

PB22 – How to implement an intersectional approach in academia

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This policy brief provides evidence-based, concrete recommendations for national level policy makers and institutional science leaders on how to implement an intersectional approach in research performing organisations (RPOs) and research funding organisations (RFOs).

Why is this important?

An intersectional approach highlights the need to take into consideration the interdependencies of various intersecting inequalities – such as age, class, disability, gender, race, and sexuality.¹ Intersectionality – with inspirations from black feminism, amongst other movements – and as an approach factors in both ethnic/racial and gendered (amongst other) systems of oppression.² It also enables a focus on how the dynamics of privilege and exclusion arise and operate – when people who are subject to different inequalities are not recognised as such. Although rooted in political activism, intersectionality is sometimes confined to the realm of theory within research, and instead of being applied to the policy process; this is despite its utility for developing more inclusive and better policies.³ Moreover, many policy processes more widely are now strongly influenced by intersectional thinking and analysis, especially in the light of developing EU directives and laws (see section *Further Reading* on page 5).

Taking an intersectional approach within science can prove fruitful and be applied to many policy areas. For example in the assessment of academic excellence – evidence suggests that an understanding of the multiple different factors that explain the gendered construction of academia, leadership and diversity issues in higher education is often not adequately taken into consideration.⁴

Approaches that are based on non-biased ways of assessing performance – and their subsequent applications to practices and procedures (selection, recruitment and promotion) that not only depend on limited quantitative ways of measuring quality and excellence (decontextualised use of bibliometrics, journal rankings, citation indexes, grant applications etc.) - are more likely to lead to success.⁵

Enhanced policies related to gender and diversity lead to better science and innovation by increasing the effectiveness of R&D programmes as well as expanding the talent base available for science.⁶ The incorporation of the gender dimension – as well as intersectional dimensions related to race, age, sexual orientation, disability and religion or belief – have the potential to integrate better different perspectives into the research process. This not only leads to better quality research but is beneficial in terms of its applications, i.e. innovations which are more likely to benefit a diverse population. It also

contributes to improving the environment in which science is carried out – thereby improving career development opportunities better for all.⁷

What is the extent of the problem?

Whilst the European Research Area operates within a much wider context i.e. the global scientific arena, the issue of diversity in Europe is often overlooked.⁸ A lack of focus on diversity –in this field in Europe can be seen in contrast to the U.S. – where it has gained ground on the science policy agenda.⁹ However, diversity issues in Europe are gaining increased attention at various levels from the institutional, to national, European and international policy making arenas as gender bias and a lack of diversity are increasingly highlighted as important challenges to be tackled.¹⁰

What are the options?

Both legislation and ‘soft’ measures can promote an intersectional approach in science. Within the European Union context an important starting point is to be aware of and learn from non-discrimination legislation and directives. The European Commission website on relevant legislation reads:

“For many years the focus of EU action in the field of non-discrimination was on preventing discrimination on the grounds of nationality and gender. A few years ago, however, the EU countries approved unanimously new powers to combat discrimination on the grounds of racial or ethnic origin, religion or belief, disability, age or sexual orientation.

New legislation thus has been enacted in the area of anti-discrimination, which is the Racial Equality Directive (implementing the principle of equal treatment between persons irrespective of racial or ethnic origin in many areas of social life) and the Employment Equality Directive establishing a general framework for equal treatment in employment and occupation.

European legislation addresses disability in a broad range of areas, Directives on anti-discrimination being only one of them. Other measures for disabled people include sector of transport or telecommunications, regulation on state aid promoting the recruitment of disabled workers or the open method of coordination enabling disability issues to be taken into consideration in employment, social inclusion and protection, pensions, health and long-term care.”¹¹

The EC Council Directive of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and the Council Directive of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, were followed by the EC Proposal for a

Directive against discrimination based on age, disability, sexual orientation and religion or belief beyond the workplace was introduced on 2 July 2008. More detailed information on anti-discrimination legislation is given at the EU-Lex website.¹²

In the light of this wider European context many countries have introduced broad anti-discrimination legislation and official advice. For example, in Finland 2004 Non-Discrimination (sometimes called Equity Act) ('Yhdenvertaisuuslaki') Act translated EU directives on equal treatment into Finnish law. The Act covers such grounds as disability, health, religion, belief, ethnic and national origin, nationality, age and sexual orientation. It prohibits direct and indirect discrimination as well as harassment and giving instructions or orders to discrimination.¹³

In the UK, the Equality Act 2010 harmonised equality legislation. Equality legislation across the UK protects staff and students with the following protected characteristics: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, sex, sexual orientation, religion and belief.¹⁴ The general equality duty requires the University to eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act and advance equality of opportunity between people who share a relevant protected characteristic and those who do not, by removing or minimising disadvantage and by meeting the needs of particular groups that are different from the needs of others.¹⁵ This is demonstrated by Equality Impact Assessments carried out by each university.

