

Promoting good relations in higher education guidance

Section 3 interim update

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Introduction

About the guidance

This revised guidance provides an overview of the ways in which higher education Institutions (HEIs) can prevent intolerance and develop a culture where relationships between diverse groups and individuals enhance the learning experience, protect freedom of speech and academic freedom, tackle harassment, and contribute to an inclusive society.

This guidance supports institutions to take a proportionate approach in decision making and suggests immediate, medium and long-term strategies for promoting good relations within the present legal framework.

Instead of advocating a ‘one size fits all’ approach, this guidance outlines good principles of process and practice that institutions should consider in their particular context.

It is recommended that institutions should consider any incidents of hate and intolerance or situations where free speech and good relations intersect on a case-by-case basis within the framework of agreed policies, seeking specific legal advice where necessary. This guidance does not constitute legal advice.

The importance of promoting good relations

As the number of people entering higher education continues to be amongst the highest on record, there is a growing diversity of backgrounds and viewpoints within institutions, increasing both the opportunity for positive interaction and learning and the risk of disharmony, polarisation and conflict.

For many students, their higher education provider can provide an environment that is far richer in diversity than any they have encountered before. Living and studying with people whose life experiences, values and opinions may be radically different gives students the chance to explore ideas, develop identity and connect with others. The quality of this experience will be largely determined by the efforts that an institution makes to enable students and staff to express, encounter, negotiate and enjoy difference in a climate of respect and learning and to foster good relations across the campus community to the benefit of all.

Defining good relations in HE

Tolerance, or respecting a wide range of views and beliefs, including those that might differ from one's own, is the bedrock of good relations. Conversely, intolerance of others and their views and beliefs is at the heart of most challenges to good relations.

The following five key principles, based on guidance produced by the Commission for Racial Equality (CRE, 2005), provide a useful framework for understanding good relations in HEIs:

- + Equality, acting swiftly to challenge discrimination, harassment and bullying in all its manifestations.
- + Respect, framing the right to self-expression and free speech within the context of respect for others; encouraging dialogue about the issues that connect and divide individuals and communities, discussing prejudice; challenging preconceptions and assumptions.
- + Security, creating a safe environment for staff and students free from intimidation, harassment and fear; tackling hate crime; challenging views that promote violence or otherwise deny human rights.
- + Unity, providing opportunities to learn about difference and identify common ground; promoting the benefits of developing knowledge and skills that improve personal and communal relationships.
- + Cooperation, taking a proactive approach to conflict resolution that is fair, consistent and transparent.

The intersection of good relations, academic freedom and freedom of speech

As environments of research and learning, HEIs have a special role in promoting and encouraging vigorous debate, free speech and academic freedom within the law. Special legal status applies to the protection of academic freedom and enquiry within HE. This means institutions need to support scholarship and learning that engages with a wide range of political, social, economic and scientific views, regardless of how popular, controversial or provocative these views may be.

The challenge for institutions is to develop an environment where intellectual engagement with sensitive or controversial issues is enabled but discriminatory behaviour and harassment is not tolerated.

Legal framework for good relations

Domestic law in the UK, along with European law, establishes the framework within which institutions will manage good relations. Legislation in this area can be characterised by three key themes:

- + Protection from discrimination and promotion of equality – [this legislation](#) protects people from discrimination, harassment and victimisation on the basis of certain protected characteristics and puts positive duties on public bodies, including higher education institutions, to think about how they can advance equality of opportunity and foster good relations. The Equality Act 2010 covers England, Scotland and Wales; discrimination law in Northern Ireland is different, and is set out across various pieces of legislation (the law on equality of opportunity for public authorities is set out principally in sections 75 and 76 of the Northern Ireland Act 1998).
- + Protection of free speech and academic freedom – Freedom of expression is protected by the Human Rights Act 1998. Higher Education Institutions have legal duties to ensure freedom of speech and academic freedom on campus. Legislation differs across the UK. In England, there is a new [Higher Education \(Freedom of Speech\) Act 2023](#).
- + Qualification of rights - An individual's rights can be lawfully restricted if their behaviour constitutes a criminal offence, such as discrimination, harassment, hate and terrorism. Relevant legislation includes Public Order offences and the Protection from Harassment Act 1997.

Section 3. Tackling intolerance and promoting good relations

Armed with knowledge of the legislative framework, a commitment to free speech and academic freedom and an understanding of intolerance, an institution is well equipped to develop an effective strategy to promote good relations on campus.

