

G. SEXUAL ORIENTATION

1. Current Legal Position

People are protected against discrimination on grounds of sexual orientation under the Employment Equality (Sexual Orientation) Regulations 2003. The Regulations cover both employment and study at the College.

The Regulations cover discrimination as regards the orientation of people towards:

- persons of the same gender;
- persons of the opposite gender;
- persons of both the same gender and opposite gender.

The Regulations do not cover sexual practices and preferences such as sado-masochism. People are protected from discrimination on the grounds of their perceived sexuality as well as their actual sexuality: if a person is discriminated against because he is believed to be homosexual, but is in fact heterosexual, he is still protected under the law.

Direct discrimination, indirect discrimination, harassment and victimisation are all covered.

It is possible to justify indirect discrimination on the basis of sexual orientation where it is a proportionate means of achieving a legitimate aim. This is only available in very limited circumstances.

Although people are protected from discrimination on the grounds of their religion or belief, it is still illegal for them to discriminate against someone else on the grounds of sexual orientation (even if, for example, their faith teaches that homosexuality is unacceptable).

Positive discrimination - The employer may take positive action in respect of access to facilities and training for specific groups who are under-represented. It would be reasonable to take action to increase applications for posts or study from a particular group of people, or provide work experience, outreach days or training programmes only for those people. These actions increase the numbers of eligible people by developing relevant skills and increasing applications from under-represented groups. The selection for admission to study and appointment to posts must however be made only on the basis of merit.

Genuine Occupational Requirements – an employer may justify discrimination because a post has a genuine requirement for a worker of a particular sexuality to carry out the duties of the post. There must be a clear connection between the duties of the post in question and the characteristics required. A general preference or a habit from past experience would not be sufficient. However, there are likely to be very few posts where sexuality is a genuine occupational requirement.

2. College Response

The College policies and practices which are relevant are as follows:

	Staff	Students
Recruitment and selection	Standard policies re-staff recruitment &c	Standard policies re-student admissions
Conditions of service or Student Support	Maternity and paternity leave; adoption leave Discipline and grievance procedures Harassment	Discipline and grievance procedures Harassment Pastoral support for students
Monitoring	Need to consult parties before monitoring (HEFCE advice)	Need to consult parties before monitoring (HEFCE advice)
Publishing		

3. Support and Advice

The College is able to provide some mechanisms for support and advice. Other vehicles are available via the central University. The College is not liable for the accuracy or appropriateness of advice given by a University body, but believes that the resources provided by the University may be useful to College members.

The Bursar is able to provide initial guidance and advice. He/she takes advice from an external human resources consultant where appropriate.

Student representatives are able to provide guidance and advice. The JCR and MCR Presidents and Welfare Officers should be consulted in the first instance.

For staff the UNISON representative is able to provide advice.

The University's [Diversity & Equal Opportunities Unit](#) is able to offer guidance and advice to departments on University policies.

Investigations into claims of harassment are carried out as per the College's Policy on Harassment

The University offers [training](#) in best practice for those involved in the admissions process, recruitment and selection, management and teaching.

Advice on childcare is available from the University's [Childcare Officer](#) or on the [Childcare website](#) where full details of University nursery and childminding provision, advice on staff and student funding, and application forms are available.

4. Services and Information

Staff

The University operates a [Staff LGBT Network](#). The Network is particularly useful for organising social events, as a forum for discussion as well as networking. The [Network mailing list](#) is secure and personal information is safeguarded under the Data Protection Act 1998. An email address ending in '.ac.uk' is required to join the mailing list.

Guidance on best practice in employing staff who are LGB and transgendered is available to download from the University's Equality Challenge Unit (ECU).

- [Guidance on Best Practice in employing LGB staff](#)
- [Guidance on transgender issues](#)

Students

The University student-run [Lesbian Gay Bisexual Transgender Society \(LGBT\)](#) is able to answer questions from current or potential students and is an excellent source of information about social events, College representatives, campaigns etc. The LGBT Society mailing list is secure and personal information is safeguarded under the Data Protection Act 1998.

Links to Legislation and external bodies

- [Employment Equality \(Sexual Orientation\) Regulations 2003 \(SI 2003/1661\)](#)
- [Sex Discrimination Act \(1975\)](#)
- [Civil Partnership Act 2004](#)
- [Stonewall](#)
- [Oxford Friend](#) runs a helpline for LGB people on 01865 726893.
- [The Terence Higgins Trust](#) is a national organisation giving advice on many health issues, including AIDS and HIV.