Outside the EU, in Norway the Equality and Anti-Discrimination Ombud aims to "view the various discriminatory grounds [on the basis of gender, ethnic origin, sexual orientation, disability and age] in conjunction with one another, and develop cross-sectoral expertise and an ability to deal with multiple discrimination at the interface between gender and other discriminatory grounds."¹⁶

In Norway, the Ministry of Education and Research has since 2004 appointed a committee to promote gender balance in research. The committee's mandate was broadened in 2014, when it was appointed to a new term from 2014 up to 2017, and it was renamed as *Committee for Gender Balance and Diversity in Research*. Its expanded mandate now also includes diversity: "The Committee shall support and give recommendations regarding measures that promote the integration of gender balance and diversity activities at universities, university colleges and research institutes, thus helping to increase diversity among the staff and in research. The Committee shall seek to raise the overall level of awareness of problems related to diversity and inclusion in the research system. Its most important task during the period is to address issues of gender and ethnicity. Its activities are to encompass diversity perspectives, including gender perspectives, in research."¹⁷

In the U.S. the National Institutes of Health are obliged to include women and minorities in funded or supported clinical research by law USC 289a-2.¹⁸

The National Science Foundation's (NSF) Directorate for Biological Sciences in the U.S. includes a policy statement to encourage the inclusion of women and others from underrepresented groups when looking for finance for planning activities and designing the agenda of programmes.¹⁹

The Jackson State University's Advance programme in the U.S. supports the academic careers of women faculty by fostering an inclusive climate and culture which seeks to include a range of people –with diverse characteristics (race, gender and others) – whilst also communicating to the larger academic community – the general challenges facing women as well as those particular challenges facing women of colour.²⁰

The Alliances for Graduate Education and the Professoriate (AGEP) program in the National Science Foundation aims to increase the numbers of underrepresented minorities (URMs), including those with disabilities, entering and completing science, technology, engineering, and mathematics (STEM) graduate education and postdoctoral training to levels representative of the available pool.²¹ Institutional measures include working with hiring committees to reduce bias and embrace diversity.²²

Recommendations

National level policy makers:

- An intersectional approach should be considered as a principle of law – prescribing the pursuit of equality to the greatest possible degree depending on the specific situation.
- An intersectional approach should inform the design of national level policies and measures to promote gender equality in RPOs and RFOs.

Institutional Science Leaders:

- Transform the institutional climate to promote equal opportunities for the advancement of all research staff, administrative staff and students.²³
- Promote gender diversity of research teams through a variety of incentives (e.g. quality recognition and allocation of resources) and through transparency in hiring.²⁴
- Involve key stakeholders to develop a code of practise for gender and diversity competent research excellence standards for their institution based on the principles of transparency, consistency, accountability, and inclusivity.²⁵
- Use tools like Equality Impact Assessments (contextualised to local context with reference to equality legislation) to document the efforts

made to ensure institutional practices and processes do not discriminate against people with one or more protected characteristics.²⁶

Funders:

- Examine the peer review process – identify sources of bias that systematically disadvantage women or members of other disadvantaged groups.²⁷
- Promote the development of dedicated training of review panels on the risks of bias when assessing scientists and their work- this is particularly relevant for recruitment of peer reviewers, in the drafting and communication of calls for proposals, development of evaluation criteria and procedures.²⁸

Further Reading

Various EU directives and other decisions are relevant to the question of intersectionality, non-discrimination and multiple discriminations. The legal and policy situation is extremely complex and policy implementation is uneven. The Treaty of Amsterdam (1997) introduced in Article 13 a broader anti-discrimination provision than previously, involving appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Charter of Fundamental Rights of Fundamental Rights of the EU (2000: Article 21) provided further initiatives to tackle discrimination on these different grounds. The Treaty of Lisbon (2008) conferred legal status on the EU Charter of Fundamental Rights and determines that the EU shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

