



ECU's Equality Charters Guide to processes

January 2018



About this guide

This guide outlines the processes supporting Equality Challenge Unit's (ECU's) equality charter awards. It encompasses information on the role of those involved in the charter peer review assessment process and the expectations and responsibilities placed on them. The guide also covers application, review and appeal procedures. It does not cover pilots and trials of other equality charter developments, or other ECU activities.

This guide was published in January 2018 and replaces previous Athena SWAN Charter process guidance published in May 2015. A summary of key new information follows:

- = Processes apply to the Race Equality Charter (as well as the Athena SWAN Charter), with terminology and ECU staff responsibilities updated accordingly.
- = Updates to ECU staff roles/responsibilities made to reflect the organisational structure.
- = Deadline to provide notification of intention to submit to any particular award round will be specified on ECU website, and will be no more than two calendar months in advance.
- = New section 1.2 Award extensions (covering situations where applicants seek to delay their submission and extend any current award validity).
- = Extensions to award deadlines for particular rounds (which may be granted to applicants in exceptional circumstances) will usually be one week, at ECU's discretion.
- = Renamed section 1.4 Objection to content of award applications (previously 1.3 Objection to assessing award applications). Terminology refers to applicants' 'case' for an award (also applies to section 4 Withdrawal of award).
- = Applicants to the Race Equality Charter required to confirm that information presented in an application is an honest, accurate and true representation (in line with Athena SWAN Charter requirement).
- = Deliberate omission of information that is material to the applicant's case for the award may entail the application containing false or misleading information.
- = Failure to adhere to or uphold the charter principles may entail an applicant no longer satisfying award requirements.
- = Verified communication from an institution included as a way information may be deemed independently verifiable or received from a credible source.
- = Update to ECU's approach to anonymity of sources.
- = Objections to award applications must be received within 10 working days of the submission deadline.
- = Limit of 1000 words applies to objections to award applications and requests for withdrawal of awards.
- = Panels will review up to five applications per sitting.
- = The quorum for a panel is three members.
- = Removed stipulation that applications are grouped for panels by subject area.
- = Confirmed that technical services staff and other professional services staff with experience of higher education (additional to human resources and equality and diversity practitioners) and students may be invited to participate as panellists.
- = All panellists required to have undertaken training within two years immediately preceding panel. At least two panellists will have previously attended a panel for the relevant charter.

- = Section 2.1.1 Conflict of interests expanded.
- = Specificity of when ECU will make lists of potential panellists available to applicants removed, and deadline to object to panellists changed to be the submission deadline.
- = Panellists required to sign non-disclosure and confidentiality agreement.
- = Moderators receive training prior to becoming a moderator.
- = References to 'note taker' replace references to 'secretary'.
- = In absence of a note-taker, the moderator will fulfil that role (in addition to their own duties).
- = ECU will determine the order that submissions will be reviewed in at panel meetings.
- = In cases where the moderator refers an application for a consistency review, the decision about whether to refer it to a new panel will be taken within ten working days.
- = Section 2.3.3 Panel records expanded.
- = Communications of award decisions will include award validity periods where relevant. A period of grace may be offered, accounting for any previous extensions granted.
- = Applicants have 10 working days from date written feedback on submission is communicated to appeal.
- = If an award is granted by panel reviewing appeal, the validity period of award is as if original panel conferred the award.

Further information

- = ECU's Athena SWAN Charter awards handbooks
- = ECU's Race Equality Charter awards handbook

These handbooks include detailed information on how to submit an application and a question-by-question guide to the application forms.

Frequently asked questions

You can find further information and answers to frequently asked questions online:

www.ecu.ac.uk/equality-charters

Contact ECU's equality charter teams:

ECU's Athena SWAN Charter: athenaswan@ecu.ac.uk

ECU's Race Equality Charter: racecharter@ecu.ac.uk

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1 Application submission process

1.1 Notification of intention to apply for an award

For further details see: Guidance on submitting applications in the relevant awards handbook

Application deadlines apply to both charters. Specific dates are published on ECU's website.

