

EQUAL STATUS ACT, 2000

AN ACT TO PROMOTE **EQUALITY** AND **PROHIBIT** TYPES OF **DISCRIMINATION**, HARASSMENT AND RELATED BEHAVIOUR IN CONNECTION WITH THE PROVISION OF SERVICES, PROPERTY AND OTHER OPPORTUNITIES TO WHICH THE PUBLIC GENERALLY OR A SECTION OF THE PUBLIC HAS ACCESS, TO PROVIDE FOR INVESTIGATING AND REMEDYING CERTAIN DISCRIMINATION AND OTHER UNLAWFUL ACTIVITIES, TO PROVIDE FOR THE ADMINISTRATION BY THE EQUALITY AUTHORITY OF VARIOUS MATTERS PERTAINING TO THIS ACT, TO AMEND THE EMPLOYMENT EQUALITY ACT, 1998, IN RELATION THERETO AND IN CERTAIN OTHER RESPECTS AND TO PROVIDE FOR RELATED MATTERS. [26th April, 2000]

...

7.—(1) In this section “**educational establishment**” means a preschool service within the meaning of Part VII of the Child Care Act, 1991 , a primary or post-primary school, an institution providing adult, continuing or further education, or a university or any other third-level or higher-level institution, **whether or not supported by public funds.**

(2) An educational establishment shall not discriminate in relation to—

- (a) the admission or the terms or conditions of admission of a person as a student to the establishment,
- (b) the access of a student to any course, facility or benefit provided by the establishment,
- (c) any other term or condition of participation in the establishment by a student, or
- (d) the expulsion of a student from the establishment or any other sanction against the student.

(3) An **educational establishment does not discriminate** under subsection (2) by reason only that—

- (a) where the establishment is not a third-level institution and admits students of one gender only, it refuses to admit as a student a person who is not of that gender,
- (b) where the establishment is an institution established for the purpose of providing training to ministers of religion and admits students of only one gender or religious belief, it refuses to admit as a student a person who is not of that gender or religious belief,
- (c) where the establishment is a school providing primary or post-primary education to students and the objective of the school is to **provide education in an environment which promotes certain religious values**, it admits persons of a particular religious denomination **in preference to others** or it **refuses to admit** as a student a person who is not of that denomination and, in the case of a refusal, it is proved that the refusal is essential to maintain the ethos of the school,
- (d) without prejudice to section 3 of the Refugee Act, 1996 , where the establishment is an institution providing adult, continuing or further education or a university or other third-level institution—

- (i) it provides different treatment in relation to—

(I) fees for admission or attendance by persons who are nationals of a member state of the European Union and persons who are not, or

(II) the allocation of places at the establishment to those nationals and other nationals,

or

(ii) it offers assistance to particular categories of persons—

(I) by way of sponsorships, scholarships, bursaries or other awards, being assistance which is justifiable, having regard to traditional and historical considerations, or

(II) in relation to the allocation of places at the establishment, where the allocation is made pursuant to an agreement concerning the exchange of students made between the establishment and an educational institution or authority in a jurisdiction other than the State,

or

(e) where the establishment is a university or other third-level institution, it provides different treatment in the allocation of places at the establishment to mature students (within the meaning of the Local Authorities (Higher Education Grants) Acts, 1968 to 1992).

(4) Subsection (2) does not apply—

(a) in respect of differences in the treatment of students on the gender, age or disability ground in relation to the provision or organisation of sporting facilities or sporting events, to the extent that the differences are reasonably necessary having regard to the nature of the facilities or events, or

(b) to the extent that compliance with any of its provisions in relation to a student with a disability would, by virtue of the disability, make impossible, or have a seriously detrimental effect on, the provision by an educational establishment of its services to other students.