equality-diversity-and-inclusion/using-data-and-evidence/use-of-language-race-ethnicity> for further discussion

<sup>viii</sup> Equality Act 2010, S26

- 
- ix Sir William Macpherson of Cluny (1999) *The Stephen Lawrence inquiry* (page 49) available at : [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/277111/4262.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf)
- x Such as in the case of Dafro Jeffries, information on which is available at: <https://law.justia.com/cases/federal/district-courts/FSupp/425/1208/1513479/>
- xi Crenshaw K (1989) 'University of Chicago Legal Forum' *Demarginalising the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracial politics*
- xii Section 14 of the Equality Act 2010 would make it unlawful in a work context or in the provision of education, for one person to treat another person less favourably because of a combination of two relevant protected characteristics. However, Section 14 has never been brought into force.
- xiii Solanke I (2011) 'Industrial Law Journal' *Infusing the Silos in the Equality Act with Synergy*;  
Solanke I (2013) 'Research Handbook on EU Labour Law' *A Method for Intersectional Discrimination in EU Labour Law*
- xiv Further explanation of Islamophobia and its manifestations can be found at <https://www.opensocietyfoundations.org/explainers/islamophobia-europe>
- xv Cambridge Dictionary
- xvi Bhavnani R, Mirza HS, Meeto V (2005) *Tackling the roots of racism: Lessons for success*
- xvii Lewontin R (1972) 'Evolutionary Biology' *The Apportionment of Human Diversity*
- xviii Equality Act 2010 S9
- xix The Equality Act definition of race does not explicitly cover caste, and the UK government has not exercised a power under the Act which would allow it to make regulations including caste within the definition. However, it has been held by the Employment Appeal Tribunal, that caste in many of its forms may come within the 'ethnic origins' aspect of the definition, depending on the circumstances. (*Chandhok & Anor v Tirkey* UKEAT/0190/14/KN). In any case, caste discrimination is wrong and should not be tolerated.
- xx See <https://www.cps.gov.uk/crime-info/hate-crime>
- xxi See <https://www.citizensadvice.org.uk/scotland/law-and-courts/discrimination/hate-crime-s/what-are-hate-incidents-and-hate-crime-s/>
- xxii The Crown Office and Procurator Fiscal Service (COPFS) specifically define hate crime as any charge of racially aggravated harassment and behaviour in terms of Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 or Section 18, 19 or 23(1)a of the Public Order Act 1986, or any racial aggravation in terms of Section 96 of the Crime and Disorder Act 1998.
- xxiii See <https://www.ppsni.gov.uk/hate-crime>
- xxiv See <https://www.citizensadvice.org.uk/law-and-courts/discrimination/hate-crime/what-are-hate-incidents-and-hate-crime/>
- xxv See <https://www.ppsni.gov.uk/hate-crime>
- xxvi See <https://www.citizensadvice.org.uk/scotland/law-and-courts/discrimination/hate-crime-s/what-are-hate-incidents-and-hate-crime-s/>
- xxvii Rollock, N (2012) 'International Journal of Qualitative Studies in Education' *Unspoken rules of engagement: navigating racial microaggressions in the academic terrain*
- xxviii Oxford Dictionary
- xxix McIntosh P (1988) *White Privilege: Unpacking the Invisible Knapsack* available at: <https://www.racialequitytools.org/resourcefiles/mcintosh.pdf>
- xxx DiAngelo R (2011) 'International Journal of Critical Pedagogy' *White Fragility*
- xxxi Equality Act 2010, available at: <https://www.legislation.gov.uk/ukpga/2010/15/contents>
- xxxii Equality and Human Rights Commission (2019) *Tackling racial harassment: universities challenged*
- xxxiii Table adapted from the University of Western Australia, available at: <https://www.hr.uwa.edu.au/policies/policies/conduct/racial-harassment>
- xxxiv Equality and Human Rights Commission (2019) *Tackling racial harassment: universities challenged*
- xxxv Rollock, N (2012) 'International Journal of Qualitative Studies in Education' *Unspoken rules of engagement: navigating racial microaggressions in the academic terrain*
- xxxvi Sue DW, Capodilupo CM, Torino GC, Bucceri JM, Holder AMB, Nadal KL, Esquilin M (2007) 'American Psychologist' *Racial Microaggressions in Everyday Life*
- xxxvii Rowe M (2008) 'Journal of the International Ombudsman Association' *Micro-affirmations and micro-inequities*
- xxxviii Powell, Demetrious, Fisher (2013) 'The Mentor: An Academic Advising Journal' *Micro-affirmations in Academic Advising: Small Acts, Big Impact*

---

xxxix Ibid

xi Equality Act 2010, available at [www.legislation.gov.uk](http://www.legislation.gov.uk)

xii Equality and Human Rights Commission (2014) *Equality Objectives and Strategic Equality Plans*, available at:

[https://www.equalityhumanrights.com/sites/default/files/equality\\_objectives\\_and\\_strategic\\_equality\\_plans\\_wales.pdf](https://www.equalityhumanrights.com/sites/default/files/equality_objectives_and_strategic_equality_plans_wales.pdf)

xiii Equality Challenge Unit (2017) *The public sector equality duty: specific duties for Scotland (revised)* available at: [https://s3.eu-west-2.amazonaws.com/assets.creode.advancehe-document-manager/documents/ecu/ECU\\_Public-sector-equality\\_Scotland-2017\\_1579099261.pdf](https://s3.eu-west-2.amazonaws.com/assets.creode.advancehe-document-manager/documents/ecu/ECU_Public-sector-equality_Scotland-2017_1579099261.pdf)

xiiii Northern Ireland Act 1998, available at:

<https://www.legislation.gov.uk/ukpga/1998/47/section/75>

xlv Equality Challenge Unit (2010) *Anti-discrimination law in Northern Ireland* available at:

<https://www.ecu.ac.uk/wp-content/uploads/external/anti-discrimination-law-in-ni.pdf>

xlv Cabinet Office (2017) *Race Disparity Audit* available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/686071/Revised\\_RDA\\_report\\_March\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/686071/Revised_RDA_report_March_2018.pdf)

xlvi Available at: <https://www.ethnicity-facts-figures.service.gov.uk/>

xlvii <https://www.gov.uk/government/publications/terms-of-reference-commission-on-race-and-ethnic-disparities/terms-of-reference-commission-on-race-and-ethnic-disparities>

xlviii Home Office (2016) *Action Against Hate: The UK Government's plan for tackling hate crime* available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543679/Action\\_Against\\_Hate\\_-\\_UK\\_Government\\_s\\_Plan\\_to\\_Tackle\\_Hate\\_Crime\\_2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/543679/Action_Against_Hate_-_UK_Government_s_Plan_to_Tackle_Hate_Crime_2016.pdf)

lix Available at: <https://www.gov.uk/government/collections/hate-crime-statistics>

i Available at: <https://www.officeforstudents.org.uk/publications/catalyst-fund-projects-evaluation/>

ii Available at: <https://www.officeforstudents.org.uk/publications/consultation-on-harassment-and-sexual-misconduct/>

iii Available at: <https://gov.wales/sites/default/files/publications/2020-04/strategic-equality-plan-equality-aims-objectives-actions-2020-2024.pdf>

iiii Available at:

[https://www.hefcw.ac.uk/working\\_with\\_he\\_providers/equality\\_and\\_diversity/strat\\_eq\\_plan.aspx#:~:text=HEFCW's%20Strategic%20Equality%20Plan%20covers,to%20the%202010%20Equality%20Act.&text=To%20contribute%20to%20the%20ongoing.%40hefcw.ac.uk](https://www.hefcw.ac.uk/working_with_he_providers/equality_and_diversity/strat_eq_plan.aspx#:~:text=HEFCW's%20Strategic%20Equality%20Plan%20covers,to%20the%202010%20Equality%20Act.&text=To%20contribute%20to%20the%20ongoing.%40hefcw.ac.uk)

lv Links available via:

[https://www.hefcw.ac.uk/working\\_with\\_he\\_providers/equality\\_and\\_diversity/strat\\_eq\\_plan.aspx#:~:text=HEFCW's%20Strategic%20Equality%20Plan%20covers,to%20the%202010%20Equality%20Act.&text=To%20contribute%20to%20the%20ongoing.%40hefcw.ac.uk](https://www.hefcw.ac.uk/working_with_he_providers/equality_and_diversity/strat_eq_plan.aspx#:~:text=HEFCW's%20Strategic%20Equality%20Plan%20covers,to%20the%202010%20Equality%20Act.&text=To%20contribute%20to%20the%20ongoing.%40hefcw.ac.uk)

lv Scottish Government (2016) *Race equality framework for Scotland* available at :

<https://www.gov.scot/publications/race-equality-framework-scotland-2016-2030/>

lvi Available at:

<https://www.copfs.gov.uk/images/Documents/Statistics/Hate%20Crime%20in%20Scotland%202019-20/Hate%20Crime%20in%20Scotland%202019-20.pdf>

lvii Please refer to: <https://www.hatecrimereviewni.org.uk/key-documents>

lviii [https://www.ppsni.gov.uk/sites/ppsnifiles/publications/Hate%20Crime%20Infographic%2018-19\\_4.pdf](https://www.ppsni.gov.uk/sites/ppsnifiles/publications/Hate%20Crime%20Infographic%2018-19_4.pdf)

lix 98% of the population of Northern Ireland were recorded as belonging to White ethnic groups in the 2011 Census, compared to 87% of the UK as a whole.

lx UUK/Pinsent Masons (2016) *Guidance for Higher Education Institutions. How to handle alleged student misconduct which may also constitute a criminal*

lxi Work to review the guidance has been affected by the COVID-19 pandemic but will resume in academic year 2020-2021.

lxii The UUK/Pinsent Masons guidance provides examples of sanctions against disciplinary offences.

lxiii If a complaint prompts disciplinary action it is important that this is kept distinct to the initial complaint as these are separate processes.