It is useful to consider this in four parts:

- + Reviewing and strengthening policies, systems and practices.
- + Immediate crisis intervention to deal with situations/incidents of intolerance or that threaten good relations.
- + Medium-term action to tackle specific hate crime and intolerant activity in the wider institutional context.
- + Long-term activity to help promote good relations between all people in the institution.

Reviewing and strengthening policies, systems and practices

It is essential that the institution has in place the necessary policies, procedures, processes and systems to safeguard everyone's rights and to deal with incidents of hate crime, harassment or other intolerant activity.

Institutions will find it useful to review their existing framework of policies, systems and procedures including equality and diversity policies, commitments to academic freedom and freedom of speech, student regulations, guidelines for dealing with harassment, disciplinary, reporting processes, grievance and complaints procedures, and communication and stakeholder engagement strategies. This will help to identify any deficiencies that may have an impact on work against hate crime, intolerant activity and the promotion of good relations, as well as the right to freedom of speech and academic freedom.

Additionally, institutions should identify particular areas of business where there is potential for a disruption to good relations and review related policies and processes as a priority.

The Equality Act 2010 requires public bodies, including institutions, to comply with the Public Sector Equality Duty, which, in summary, requires them to think about how their policies or decisions affect people who are protected under the Act (including the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations).

Therefore, equality analysis/impact assessment of policies, provisions, criteria and practices to ensure there is no adverse equality impact on people may prove a valuable review and change-management tool.

Policy framework

The institutional framework of policies and procedures that safeguard everyone's rights and deal with incidents/situations of hate crime and intolerance will look slightly different in every institution, but may include:

- + Equality, diversity and inclusion strategies and policies
- + Bullying and harassment policies
- + Dignity and respect policies
- + Complaints and grievance procedures
- + Investigation and disciplinary policies and procedures
- + Codes of conduct
- + Codes of practice on freedom of speech and academic freedom

Each should be reviewed to ensure clarity in terms of the rights of individuals to speak within the law and to be protected from hate crime and discrimination.

Reporting systems and provision of support

In recent years, many institutions have strengthened their systems for reporting of incidents and provision of support for victims/survivors, for example providing 'report and support' webpages or similar, which allow anonymous and named reporting and are also a way to request support. Some students' unions have their own reporting systems and provide support too, and there may also be local level reporting mechanisms within a larger institution. Institutions may also signpost to other external resources and sources of support. People do not always feel confident reporting incidents, therefore work to raise confidence in the institution's commitment to dealing with alleged incidents seriously, fairly and with appropriate sanctions should they be proved true is very important.

Events and activities protocols

Institutions may have in place regulations such as a notification procedure, requiring student societies and other organisations that use campus facilities to give notice of activities they propose to undertake. This would usually be an agreed protocol negotiated between the institution, the trade unions, students' union and other appropriate stakeholders. Institutions should ensure that such protocols contain a clear statement that the right to assemble, demonstrate, protest and speak within the law is not to be infringed, but that hate crime and incitement to commit illegal acts will not be tolerated.

This should be supported by guidelines/protocols for external speakers and a process that enables student societies to work with the institution to reach a satisfactory solution in case of dispute, and to minimise potential damage to good relations and risk to the institution's reputation. The processes in place should consider potential for and mitigations of any harm to individuals and relations between groups, such as support for anyone potentially negatively affected, or efforts to share different perspectives at other points. See [Deciding upon a course of action](#) for further guidance on reaching decisions.

Immediate crisis intervention

Action to deal with situations/incidents of intolerance or that otherwise threaten good relations

The majority of incidents or situations involving intolerant activity and hate are likely to involve an individual or a small group of people. Institutions should ensure that they have appropriate systems, policies and procedures for dealing with such cases (see above), and that mechanisms are in place to support individuals in dealing with the impact of the situation. In the case of a potential criminal offence the institution should consider whether it needs to notify and involve the police.

On occasion an incident or situation may have a wider impact, either because of the number of people involved or the potential for disruption to good relations (e.g. in a dispute between two student groups), because of risk to student or staff safety, or because of significant media interest or potential damage to the institution's reputation. An institution should prepare for such a situation by having in place effective policies and processes. The following steps are recommended.

1. Use of appropriate decision-making processes

Decisions that need to be taken about how to deal with a particular incident/situation may need to be made quickly and often under the spotlight of stakeholder or media attention. It is important that they are made by the right people with sufficient authority to ensure that all relevant information is considered, that agreed actions are carried out and outcomes are achieved. Where an institution does not already have in place a process for managing critical incidents a senior manager could be designated to lead the decision-making process, with support from a working group made up of appropriate specialists (e.g. equality and diversity advisers, communications and HR staff) and reporting responsibilities to the vice-chancellor or principal's office.