Applicants should notify ECU of their intention to make an award application in advance of the application deadline. The deadline to provide this notification will be no more than two calendar months in advance and will be specified on ECU's website. Notification should be provided by following the instructions on ECU's website.

ECU reserves the right not to accept an application where no intention to submit has been received.

1.2 Award extensions

Where applicants seek to delay their submission and extend any current award validity, a request must be made in writing to ECU.

The request must be made no less than two calendar months in advance of the relevant submission deadline. A relevant equality charter manager or the head of equality charters will review the request.

If an extension is granted, eligibility for a grace period in the event of a subsequent unsuccessful submission will be reduced by the corresponding time period.

1.3 Submitting your application

Applicants must submit their application by the relevant deadline and in accordance with the administrative criteria set out in the relevant awards handbook.

An extension may be granted in exceptional circumstances. This will usually be one week. The decision to grant an extension is at ECU's discretion. If the request for an extension is refused, ECU will provide reasons.

ECU will acknowledge each application. If acknowledgment is not received within five working days of the application deadline, the applicant should contact ECU by phone.

The application is checked by ECU for compliance with the administrative criteria set out in the awards handbooks. If the application is incomplete or does not comply with this criteria ECU reserves the right not to review the application. The application fee will still apply.

The applicant will be permitted to resubmit at the next deadline, but must notify ECU of their intention to do so (see 1.1).

1.4 Objection to content of award applications

Institutions are required to confirm their commitment to the charter principles to be eligible to apply for ECU's equality charter awards.

Applicants are required to confirm that the information presented in an application (including qualitative and quantitative data) is an honest, accurate and true representation of the institution or department.

ECU reserves the right not to assess an application if, following the submission deadline:

- = Information comes to light that the application contains false or misleading information or statements that are material to the applicant's case for the award. This may include the deliberate omission of information.
- = Subsequent to receipt of an application, information comes to light establishing that the applicant no longer satisfies the requirements of the award or has failed to adhere to or uphold the charter principles.

In the above circumstances, the information identified or received must be independently verifiable and/or be received from a credible source. For example, through verified communications from the institution, from a professional association, through nationally verified data (eg the Higher Education Statistics Agency), or a finding by a competent authority (such as a court or tribunal or the Equalities and Human Rights Commission).

ECU will not consider information from anonymous sources or which requires further investigation. If requested, ECU will not name the source when communicating to the applicant, but anonymity cannot be guaranteed as – depending on the objection – identities may be inferred.

All objections to the assessment of award applications must be received within 10 working days of the submission deadline for the round in which the application is made. A limit of 1000 words applies to objections.

Where any of the above circumstances are brought to ECU's attention, a relevant ECU equality charter manager or the head of equality charters will review the impact of the information on the applicant's eligibility for an award.

If ECU considers that the information is relevant and likely to impact on a panel's award recommendation, ECU will send a formal written notice to the applicant that will:

- = provide notice that ECU has received information it considers important for the fair assessment of an application and that it may not be submitted to a panel for review
- = provide all supporting information that has been considered by ECU
- = state that the applicant may make written representations on the information.

The applicant will be given a period of 10 working days from the date of the notice to submit representations on the proposed information. Any representations should be made in writing to ECU, must adhere to a limit of 1000 words, and clearly set out the grounds on which the applicant objects to the proposed decision not to assess the application.

If representations are received within the 10 working day period, a relevant ECU equality charter manager or the head of equality charters will consider these representations. A final decision will be made within 10 working days of receipt of the applicant's representations.

If the decision is to proceed with assessing the application, ECU will further decide whether to:

- = submit only the original application to the award panel
- = share the supporting information and representations received by ECU with the award panel along with the application.

ECU will inform the applicant of the decision in writing, providing the reasons for the decision.

ECU's decision is final.

