AdvanceHE

Promoting good relations in higher education

May 2024
Freya Douglas-Oloyede

Contents

About the guidance

This revised guidance provides an overview of the ways in which higher education institutions (HEIs) can promote tolerance 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:

+ understand good relations in HE and how this intersects with equality, diversity and inclusion (EDI) and free speech

+ review and strengthen policies, processes and practices relevant to fostering good relations, including making decisions about free speech, within the present legal framework

+ put in place immediate, medium and longer-term strategies for managing situations/incidents that challenge good relations and fostering a tolerant and inclusive culture.

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 harassment 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.

Section 1: about good relations

This section looks at the context within which HEIs operate and the place of good relations within that context.

This section includes:

+ defining good relations

+ the importance of promoting good relations in HE

+ challenges to good relations in HE

+ the legal framework.

Defining good relations

Relations are the relationships that exist between two people, larger groups of people or organisations. The concept of good relations has had different meanings over time and in different contexts. In the realm of equality, diversity and inclusion (EDI), the term has been used for more than 20 years and HEIs, like all public authorities, are required by the Equality Act's Public Sector Equality Duty to give due regard to the need to foster good relations between protected groups. While the term has fallen out of use somewhat, it is a useful concept to return to, in a period of so-called 'culture wars' and in light of enhanced duties on English HEIs to promote freedom of speech.

The Commission for Racial Equality (CRE, 2005) identified five key principles for achieving good race relations, which provides a helpful starting point for understanding this concept.

+ **Equality** – equal rights and opportunities for everyone in all areas of activity.

+ **Respect** – acceptance of the individual right to identify with, maintain and develop one's particular cultural heritage and to explore other cultures.

+ **Security** – a safe environment, free from racism, for all.

+ **Unity** – acceptance of belonging to a wider community, and of shared values and responsibilities, rooted in common citizenship and humanity.

+ **Cooperation** – interaction by individuals and groups to achieve common goals, resolve conflict and create community cohesion.

Today the focus of equality, diversity and inclusion work extends beyond race to include other protected characteristics, but the five principles set out above continue to provide a useful framework for understanding the concept of good relations. Applied to HEIs they encompass the following issues.

+ **Equality** – acting swiftly to challenge unlawful discrimination, harassment and bullying.

+ **Respect** – promoting a culture of tolerance and 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 and harassment; tackling hate crime; challenging views that promote violence or otherwise infringe human rights without restricting lawful free speech.

+ **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; bringing people together to promote interaction and cohesion.

The importance of promoting good relations in HE

As the number of people entering higher education continues to be among 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, express and challenge 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 tolerance and learning and to foster good relations across the campus community to the benefit of all.

The intersection of good relations and freedom of speech

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

Alongside this, institutions have a legal duty to ensure that staff, students and others who engage with the institution are protected from unlawful discrimination, harassment and victimisation, and that good relations between individuals and groups are facilitated without restricting lawful free speech. Read more about the legal framework.

The challenge for institutions is to develop an environment where intellectual engagement and free speech are promoted and protected, but also where good relations are actively encouraged and behaviour that unlawfully infringes the rights of others is not tolerated.

Benefits of good relations

An institution that effectively manages to safeguard the people who study and work within its community while promoting free speech and intellectual enquiry will:

+ develop an environment of ethical and intellectual rigour that is reflected in institutional life and the experiences of staff and students

+ protect all staff and students from unlawful discrimination, harassment and victimisation

+ cultivate good relations between people

+ be more resilient to disruptions and events from outside an institution

+ build a culture of tolerance and respect that welcomes debate and celebrates difference

+ develop students to be equipped for the diverse and complex world of work following their studies.

