The Equality Act 2010 prohibits unlawful discrimination, harassment and victimisation of:

- Prospective students (in relation to admissions arrangements).
- University Students (including those absent or temporarily excluded).
- Former University students.

The main new provisions of the Equality Act in relation to the provision of higher education are:

- The introduction of the concept of **Protected Characteristics** as the basis of protection from unlawful discrimination, harassment and victimisation. The relevant protected characteristics in relation to the provision of higher education are Race, Disability, Sex, Gender Reassignment, Age, Sexual Orientation, Religion or Belief and Pregnancy and Maternity.

- **Reasonable Adjustments**—the duty to make reasonable adjustments for disabled people has been amended. It now includes situations where a disabled individual experiences a ‘substantial disadvantage’ in working, studying or using a service. The previous duty applied only in situations where it was ‘impossible or unreasonably difficult for a disabled person to work, study or use a service’.

- **Protection from indirect discrimination** has been extended to include the protected groups of disability and transgender.

- The Act introduces a new protection of **discrimination arising from disability** which occurs when a disabled student is treated unfavourably because of something connected with their disability and where that treatment cannot be justified.

- **Pregnancy and Maternity**—the Act introduces into higher education protection from discrimination because of pregnancy and maternity. This refers to the period of pregnancy and the 26 weeks after birth. This means the University cannot refuse an applicant entry nor ask that a student leave a course because she is pregnant. In addition, a student must not be penalised if she misses an exam or essay/coursework deadline because of pregnancy or maternity.

- **Disability**—the definition of disability has been extended to cover people who have had disabilities in the past where it is likely that the disability will recur. For example, the new definition could include an applicant or student who has had a mental health illness, like depression, where it is likely that it could recur.

- The definition of **Gender Reassignment** has been amended to include applicants and students who have started or completed a process to change their sex even if they are not under medical supervision.

- Protection from **Associative Discrimination** now covers the protected groups of Age, Disability, Race, Sex, Gender Reassignment, Sexual Orientation, Religion or Belief. Colleagues need to
ensure that protection for example of carers of children, disabled dependents or the elderly, is incorporated into existing practices and procedures.

- Protection from Perceptive discrimination now applies to the protected groups of Age, Disability, Race, Sex, Gender Reassignment, Sexual Orientation, Religion or Belief.

- Breastfeeding is now explicitly protected. A woman who is breastfeeding is now explicitly protected from unfavourable treatment within a period of 26 weeks from when she has given birth. Outside of this 26-week period, a breastfeeding woman may be protected by sex discrimination provisions.

Curriculum Content

The Equality Act 2010 does not affect the content of the curriculum. This means that the University is not restricted in the range of issues, ideas and materials used or covered in course syllabi. The University’s academic freedom to expose students to a range of thoughts and ideas, however controversial, remains unaffected even if the content of the curriculum causes offence to students with certain protected characteristics. However, it will remain unlawful to deliver a course in ways that result in harassment or subjects students to discrimination or other detriment.

Examples:

- A History course includes Mein Kampf on the reading list. A Jewish student finds this offensive and complains that having this on the syllabus is discrimination. This would not be unlawful discrimination or harassment.

- The same course of study looks at the topic of slavery in North America. During the teaching of the course, the lecturer repeatedly and unnecessarily uses racist terms to refer to slaves which results in a White student complaining to the Faculty. This would likely be unlawful harassment even though the language was not directed at the student who complained.

Further Information

More advice, information and guidance is available from the University's Equality & Diversity Team email equality-diversity@bristol.ac.uk

Additional resources are available from the Government's Equality Office and the Equality and Human Rights Commission.

*Based on guidance developed by the University of Cambridge.*