2 Peer review processes

ECU equality charter applications are reviewed by peer review panels. The panel recommends decisions on awards to ECU.

2.1 Panel composition

ECU will convene a meeting of an awards panel to review applications.

Awards panels will usually be made up of five people, and review up to five applications per sitting. The quorum for a panel is three members.

Panellists are selected from a pool of people who have applied to ECU to become a panellist, or who are invited by ECU to be a panellist when their involvement in a panel will help achieve a more appropriate balance of panellists.

In constructing the panel ECU seeks to achieve appropriate representation, especially considering the gender and ethnicity of panellists for Athena SWAN and the Race Equality Charter respectively, and ensuring ECU has representation of experienced and new panellists. ECU draws panellists from the following groups of people:

- = academics and technical services staff
- = human resources or equality and diversity practitioners with experience of higher education
- = other professional services staff with experience of higher education
- = specialists (for example industry and research institute representatives, members or employees of learned and professional societies, gender equality and race equality specialists as appropriate)
- = students.

The panel is run by a chair appointed by ECU. The chair will have experience of participating in previous panels. The chair will be a voting panellist.

All panellists (including the chair) are required to have undertaken training within the two years immediately preceding the submission deadline. At least two panellists will have previously attended a panel for the relevant charter.

ECU staff moderate the panels and provide the note taker. These are non-voting roles.

There may be panel observers present during the award panel meeting. Observers do not take part in the decision-making process and do not vote.

2.1.1 Conflict of interests

Panellists are expected to act with integrity and impartiality and to be open, fair and unbiased when making decisions. Conflicts of interest must be identified and disclosed to ECU.

A conflict of interest is any situation in which personal interests, or loyalties owed to another person or body, may (or may appear to) unduly influence or affect a decision. In the context of the review of award submissions, a conflict of interest might arise as a result of direct or indirect personal, academic, financial or working relationships.

All panellists will submit a conflict of interest form with their application to join ECU's pool of panellists and/or in advance of taking part in a panel. All panellists will be asked to review this information in advance of a panel and need to consider potential conflicts for each individual application.

If panellists are in any doubt about whether or not they should review a submission due to a possible conflict of interest, they should contact ECU before proceeding with the review. Panellists should raise any potential conflicts as soon as they become apparent during the review process.

Observers must also submit a conflict of interest form in advance of a panel.

If a conflict of interest becomes apparent, a relevant ECU equality charter manager or the head of equality charters will determine the materiality of the conflict and decide if it prevents the panellist taking part in the review where the conflict could manifest. If the conflict is not material, the relevant ECU equality charter manager or the head of equality charters will decide how to manage it.

Panellists are automatically precluded from reviewing applications from an institution where they are currently employed or studying.

Other conflicts of interest can include:

- = previous employment or study at a department or institution within the last 10 years
- = paid consultancy at a department or institution within the last five years
- = close personal friendships (including PhD supervision) or relationships with individuals at a department or institution
- = provision of assistance to the department or institution with their award application (eg by acting as a critical friend)
- = involvement in the work that the department or institution proposes to carry out (eg as part of an action plan or as a member of a committee connected with a work programme)
- = collaboration on a research project with individuals at a department or institution in the last five years.

This is not an exhaustive list.

The ECU moderator and note taker will also declare interests. If a conflict of interest is declared, a relevant ECU equality charter manager or the head of equality charters will decide if this prevents them from participating in certain panels.

ECU will hold declarations securely. Should an individual inform ECU that they no longer wish to be considered as a panellist, their conflict of interest information will be destroyed one year after notification of withdrawal.

2.1.2 Objections to panel composition

Potential applicants will have access to a list of all potential panellists.

Applicants will not be able to select panellists but can raise objections to particular panellists taking part in the review of their application.

Any objections should be made in writing to ECU, with reasons to support the objection, by the submission deadline.

A relevant ECU equality charter manager or the head of equality charters will consider any objections to a potential panellist. They will decide whether the potential panellist could participate in the relevant panel. ECU will inform the applicant of the decision in writing.