Challenges to good relations in HE

Most people who attend UK HEIs will experience an environment where the opportunity to encounter and explore and test a wide range of ideas, and study or work in a diverse community is stimulating, safe and enjoyable. However, this will not be true for all, and for this reason it is important that institutions understand the situations and factors that can have a negative impact on relations between individuals, groups and the organisation. These might include:

+ **External troubled relations and trigger events.** Now, more than ever before, institutions are increasingly affected by global political, social and economic developments, while local community ties are also strong. Troubled relations or trigger events that occur off campus, either on the world stage or in the local neighbourhood, will have an impact on institutions, and they will need to be alert to the risk of external events damaging relations on campus. For example, during the Covid-19 pandemic, there was a spike in hate crimes against East and Southeast Asians and in the weeks following the start of the 2023 Israel-Palestine conflict, both antisemitic and Islamophobic offences spiked.

+ **Backlash to an institution's EDI work.** Some institutions have experienced negative reactions or criticism from staff and/or students relating to their EDI initiatives or approaches. This can be driven by, for example, disagreement with an EDI approach due to an individual's own beliefs (see competing rights, below), concern about balancing obligations to ensure free speech and academic freedom, concern about allocation of resources to one/some groups over others or EDI work over other parts of university life, or criticism of a perceived slow rate of progress or change on EDI issues.

+ **Competing rights between protected characteristics.** Tensions or apparent clashes between different sets of protected beliefs, or between protected beliefs and other competing rights, can have an impact on relations between groups. These clashes can occur across a range of different ideas and groups within society. Recent examples include the clash between, on the one hand, the protection afforded to those people who hold gender critical views, and, on the other hand, the protection afforded to people who identify as transgender. See Advance HE's guidance on protected beliefs for further information.

+ **Repercussions of free speech/expression on relations.** The lawful expression of views that some find controversial, offensive or disturbing can impact individuals as well as wider relations between segments of a university's community. An institution's response to protect free speech, or limit it when this is appropriate and lawful to mitigate risks to the rights of others, may result in criticism from some parts of the community, and potentially result in protest and media scrutiny.

+ **Terrorism and violent extremism.** HEIs are subject to the Prevent duty, which is intended to prevent people from becoming terrorists or supporting violent extremism. It is generally recognised that the HE sector does not have a major problem with violent extremism, but institutions must be aware of the risk of radicalisation and the challenges posed by violent extremism. This includes the risk of protest activity endorsing proscribed terrorist groups, such as support for the organisation Hamas, which is proscribed as a terrorist organisation in the UK. Prevent activity can affect relations between communities, for example, there have been criticisms of Prevent for focusing predominantly on the Muslim community.

The legal framework

This guidance highlights the main pieces of UK legislation relevant to issues of good relations, freedom of speech and academic freedom. It is not an exhaustive list of all legislation in this area, nor does it constitute legal advice. Institutions should always seek clarification of their particular legal position from their own independent legal advisers.

Domestic law in the UK, along with European law, establishes the framework within which institutions will manage good relations. The devolved nature of some legislative powers in the UK means that the four nations, on occasion, have different laws, although often the rights, responsibilities and principles described in the statutes are similar. Legislation in this area can be characterised by three key themes.

+ **Protection from discrimination and promotion of equality.** This legislation protects people from unlawful discrimination, harassment and victimisation on the basis of certain protected characteristics and puts positive duties on public bodies, including HEIs, 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. HEIs have enhanced legal duties to take all reasonably practicable steps to ensure (and, in England, to promote) freedom of speech and academic freedom within the law on campus. Legislation differs across the UK. In England, there is a new Higher Education (Freedom of Speech) Act 2023, which enhances duties on institutions.

+ **Qualification of rights.** Generally, an individual's rights to freedom of speech and expression under the Human Rights Act may be lawfully restricted in certain circumstances (if their behaviour constitutes a criminal offence, creates a risk to public safety, in the interests of national security and for the protection of public health and morals and to protect the rights and freedoms of others). In HE the protections are enhanced as noted above, and there is a presumption in favour of free speech, but rights may also be qualified if there are risks of public disorder, breaches of the peace, unlawful discrimination, harassment, hate speech and incitement to or carrying out terrorist acts on campus which cannot be mitigated by reasonably practicable steps. Relevant legislation includes Public Order offences and the Protection from Harassment Act 1997.