Students' unions will have their own processes but should also escalate critical incidents/situations to the institution. Strong partnership working between the students' union and the institution will be essential.

2. Consultation

The senior manager responsible for dealing with the incident/situation should consult with interested parties across campus and, where appropriate, with relevant external organisations, such as the police, who might be able to provide further support and assistance. The formation of an emergency working group to bring relevant people together and support the senior manager might be useful, although consideration should be given to the different interests that might exist within this group and care taken to underline its advisory capacity. Membership of such a group might include press/communications, EDI and HR specialists, the students' union, recognised trade unions and staff networks and, if possible, representatives from relevant communities and organisations.

3. Deciding upon a course of action

As well as looking at the evidence directly related to the incident/situation in question, institutions will find it useful to consider critical factors, including but not limited to the following:

- + The responsibilities the institution has under [relevant legislation](#).
- + The institution's policies and procedures.
- + Consultation with those likely to be affected, both directly and indirectly.
- + The likely impact of any decision on campus relations.
- + The reputation of the institution among particular communities and more widely.

Proportionality analysis in making decisions

The importance of a proportionate approach

Freedom of speech/expression may protect the expression of views that may shock, disturb, or offend the deeply held beliefs of others. However, the right to freedom of speech/expression can be limited and does not protect speech which amounts to discrimination or harassment under the Equality Act 2010, or which amounts to bullying, harassment, or the incitement of violence or hatred (but which might not be linked to a protected characteristic), and/or which constitutes a criminal offence.

Importantly, any potential interference with the right to freedom of speech/expression must be lawful, for a legitimate purpose and proportionate to the legitimate purpose the institution is seeking to uphold. Therefore, when deciding to interfere with freedom of speech/expression in response to a given incident, institutions will need to show:

- + the decision to interfere has been taken with due regard to the relevant legislation and any action taken observes legal requirements.
- + the decision to interfere is for a legitimate purpose including the interests of national security or public safety, the need to prevent crime or disorder, the protection of health or morals, the prevention of disclosure of information received in confidence or the protection of the reputation or rights of others.
- + the decision to interfere is proportionate to the legitimate purpose and to the perceived or actual threat of disruption to good relations. A proportionate approach involves (amongst other things) ensuring that:
 - the decision to interfere has been made objectively and transparently in accordance with a robust process;
 - the decision is based on evidence and taking into account the individual context and facts of a given incident;
 - consideration is given as to whether there are more effective alternative means of dealing with the given incident which doesn't involve interfering with the right to freedom of speech/expression;

- the justification and reasons for interfering with freedom of speech/expression is transparently communicated to all relevant parties.

Institutions should be mindful of the interaction between academic freedom and the Equality Act 2010 in an academic or classroom environment. The Equality and Human Rights Commission (EHRC) states “the harassment provisions [in the Equality Act 2010] cannot be used to undermine academic freedom”.

In its guidance on Freedom of Expression for Higher Education Providers and Students’ Unions in England and Wales, the EHRC states that: “Students’ learning experience may include exposure to course material, discussions or speaker’s views that they find offensive or unacceptable, and this is unlikely to be considered harassment under the Equality Act 2010”.

If a proportionate decision is taken and documented as a result of evidenced balancing of all relevant issues, an institution should be in a better position to defend its actions against any subsequent complaint or claim.

4. Support for affected individuals

As soon as an incident/situation is reported an institution should seek to offer support to affected individuals, such as counselling and other forms of student liaison services. Where there is a situation unfolding or planning taking place around the future response to an issue, provision of support should be built into the plans for the institution’s response.

5. Developing a communications strategy

The institution should consider its approach to communications relating to the incident/situation, bearing in mind issues of confidentiality and data protection and balancing them against calls for openness and transparency. It will be useful to monitor what is being communicated about the incident in student publications, blogs, on social media and in the media generally.

6. Learning from the experience

An in-depth evaluation of the effectiveness of actions taken to deal with a particular incident/situation might prove valuable in preventing or managing future incidents. The institution should ensure that any action points are taken forward through the appropriate channels and should also consider how the lessons might be used to raise awareness across campus of the shared responsibility for maintaining good relations.

Medium-term anticipatory action

Action to tackle specific hate crime and intolerant activity in the wider institutional context

An institution may find itself in a situation where local, national or international issues have reached an intensity that might affect it in the future, and where carefully targeted intervention might prevent or limit any negative impact to its students or staff. Examples of such issues might include attacks on local halal butchers by animal rights activists, protests about the location of an authorised encampment for Gypsy and Traveller families in an area adjacent to campus, or a number of homophobic assaults occurring in the same region as an institution. The following actions are recommended for consideration.

