

Section 8: Diversity and equality

# Code of practice for supporting students relating to religion, belief and teaching and learning

## General Statement

- 1 The University will not unlawfully discriminate directly or indirectly against any applicant, student, employee, supplier, provider, contractor or user of facilities on the basis of their religion or belief, perceived religion or belief (i.e. the assumption of an individual's religion and belief which may in fact be a false assumption) or the association with someone of a particular religious or philosophical belief.
- 2 The University opposes any form of discrimination on these stated grounds unless it can be objectively justified within the law. In particular it will not apply a criterion, provision or practice, which disadvantages people of a particular religion or belief without good reason (i.e. unless objectively justified as a proportionate means of achieving a legitimate aim) or discriminate against someone in some circumstances after the educational relationship has ended (e.g. in references).
- 3 The Code of Practice of Freedom of Speech requires academic staff, employees and students of the University to tolerate and protect the expressions of opinions within the law whether or not these opinions are repugnant to them. This principle applies also to religious beliefs.
- 4 This Code of Practice is designed to specifically address issues of religion and belief in the context of teaching and learning and should be read as part of the wider set of equal opportunities policies and procedures within the University including:
  - Policy on Equal Opportunities and Diversity  
<http://www.reading.ac.uk/internal/humanresources/equality/humres-policies.aspx>
  - Policy Statement on the Promotion of Racial Equality  
<http://www.reading.ac.uk/internal/humanresources/equality/humres-policies.aspx>
  - Policy Statement and Notes of Guidance on Harassment  
<http://www.reading.ac.uk/internal/humanresources/equality/humres-harassmentprocedures.aspx>
  - Student Complaints Procedure  
<http://www.reading.ac.uk/web/files/qualitysupport/studentcomplaints.pdf>
  - Grievance Procedures for staff  
<http://www.reading.ac.uk/internal/humanresources/policiesandprocedures/ResolvingProblems/humres-grievance.aspx>
  - Code of Good Practice (Valuing Ourselves and Others)  
<http://www.reading.ac.uk/internal/humanresources/equality/humres-policies.aspx>
- 5 Evidence of discriminatory behaviour (including harassment) on the grounds of religion and belief will be treated as a potential disciplinary matter which may, in turn, result in sanctions up to and including staff dismissal or student expulsion in line with staff

grievance and disciplinary procedures and student complaints and disciplinary procedures.

## Implementation of this policy

- 6 The University will take such steps as are reasonable and practicable to ensure that no member (or potential member) of the University is put at a disadvantage because of their religion or belief. Where an individual has religious or other beliefs which conflict with their normal obligations to the University, alternative strategies and/or arrangements should be considered in consultation with the individual concerned, in so far as such alternatives are reasonable and practicable, so that the individual is neither advantaged nor disadvantaged. In particular we shall allow a student whose religion or beliefs require their absence from an academic activity at a specific time to perform this activity at another time, where this is reasonable and practicable, or make alternative arrangements as appropriate.
- 7 Where a student's religion or beliefs totally prevent taking part in a particular academic activity at any time and the activity is a minor part of a module or programme we shall attempt to provide an alternative activity or, failing that, adjust any assessment or other arrangements so that the student is neither advantaged nor disadvantaged in comparison to his or her peers.
- 8 In some cases the activity in which a student's religion or beliefs prevent their taking part will form a major part of a module or programme, or may be a key theory, technique or principle of the discipline concerned, and it may not be possible to make alternative arrangements without compromising the academic integrity of the programme or module. For example, the theory of evolution is central to certain academic disciplines and those obtaining a qualification in the discipline may be expected to know the theory, even though their religious beliefs may be at odds with such theory. Students studying such disciplines may be expected to study the topic in a similar way that one may study religions whose beliefs one does not hold. Activities whose study cannot be excused are likely to be those which are specified in the learning outcomes of the module or programme or which lead to these learning outcomes. Students who have doubts about their being able to undertake activities related to the learning outcomes of their programme or module on the basis of their religion or belief should raise the matter with their Programme Director at the earliest opportunity.
- 9 What is reasonable and practicable will vary on a case by case basis. Not all requests will necessarily be able to be accommodated for good reason but the University undertakes that all requests will be viewed sympathetically and every reasonable effort made to come to a workable arrangement.
- 10 Any student who considers that s/he has not been treated in accordance with this policy should in the first instance raise their concerns with their Director of Teaching and Learning or Academic Tutor.
- 11 If this approach is not successful, the complainant can also contact the Student Advice Centre, the Students' Union or a trained Harassment Adviser. Should formal action be taken this would be in line with the Student Complaints Procedures.