Other legislation and regulation relevant to good relations includes the Counter Terrorism and Security Act 2015 (Prevent duty), although, any Prevent duties applicable to HEIs must be considered against the particular regard that must be given to their duties to ensure free speech; UK Border Agency (UKBA) requirements; and data protection legislation.

Further reading

Advance HE: Protected beliefs in higher education guidance

Advance HE: Freedom of speech in higher education: legal framework

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

Section 2: reviewing and strengthening policies, processes and practices relevant to good relations, including processes for making decisions about free speech

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

Institutions will find it useful to review their existing framework of policies and procedures that safeguard everyone's rights and deal with incidents/situations of harassment, discrimination and hate crime to identify any deficiencies. This will look slightly different in every institution, but may include:

+ codes of practice on freedom of speech and academic freedom within the law

+ equality, diversity and inclusion strategies and policies

+ bullying and harassment policies

+ dignity and respect policies

+ policies relating to religion and protected beliefs

+ complaints and grievance procedures

+ investigation and disciplinary policies and procedures

+ staff and student codes of conduct

+ events and speaker policies and procedures

+ policies and procedures relating to institutions' Prevent duties.

Each should be reviewed to ensure clarity around the HEI's duties to promote the rights of individuals to speak freely within the law as well as its duties to protect its staff, students and visitors against unlawful harassment and discrimination. Additionally, institutions should identify areas of activity where there is potential for a disruption to relations and review related polices and processes as a priority.

Under the Equality Act 2010, public bodies, including institutions, must have due regard to 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 giving due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations). Therefore, an HEI should conduct equality analysis/impact assessment of policies, provisions, criteria and practices to assess the risk of any adverse equality impact on people.

Reporting systems and provision of support

In recent years, many institutions have strengthened their systems for reporting incidents and providing 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 will have in place regulations relating to events such as event booking and notification procedures that require student societies and other organisations that use campus facilities to give notice of activities they propose to undertake. For institutions in England, their Code of Conduct on free speech should include regulations relating to events. Institutions should ensure that such regulations contain a clear statement that the HEI's premises are not to be denied to any person based on their identity or beliefs and that the right to assemble, demonstrate, protest and speak within the law is not to be infringed, but that hate crime, harassment and incitement to commit illegal acts or to cause risk to campus security will not be tolerated.

These regulations 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 ensure that all reasonably practicable steps are taken to ensure free speech within the law. The processes in place should consider potential for any disorder or any other campus risk and reasonably practicable and proportionate steps which can be taken to ensure lawful free speech while balancing the need to mitigate the risk of any harm to individuals, such as support for anyone potentially negatively affected, or efforts to share different perspectives at other points. See Advance HE's freedom of speech activities and events checklist and the decision-making processes section below for further guidance.

Decision-making processes relating to free speech and good relations

HEIs should be conscious that institutional decisions may be tested or reviewed in different ways and from different perspectives. An employment tribunal will look at specific factors and legal considerations compared to, for example, a regulator focused on upholding free speech and academic freedom within the law. There is no single decision-making process that an HEI might follow to guarantee it will meet the expectations of different courts or regulators. This guidance sets out considerations which can support HEIs in drawing reasonable conclusions and decisions in relation to EDI and free speech, based on the evidence of a particular case and an institution's specific context.

1. Deciding whether it is lawful to place limits on free speech/expression

Institutions will need to ensure lawful speech and academic freedoms are protected. Freedom of speech/expression and academic freedoms within the law protect the expression of views that may shock, disturb, or offend the deeply held beliefs of others, and academic freedom protects the right to test and challenge perceived wisdom and to put forward new ideas and controversial or unpopular opinions.

HEIs must take all steps that are reasonably practicable to ensure the right to freedom of speech/expression and academic freedoms within the law is protected on campus. This can be subject to limitations if the speech or expression is not lawful or its manifestation may create significant risks which cannot be mitigated through reasonably practical steps – for example, if it amounts to unlawful discrimination or harassment under the Equality Act 2010, or which amounts to harassment, or the incitement of violence or hatred (but which might not be linked to a protected characteristic), or which contravenes the Prevent duty and/or which may constitute a criminal offence.