1. Monitoring and horizon scanning

Most institutions have in place reporting systems for incidents of hate, discrimination and harassment e.g. 'Report and Support' webpages. These should be monitored and any patterns in reports identified, such as a cluster of reports in a certain space on campus, naming any particular individuals or departments or relating to a certain type of hate crime/harassment or other unacceptable behaviour. Additionally, institutions should keep abreast of international, national and local situations that may impact on good relations between any groups on campus.

2. Consultation

In order to find out the extent of the issue and how it could affect the institution, consultation can be undertaken with local internal and external groups and individuals who have been or may potentially be affected by such activity. Certain groups in the campus community may have concerns about their safety and the institution should therefore ensure that any information provided is treated sensitively and that confidentiality is maintained where appropriate.

3. Communication

The institution should consider reminding students and staff of the collective responsibility for maintaining good relations by highlighting key messages on what activity is acceptable within the institutional environment. Raising awareness of the institution's commitment to dealing with intolerance and of the processes for reporting hate incidents/crime may help to alleviate the concerns of groups who feel they may be the targets of such activity.

4. Pre-emptive action

The institution should look for opportunities for pre-emptive action that can reduce the risk of an international/national/local issue spilling over on campus. This might involve organising a debate or other forum for dialogue that allows opposing views to be expressed and explored

in a controlled environment, developing activity that brings different groups within the institution together to promote good relations, or working within the higher education sector or more widely with other bodies to minimise the spread of hate incidents. The institution should also signpost its community to available support for anyone affected by emerging issues.

Long-term action to build good relations

Institutions should create strategies that promote good relations between people from different backgrounds and beliefs in order to pre-empt hate crime and intolerance on campus. They should consider the variety of ways in which hate crime and intolerance can occur and take account of changes in legislation when developing and updating such strategies. The following actions are recommended for consideration.

1. Strategic commitment and embedding of good relations in core values

Effective counteraction against intolerance may involve using institutional processes at short notice and require the rapid mobilisation of different groups of staff, students and others. This is more likely to occur if the commitment to tackling intolerance and fostering good relations is recognised as part of the institution's core values and supporting activities are embedded within its strategic framework. This could be linked to organisational values and commitments to academic freedom and freedom of speech, to support students and staff in a more complete understanding of their relevant rights and responsibilities. Involving staff and students in the development of this process and communicating the outcomes clearly will ensure a wide understanding of, and participation with, the commitment to good relations on campus.

2. Alignment with equality and diversity activity

Under the Equality Act's Public Sector Equality Duty, institutions are required to give due regard to the need to foster good relations between different groups. They therefore need to ensure that the work they undertake to deal with intolerance is part of the overall approach to EDI and aligned with other activities that promote an inclusive culture. By making good relations activity part of the overall EDI agenda institutions will ensure that it is managed and evaluated effectively and that it informs the development of future strategies. Working with the students' union and trade unions, which often have significant expertise in this area including organising activities that have a direct impact on good campus relations, will help to ensure a holistic approach.

3. Understanding the legal and regulatory context

It is important that institutions have a good idea of the present and prospective legal environment in this area, and how legislative provisions serve to assist institutions in carrying out their functions. Institutions should ensure that processes are in place to keep abreast of legislative developments and apply them to policies and procedures as necessary.

4. Understanding the issues

In order to design an approach that is reasonable and proportionate institutions should ensure that they have a good understanding of the causes, forms and consequences of intolerant activity within and beyond the higher education sector. This is important as institutions become increasingly diverse and therefore more at risk of being affected by troubled relations between different groups of people. In particular, institutions should ensure that they consider the impact of their internationalisation strategies on good campus relations.

5. Developing skills and confidence

All staff have a responsibility for maintaining good relations on campus as well as ensuring academic freedom and free speech within the law, and an institution will need to ensure that they understand their role and have the knowledge and skills to carry it out. A greater level of responsibility rests with staff who work directly with students or who are responsible for staff and who are best placed to identify and resolve issues likely to threaten good relations (such as staff with teaching and pastoral care responsibilities, HR staff, EDI advisers and mediators, line managers and staff who work in student services). Institutions should ensure that these staff are competent and confident to carry out their responsibilities, and that performance management and career development activities include these skills.

6. Effective consultation and dialogue

Investing time and energy in the development of trusting and honest relationships with a wide variety of groups within the institution will help to ensure effective dialogue should an incident arise or relations be damaged. Institutions should ensure that good relations is on the agenda as part of regular meetings with staff and trade unions, students' unions, staff networks, external agencies such as the police and the wider community. Opportunities to engage with external networks will inform the institution about possible challenges to good relations.