ECU's decision is final.

2.2 Awards panel process

Panellists and observers will receive a copy of the application to review prior to the panel. Where applicable, they will also receive feedback that was returned to the applicant on a previous application.

Panellists are required to:

- = sign a non-disclosure and confidentiality agreement
- = review the application in accordance with guidance set out for applicants in the relevant awards handbook
- = review the application independently and complete review forms before the panel meeting
- = collectively review the application at the panel meeting
- = only take into account information included in the application (or any other information that ECU deems relevant, see 1.4 for more details).

The chair is appointed by ECU. In addition to their role as a panellist, the chair is required to:

- = give structure to the deliberations and move the discussion towards a decision
- = ensure any panellist comments that are deemed prejudicial, such as personal opinions unrelated to the application, are disregarded. If necessary they can ask a panellist to leave the panel
- = summarise the panel's discussion
- = keep discussions on schedule.

The chair and other panellists must not communicate about the awards panel or the applications for review outside of the panel, unless facilitated by ECU.

ECU will appoint a moderator from its staff, who will have received training prior to becoming a moderator.

The moderator is required to:

- = provide assistance and guidance on the application and review process
- = ensure the panel comply with the requirements set out in this document
- = ensure consistency of panel review and decision-making. If required, the moderator may provide a view on whether the application meets the requirements of the award level applied for
- = ensure any panellist comments that are deemed prejudicial, such as personal opinions unrelated to the application, are disregarded
- = moderate any subsequent discussion in the event that a panel requests additional information (see 2.3.1)

- = ensure feedback to applicants is relevant and coherent, using the notes from the panel meeting, the application, review forms from the panellists and their own notes.

ECU will appoint a note taker.

The note taker is required to:

- = record the key discussion points of the award panel
- = request that the panel identify feedback to be provided to the applicant.

In the absence of the note-taker, the moderator will fulfil these roles in addition to their other duties.

Neither the note taker nor the moderator vote in the recommendation on awards.

ECU will determine the order the submissions will be reviewed in.

2.3 Awards panel recommendation

The panel may recommend to ECU that they:

- = confer or renew the award at the level sought
- = confer or renew the award at a lower level
- = confer or renew the award at a higher level (this will usually require the request of further information from the applicant)
- = do not confer an award.

The panel will seek to reach a unanimous decision, but may decide on the basis of a majority. If there is no majority (where the number of panellists is even) the chair has an additional deciding vote.

Panellists may not abstain from voting.

The panel must base its decision solely on the material placed before it against the criteria set out in the relevant awards handbook.

2.3.1 Additional information

In exceptional circumstances the panel may seek additional information from the applicant, in order to be able to reach a decision.

When additional information is sought the decision on that particular application will be adjourned. ECU will send a request for additional information to the applicant.

Individual members of the panel must not contact the applicant.

Additional information requested from the applicant must be provided to ECU within 10 working days of the request.

If the additional information is not received within 10 working days, the panel will make a decision based on the original available information.

Where additional information is provided it will be distributed by ECU to the panellists. ECU will arrange to reconvene the awards panel, which may take place using a remote meeting facility.

A reconvened award panel must be quorate (see 2.1) and may only include those panellists attending the initial award panel meeting.

2.3.2 Moderation and consistency of decision making

In exceptional circumstances, the moderator may refer an application to a relevant ECU equality charter manager or the head of equality charters if the moderator believes that the panel's decision:

- = does not correspond with the criteria set out in the handbook
- = is not consistent with other decisions made by panels in the current assessment round
- = is not based solely on the material presented to the panel.

A relevant ECU equality charter manager or the head of equality charters will review the application and assessment and decide whether to refer the application to a new panel for consideration, as per the processes set out in 2.2. This decision will be taken within ten working days of the original panel.

If an application is referred to a new awards panel, the original panellists will be informed in writing of this decision and provided with reasons for the review.