Importantly, as there is a presumption in favour of free speech and academic freedom, any potential interference with the right to freedom of speech/expression and academic freedoms within the law must be made on a lawful basis. Therefore, when deciding whether it may be necessary to interfere with any rights to freedom of speech/expression in response to a given incident, institutions will need to show:

+ the decision to interfere has been taken with appropriate regard to the legislation relevant to an individual case, including particular regard to the relevant free speech legislation, and any action taken observes legal requirements

+ the decision to interfere is relevant to Article 10(2) and is being taken due to the perceived or actual threats or risks to:
  – interests of national security
  – Prevent considerations
  – public safety on campus
  – the need to prevent crime or disorder on campus
  – for the protection of the reputation or rights of others, including preventing harassment and the incitement of hatred against individuals or groups of individuals; or
  – for preventing the disclosure of information received in confidence

+ the decision to interfere must only be taken if reasonably practicable steps are unlikely to be sufficient to mitigate the perceived or actual threats or risks set out above; and

+ the restriction is 'prescribed by law' as set out under Article 10(2).

In addition, institutions could also look to show:

+ that any decision has been made objectively and transparently in accordance with a suitable and robust policy and process

+ the decision is based on evidence and taking into account the individual context and facts of a given incident/situation; and

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

2. Taking a proportionate approach to restrict or mitigate the impacts of free speech within the law

If the speech/expression in question has been determined to present any of the perceived or actual threats or risks outlined above, the HEI will need to be able to demonstrate they have considered their specific statutory duties (including the presumption in favour of free speech) and assessed the proportionality of their proposed approach to mitigation or restriction of the speech/expression in question. This will also be helpful when an HEI is putting plans in place for longer-term initiatives where free speech may be relevant, for example, programmes around cultural development and EDI.

It is important to note that it is not lawful to limit someone's lawful expression of their protected belief (which may include, for example, gender critical beliefs or anti-Zionist views) except to the extent necessary for the protection of the rights and freedoms of others. Helpfully, the Employment Appeal Tribunal has recently given some further guidance, in the case of Higgs v Farmor's School [2023] EAT 89, on the principles that need to be considered when assessing the proportionality of any proposed interference with a person's protected beliefs. HEIs will also need to reflect on these principles in light of their additional statutory duties to promote or ensure rights to free speech within the law, which were not considered in Higgs. See Advance HE's protected beliefs guidance for full details.

The particular regard for free speech (often referred to as the presumption in favour of free speech) was specifically highlighted by the courts in relation to a successful challenge to the Prevent programme guidance (see R (on the application of Salman Butt) v Secretary of State for the Home Department [2019] EWCA Civ 256). The guidance now acknowledges that in most cases risks can be mitigated without shutting down free speech.

Considerations for taking a proportionate approach to placing limitations on lawful free speech include:

+ whether the objective being sought is sufficiently important to justify the extent of the limitation of the speech in question

+ whether the limitation is rationally connected to that objective

+ whether a less intrusive limitation might be imposed without undermining the achievement of the objective in question

+ whether, balancing the severity of the limitation on the rights of the individual(s) concerned against the importance of the objective, the former outweighs the latter.

Before preventing speech/expression within the law from taking place, proportionate mitigations or conditions should be implemented wherever reasonably practicable. These may include, for example:

+ requiring individuals concerned to agree to comply with the HEI's expectations regarding appropriate conduct/behaviours while on campus and that staff/students are reminded of applicable codes of conduct

+ monitoring high risk events and ensuring the HEI has powers to close or restrict an event if rights of free speech are unlawfully infringed or exceeded

+ putting in place additional safety and security arrangements. In exceptional circumstances the HEI may request an event organiser to fund additional security costs

+ developing mechanisms for supporting staff and students who may feel vulnerable.

It will be essential to communicate decisions (including any mitigations) clearly and fully to avoid speculation and misunderstanding.