Additionally, efforts should be made to build relationships with groups who feel particularly vulnerable to intolerant activity or who traditionally have not engaged with the institution. While it is important to ensure that the voices of those who may be the subject of hate incidents are heard, attention should also be paid to those groups who may fear that they will be negatively stereotyped as holders of intolerant views or potential perpetrators of intolerant activity (religious groups who do not condone homosexuality for example or supporters of the anti-immigration lobby).

Models for dialogue that may be useful include institutionally led listening exercises, or Civil Discourse, which is the intentional process of engaging in a conversation while acknowledging the diversity of opinions and enforcing mutual respect.

7. Raising awareness

Every member of an institution's community shares in the responsibility to support good relations on campus, as well as to protect free speech within the law, and the institution should actively ensure that individuals understand what they are required to do in order to uphold this commitment. Codes of conduct for both staff and students should clearly set out expected standards of behaviour and the action that may be taken in response to any departure from them. In order to ensure that all staff realise how hate incidents, crime and intolerance can affect institutional life, institutions should provide training to raise awareness of equality issues, the rights and responsibilities of different sections of the community, and the institution's policies and procedures. Similarly, institutions should work with students' unions and student stakeholder groups and include briefings in student induction programmes to ensure that students are aware of their rights and responsibilities in this area.

8. Celebrating a culture of inclusion

Programmes of events

A considerable number of HEIs run programmes of events to acknowledge and celebrate the diversity of their institutions and the progress that is being made to create an inclusive and accessible culture: activity to promote good relations can complement and enrich the overall message and emphasise the importance of understanding and accommodation of difference.

A good relations focus can be given to the institution's diversity programme by finding opportunities to share understanding between groups and identify shared experience as well as recognise the positive elements of difference. The involvement of local community organisations in the planning and delivery of events demonstrates the commitment of the institution to active membership of the local community. For example, work with Muslim and other faith groups during Ramadan could involve discussions on the meaning of fasting and the sharing of food in spiritual practice generally, creating opportunities to further understanding and focus on common ground rather than religious differences.

Institutions may wish to consider the following questions in the development of equality or engagement work to ensure good relations.

- + How does the event develop understanding and engagement between social groups within the institution?
 - + Does the event promote knowledge of differing lifestyles, beliefs and social groupings?
 - + How does the event clearly demonstrate that harmful perceptions, assumptions and intolerance within the institution are challenged?
 - + Does the event actively engage in community development and understanding?
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- + How is work to support good relations aligned with and complementary to promoting academic freedom and freedom of speech?

Recognition

Institutions could consider ways in which work by staff and students that helps to promote good relations can be rewarded. Rewarding success can take the form of partnership events and diversity awards events with stakeholder organisations and equality groups in the local community.

Community engagement opportunities

There may be opportunities within other areas of activity across the institution to encourage staff and students to proactively engage with the good relations agenda. For example, an institution might develop opportunities for staff and students to volunteer with organisations that support victims of hate crime, or arrange work placements with community cohesion projects. Inquiry into aspects of good relations might make a suitable subject for student research or be otherwise incorporated into the curriculum.

9. Bringing people together to explore shared experience

As places of debate and discussion institutions are ideally positioned to facilitate the promotion of greater understanding between different groups. However, bringing together groups of people with differing perspectives can be a challenge, particularly when exploring issues which might relate to beliefs that lie at the heart of individual or group identity.

Tensions cannot be resolved through groups ignoring each other, or working in silos. Encouraging discussion, listening and engagement between groups allows the diverse experiences and opinions that enrich society to be explored and common ground to be identified. For example, bringing LGBT and faith groups together to commemorate Holocaust Memorial Day in recognition of the oppression that both religious communities and LGBT people suffered under the Third Reich. This emphasis on shared history and parallel experience promotes tolerance and understanding while not denying the separate identities of each group. Potential tensions can be explored without directly confronting issues that may lead to argument or hostility.

Other topic areas which facilitate discussion of shared qualities without entering into debate on questions of right versus wrong, or acceptable versus unacceptable, include:

- + experiences of bullying in educational settings
- + experiences of discrimination in the workplace
- + media stereotyping
- + feelings of social isolation.

Further resources

Universities UK: [How can universities prepare for the Higher Education \(Freedom of Speech\) Act?](#)

Universities UK: [Tackling antisemitism: practical guidance for universities](#)

Universities UK: [Tackling Islamophobia and anti-Muslim hatred: practical guidance for universities](#)

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