The applicant will not be informed that their application is being reviewed by a second panel unless the additional review will result in them receiving a decision on their application later than other award applicants in that round (see 2.4).

2.3.3 Panel records

At the conclusion of the awards panel process, all application and review materials relating to the application will be collected by the moderator.

ECU will retain copies of the application indefinitely. The purposes are outlined in the 'Information sheet for institutions and departments applying for ECU equality charter awards'. ECU will not retain or process shared personal data for longer than necessary to carry out the purposes, and ECU will ensure that any shared personal data is returned to the applicant or securely destroyed when processing is no longer necessary for the purposes.

On fulfilling their duties and in accordance with ECU's non-disclosure and confidentiality agreement, panellists must return and delete (as appropriate) all copies of submissions, feedback and any additional information, and will not retain any copies or records. Panellists will return any hard copies on the date of the panel meeting, and will provide written assurance that material provided electronically has been destroyed within seven working days of the date of the panel meeting.

2.4 Notification of award decision

Once all applications in a given round have been assessed ECU will communicate award decisions to applicants in writing. This communication will include any award validity periods where relevant.

Where an award-holding applicant does not achieve an award that is at least equal to that already held, they may be offered a period of grace. Any previous extensions granted will be accounted for when determining eligibility for a grace period.

ECU will endeavour to make and communicate award decisions within six calendar months of the closing date for a given applications round. However, this period may be longer depending on the number of applications received, the number of panels convened, and whether further information has been requested from any applicants. See the relevant awards handbook for further information on timelines.

2.5 Providing feedback

ECU will provide feedback to each applicant based on the panel discussion. This will include the rationale behind the decision.

ECU will endeavour to provide feedback to unsuccessful applicants at the time award outcomes are communicated.

ECU will endeavour to provide feedback to applicants whose application receives an award at a lower level within one month of communicating the award outcomes.

ECU will endeavour to provide feedback to applicants whose application is successful within two months of communicating the award outcomes.

3 Appeal process

The applicant has 10 working days from the date that the written feedback on their application was communicated in which to appeal. It is the applicant's responsibility to ensure that post and email is monitored.

An appeal must be sent in writing to the relevant ECU equality charter manager. It must clearly set out in detail the grounds upon which the appeal is made. A limit of 1000 words applies to all appeals against award decisions.

3.1 Grounds for appeal

The only accepted grounds of appeal are:

- = procedural unfairness

- ie: substantial failure to comply with the requirements of this procedure which leads to the process being unfair

- = the decision was manifestly unreasonable

- ie: taking into account irrelevant factors or failing to take account of relevant ones, for example if the panel rejects an application on the basis that particular data are omitted, when they are in fact included

An appeal will not be considered outside of these grounds. Disagreement with the panel's judgment is not grounds for appeal.

An appeal will be considered by a relevant ECU equality charter manager or the head of equality charters to determine whether it has been effectively lodged within the stipulated time limit and meets the permitted grounds.

ECU will notify the applicant in writing within 10 working days whether the appeal has been accepted for review by an appeals review panel. If this decision is likely to be delayed (eg due to staff illness or external factors) ECU will notify the applicant in writing with the updated timeframe.

3.2 Appeals review panel

Any successful appeal will result in the original application being submitted for review by a differently constituted panel.

The panel will be convened and run as per the processes set out in 2.2, except for the following aspects.

- = The panel may be convened outside of the normal round.

- = The applicant will not have any further opportunity to object to particular panellists sitting on the panel.

- = The panel will be informed that the application was considered previously and the decision has been appealed, but will not be informed of the previous result or reason for appeal.

- = The decision of the panel will be communicated to the applicant. If an award is granted by the panel, the validity period of this award will be as if the original panel had conferred the award.

If the review panel reaches a decision that is different to the original awards panel, ECU will communicate this in writing to the original panel members. This will include the reasons for the decision.

4 Withdrawal of award

Institutions are required to confirm their commitment to the charter principles to be eligible to apply for ECU's equality charter awards.