Equality Impact Assessment is an established tool institutions could use to assist in identifying any potential negative impacts of free speech/expression (even that which falls within the law) on different groups and determining a proportionate approach to prevent or mitigate impacts.

Institutions should be particularly mindful of academic freedom in decision-making and proportionality assessments, given the unique role that academic freedom plays in higher education and the higher protection it receives under the law. 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".

In addition, institutions should also be mindful of S.197 of the most recent edition of the Prevent Guidance which states that "In most cases we would expect that…risks can be mitigated without shutting down free speech".

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 justify its need to limit or curtail any free speech on campus should it later be the subject of a complaint or claim.

Section 3: short, medium and longer-term strategies for managing incidents and promoting good relations

Armed with knowledge of the legislative framework, a commitment to free speech and academic freedom and to fostering good relations, an institution is well equipped to develop an effective strategy to promote good relations among its community. This will include:

+ immediate action to deal with situations/incidents that impact relations

+ medium-term anticipatory action to tackle specific risks of harassment, hate crime and unlawful discrimination

+ longer-term activity to help develop positive relations between all people in the institution.

Immediate crisis intervention

Action to deal with incidents or situations that impact on relations

The majority of incidents or situations involving unlawful speech or behaviours that incite hatred, violence or harassment are likely to affect an individual or a small group of people. On occasion, an incident or situation may have a wider impact, either because of the number of people involved, the potential for disruption to relations (such as in a dispute between two student groups), or because of risk to student or staff safety.

Institutions should ensure that they have appropriate systems, policies and procedures for dealing with such cases (see above) which balance the duty to ensure free speech within the law and wider duties to safeguard staff, students and visitors to the HEI, and that mechanisms are in place to support individuals in dealing with the impact of the situation. In the case of an incident that may constitute a potential criminal offence, the institution should consider the application of its own internal misconduct procedures and, if appropriate, whether to report matters to the police.

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 (for example, EDI leads, free speech and/or Prevent leads, campus security leads, communications and HR leads, Prevent leads) and reporting responsibilities to the vice-chancellor or principal's office.

Students' unions will have their own processes, which will interface with the HEI's procedures and should also escalate critical incidents/situations to the institution where appropriate. Strong partnership working between the students' union and the institution will be essential.

For guidance on reaching decisions on free speech matters, see page 10.

2   Consultation

The senior manager responsible for dealing with the incident/situation should consult with those affected or likely to be affected and other interested parties across campus, bearing in mind the different interests that will exist. Who should be consulted will depend on the situation at hand and may include, for example, any free speech and/or Prevent leads, campus security teams, EDI specialists, the students' union and relevant student societies or groups, recognised trade unions and staff networks, representatives from relevant communities and organisations. It is also important to listen to any individuals who have raised the issue or made compliant(s).

3   Support for affected individuals

As soon as an incident/situation is reported an institution should seek to offer support to all affected individuals, whatever stance they have on the particular issue or how they are affected by the particular event/situation. This should include clear communication about the policies and processes which will be followed, and may also include signposting individuals to services such as counselling. 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.

4   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. In the current climate of interest in situations that can be linked to the 'culture wars' debate and in freedom of speech in HE, institutions should prepare for media scrutiny. It will be useful to monitor what is being communicated about the incident in student publications and on social media and in the media generally, and to ensure that Communications and PR teams are actively involved in plans to manage the situation.

5   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 to be tolerant and respectful as well as meet obligations to ensure free speech within the law.

Medium-term anticipatory action

Action to tackle specific risks of harassment, hate crime and unlawful discrimination

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 a number of homophobic or sexual assaults occurring close to an institution or international events, protests or conflicts that affect staff and students. The following actions are recommended for consideration:

1   Monitoring and horizon scanning

Most institutions have in place reporting systems for incidents of hate, unlawful discrimination and harassment, for example, '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 relations between any groups on campus.

2   Consultation

To find out the extent of the issue and how it could affect the institution, consultation can be undertaken with internal 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 what behaviour and activity is and is not acceptable within the institutional environment. Raising awareness of the institution's commitment to free speech within the law as well as its commitment to safeguarding its staff and students including dealing with harassment, unlawful discrimination and hate crime and of the processes for reporting incidents may help 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. While care must be taken to ensure rights to free speech within the law, an action 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 find common ground or share different perspectives. Institutions might also work 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.