## Procedural Notes

### What does the law say?

- 12 The Equality Act 2010 makes it unlawful for the University to discriminate against its staff or students on the grounds of religion or belief.
- 13 The Act applies widely to "any religion, religious belief or similar philosophical belief" and may apply to a philosophical or political belief if that belief has a similar status and cogency as a religious belief. It also applies to those with no religion or belief. It will be for the Employment Tribunals and other Courts to decide whether particular circumstances are covered by the regulations.
- 14 This legislation makes it unlawful to:
- Discriminate directly against anyone. That is, to treat them less favourably than others because of their religion or belief, perceived religion (i.e. the assumption of an individual's religion and belief which may in fact be a false assumption) or the association with someone of a particular religious belief;
  - Discriminate indirectly against anyone. That is to apply a criterion, provision or practice, which disadvantages people of a particular religion or belief without good reason (i.e. unless objectively justified as a proportionate means of achieving a legitimate aim);
  - Subject someone to harassment (i.e. unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment);
  - Victimise someone because they made a complaint or allegation or have given evidence against someone else in relation to a complaint of discrimination on the grounds of religion or belief;
  - Discriminate against someone in some circumstances after the working /vocational training relationship has ended (i.e. references).

#### **What type of issues might arise on a practical level?**

- 15 Consultation with colleagues has highlighted the following potential situations which may arise in a T&L context:
- Muslim students needing to break a fast during Ramadan whilst in a lecture;
  - Jewish students needing to be home by sunset on a Friday for the Sabbath and therefore missing lectures/seminars;
  - Jewish students and Seventh-Day Adventists unable to take exams on a Saturday;
  - Timetable clashes with religious festivals leading to non-attendance;
  - Clashes with prayer time for Muslim students during lectures and examinations;
  - Female Muslim students being uncomfortable with compulsory overnight field trips where male students and staff would be present;
  - Refusal to take part in certain activities on religious grounds (e.g. Music and dance component of PGCE);
  - Health & Safety considerations (e.g. dress code in laboratory environment);
  - Actions of teaching staff and fellow students in the learning environment which amount to harassment on grounds of religion and belief (e.g. inappropriate comments)

*\*Please note that these examples do not represent an exhaustive list and that issues may arise in the context of other religions or beliefs which are not explicitly mentioned here (e.g. Christianity, Sikhism, Buddhist etc).*

*Please also note that issues can also arise for Academic staff of a particular religion or belief and not just students.*

### **How should I approach such situations?**

- 16 In a T&L context most potential issues fall into the category of indirect discrimination, where the litmus test in terms good practice would be:

*Are you are doing everything which is **reasonable** and **practicable** to ensure that this student isn't put at a disadvantage because of his or her religion or belief? Can your decision to accommodate or refuse a request be objectively justified?*

- 17 Alternative strategies should be considered **in consultation** with the individual student, with a view to removing or minimising any potential disadvantage in so far as possible. What is **reasonable** and **practicable** will vary on a case by case basis. When looking at specifics it would be impossible to guarantee total consistency and equity when dealing with issues of religion and belief. However, the University must guarantee consistency in the spirit by which the request for an adjustment on the grounds of religion or belief is received in a T&L context. Not all requests will necessarily be able to be accommodated. The key is that all requests should be viewed sympathetically and every reasonable effort made to come to a workable arrangement, and where this is not possible, there should be clear and justifiable reasons.

### **How can I know when certain religious festivals are taking place?**

- 18 A good resource for this is a multi-faith calendar available on the BBC website. This calendar is available at <http://www.bbc.co.uk/religion/tools/calendar/> and shows religious festivals and celebrations of eight world faiths.

- 19 The calendar is accurate, but please note that some dates may vary regionally because they are determined by the lunar calendar.

- 20 Whilst staff should be sensitive to the multi-faith calendar, staff should not make automatic assumptions about students' faiths, but rather act in a way that demonstrates an environment where individuals feel able to discuss any concerns, in the knowledge that they will not be penalised and that steps will be taken if possible to accommodate them.