In 2000, the Council unanimously adopted the Racial Equality Directive (2000/43/EC) and the Employment Equality Directive (2000/78/EC). The Racial Equality Directive implements the principle of equal treatment between people irrespective of racial or ethnic origin and gives protection against discrimination in fields of employment and training, education, social security, healthcare and access to goods and services.²⁹

Onufrio states (2014, 128-129): “Council Directive 2000/43/EC (Racial Equality Directive), implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, refers to the concept of multiple discrimination at recital 14 of its preamble, where it acknowledges the status of women as victims of multiple discrimination stating that “the Community should, in accordance with Article 3(2) of the EC Treaty, aim to eliminate inequalities, and to promote equality between men and women, especially since women are often the victims of multiple discrimination.” ... the operative part of the Directives

does not necessarily oblige Member States to outlaw intersectional discrimination. In its operative part, the Racial Equality Directive bans direct or indirect discrimination based on racial or ethnic origin, and the Employment Equality Directive bans direct or indirect discrimination based on religion, belief, disability, age, or sexual orientation.”³⁰

The Employment Equality Directive 2000/78/EC implements the principle of equal treatment in employment and training irrespective of religion or belief, sexual orientation and age.

Onufrio (2014) continues: “The Commission is aware of [the] lack of a harmonized protection as showed by its 2007 Report calling for a new European Directive able to address multiple discriminations and to extend protection against discrimination based on religion, belief, disability, age, or sexual orientation outside the employment field. Nevertheless, the EU legislature is still reluctant to include an explicit provision in this matter and, as a result, most Member States do not address the problem of multiple discrimination.” (p. 129)

The 2008 Commission (COM (2008) 426) Proposal for a Council Directive Implementing the Principle of Equal Treatment between Persons Irrespective of Religion or Belief, Disability, Age or Sexual Orientation does extend the areas covered, but does not provide for multiple discrimination although its Recitals. This is not yet adopted.

In addition, there is also case law of the European Court of Justice on the prohibition of discrimination laid down in the 2000 Equality Directives.³¹

Also see:

Science Europe Roadmap (2013). Available at: <http://bit.ly/1hhNDXv>

Multiple Discrimination in EU Law: Opportunities for legal responses to intersectional gender discrimination? European network of legal experts in the field of gender equality: Susanne Burri and Dagmar Schiek, European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities Unit, 2009. Available at: <http://bit.ly/29rk4sA>

Genovate, (2014). (D5.1) Guiding Principles on Gender Equality and Diversity Competence in Research Excellence Standards. Available at: <http://bit.ly/11GY2J0>

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- [2] http://www.gender.no/Policies_tools/1086
- [3] Lombardo, E. & Verloo, M., (2009). Institutionalizing Intersectionality in the European Union?, *International Feminist Journal of Politics*, 11, 4, p478.
- [4] Manfredi et al, 2014; O'Neil and Bilimoria, 2005, cited in Genovate, (2014). (D5.1) Guiding Principles on Gender Equality and Diversity Competence in Research Excellence Standards.
- [5] Ibid.
- [6] Science Europe Roadmap, (2013), p13.
- [7] Ibid.
- [8] Woodward, A. (2013). On the way to the top: providing equal opportunities for men and women in science and technology: Workshop sponsored by the Gender Balance Working Group of the European Research Council.
- [9] For example see Gender Summit North America, (2013). Diversity Fueling Excellence in Research and Innovation Conference Report.
- [10] Science Europe Roadmap, (2013). p13.
- [11] http://ec.europa.eu/justice/discrimination/law/index_en.htm
- [12] http://eurlex.europa.eu/summary/chapter/employment_and_social_policy.html?root_default=SUM_1_CODED%3D17&obsolete=false
- [13] <http://www.finlex.fi/fi/laki/kaannokset/2004/en20040021.pdf>
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- [16] http://www.gender.no/Policies_tools/1086
- [17] Committee for Gender Balance and Diversity in Research, eng.kifinfo.no
- [18] Gender Summit North America, (2013). Diversity Fueling Excellence in Research and Innovation Conference Report, p25.
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- [21] https://www.nsf.gov/funding/pgm_summ.jsp?pims_id=5474
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- [25] Genovate, (2014). (D5.1) Guiding Principles on Gender Equality and Diversity Competence in Research Excellence Standards, p8.
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- [30] M. V. Onufrio (2014) 'Intersectional discrimination in the European legal systems: toward a common solution?' *International Journal of Discrimination and the Law*, 2014 vol. 14 no. 2, 126-140.
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