Applicants are required to confirm that the information presented in an application (including qualitative and quantitative data) is an honest, accurate and true representation of the institution or department.

ECU reserves the right to withdraw an award in the following circumstances:

- = Information comes to light that the application contains false or misleading information or statements that are material to the applicant's case for the award. This may include the deliberate omission of information.
- = Subsequent to an award being made, information comes to light establishing that the applicant no longer satisfies the requirements of the award or has failed to adhere to or uphold the charter principles.

In the above circumstances, the information identified or received must be independently verifiable and/or be received from a credible source. For example, through verified communications from the institution, from a professional association, through nationally verified data (eg the Higher Education Statistics Agency), or a finding by a competent authority (such as a court or tribunal or the Equalities and Human Rights Commission).

ECU will not consider information from anonymous sources or which requires further investigation. If requested, ECU will not name the source when communicating to the applicant, but anonymity cannot be guaranteed as – depending on the objection – identities may be inferred.

A limit of 1000 words applies to all requests for the withdrawal of awards.

Where any of the above circumstances are brought to ECU's attention, a relevant ECU equality charter manager or the head of equality charters will review the impact of the information on the applicant's eligibility for the award.

In cases where ECU considers that the information does not impact on the award holder's eligibility for the award no further action will be taken.

If ECU considers that the information is likely to render the award holder no longer eligible for the award, ECU will send a formal written communication to the award holder that will:

- = provide notice that ECU has received information it considers could render the award holder no longer eligible for the award, and that it may be withdrawn
- = provide all supporting information that has been considered by ECU
- = summarise the grounds for the proposed withdrawal
- = invite the award holder to make written representations on the proposed withdrawal.

The award holder will be given a period of 10 working days from the date of the invitation to submit representations on the proposed withdrawal. Any representations should be made in writing to ECU, must adhere to a limit of 1000 words, and clearly set out the grounds on which the award holder objects to the proposed withdrawal.

If ECU does not receive any representations from the award holder within the 10 working day period, ECU will issue a formal written decision to withdraw the award.

4.1 Withdrawal appeal panel

If representations are received within the 10 day period, the original application, supporting information and representations received by ECU, and the grounds for the proposed withdrawal of the award will be submitted to a new panel for consideration.

The panel will be convened and run as per the processes set out in 2.2, with the following exceptions.

- = The panel may be convened outside of the normal round.
- = The award holder will not have any further opportunity to object to particular panellists being on the panel.
- = The panel will be informed that the application was previously successful but that ECU has received information it considers could render the award holder no longer eligible for the award, and that it may be withdrawn.
- = The decision of the panel will be communicated to the applicant within 10 working days of the panel considering the application.
- = ECU will issue a written decision to the award holder providing the reasons for maintaining or withdrawing the award.

ECU's decision is final.

5 Definitions and clarifications

Applicant

Refers to applications from institutions and departments.

Awards process

Refers to all stages of the process from application, awards panel review, feedback and award conferment.

Department

A unit within an institution that is eligible to make an application. This can include departments, faculties or schools. Please refer to the relevant award handbook for full details on departments that are eligible.

ECU processes

The relevant ECU equality charter manager will usually run the processes set out here.

If for any reason the equality charter manager is unavailable, or there is a conflict of interest, ECU's head of equality charters will assume responsibility for that process.

In writing

This refers to electronic and hard copy mailings.

Institution

May refer to a university, university college of higher education or institute of technology (Ireland) (collectively known as higher education institutions), or a research institute.

UK public holidays

UK public holidays do not include Scottish locally-determined public holidays. ECU recognises St Andrew's Day as an additional public holiday for Scotland.

Working day

Working days are the days between and including Monday to Friday and do not include UK public holidays and weekends. If for example, ECU requests that something must be received within five working days on a Wednesday, ECU expects to receive it by 5pm the following Wednesday unless there are UK public holidays in between.