Longer-term action to build good relations

Institutions should create strategies that promote good relations between people from different backgrounds and beliefs to pre-empt hate crime, harassment and unlawful discrimination on campus. They should consider the variety of ways in which hate crime, harassment and unlawful discrimination 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 fostering good relations is recognised as aligned with the institution's core values and supporting activities are embedded within its strategic framework. This should be linked to organisational values and commitments to academic freedom and freedom of speech within the law, to support students and staff in developing 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 fostering good relations on campus.

2   Alignment with EDI activity

Under the Equality Act's Public Sector Equality Duty, institutions must have due regard to the need to foster good relations between different groups. However, this must be balanced against an institution's duties to ensure free speech and academic freedom within the law and they therefore should ensure that the work they undertake to deal with harassment, hate crime and unlawful discrimination is part of the overall approach to EDI and aligned with other activities that promote an inclusive culture. By making work to foster good relations activity part of the overall EDI agenda, institutions will ensure that it is managed and evaluated effectively and 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 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

To design an approach that is reasonable and proportionate, institutions should ensure that they have a good understanding of the practical issues around ensuring free speech and academic freedoms within the law as well as competing obligations to ensure good relations on campus. Institutions should also understand the causes, forms and consequences of intolerant activity within and beyond the higher education sector which are likely to affect relations between members of the institution's community. 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

Governing bodies and executive teams have overall responsibility for ensuring free speech and academic freedoms as well as good relations on campus. Institutions should ensure that senior leaders are equipped and supported to carry out this role effectively.

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 impact on free speech or academic freedom or which impact on 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, including those historically marginalised, 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 institution is not seen to promote the interests of one particular group over another and to ensure free speech, it is also important to ensure that voices of those who may be the subject of hate incidents and harassment are heard and attention is also paid to those groups who may fear that they will be negatively stereotyped as holders of unpopular or intolerant or extreme views or potential promotors of intolerant activity (for example, traditional religious groups who do not condone homosexuality, pro-life groups, or groups who oppose immigration).

An essential component will be developing skills among students and staff to help them engage in dialogue and respectful disagreement as an essential part of learning. 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 Improving the quality of dialogue and raising awareness

Institutions should feel able to take proactive steps to improve the quality of speech, academic debate and dialogue within institutions. This can include setting expectations for the members of its community, including support for tolerance and good relations on campus, and the institution should actively ensure that individuals understand what they are required to do to meet these expectations and the implications of not doing so. Codes of conduct for 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. This should include clearly communicating that lawful speech will be tolerated, even if it is offensive, as well as how and why the institution ensures free speech and academic freedom within the law.

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 extent of lawful freedom of speech and academic freedom, 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 expectations 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 and/or foster recognition of universal humanity and commonalities between different groups of students and staff?

+ 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?

+ 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 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 reading

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

Universities UK: Tackling antisemitism: a practical guide for universities

Universities UK: Tackling Islamophobia and anti-Muslim hatred: practical guidance for universities

Contact us

All enquiries

Email: communications@advance-he.ac.uk

Advance HE helps HE institutions be the best they can be, by unlocking the potential of their people.

We are a member-led, sector-owned charity that works with institutions and higher education across the world to improve higher education for staff, students and society. We are experts in higher education with a particular focus on enhancing teaching and learning, effective governance, leadership development and tackling inequalities through our equality, diversity and inclusion (EDI) work.

Our strategic goals to enhance confidence and trust in HE, address inequalities, promote inclusion and advance education to meet the evolving needs of students and society, support the work of our members and the HE sector.

We deliver our support through professional development programmes and events, Fellowships, awards, student surveys and research, providing strategic change and consultancy services and through membership (including accreditation of teaching and learning, equality charters, knowledge and resources).

Advance HE is a company limited by guarantee registered in England and Wales no. 04931031. Company limited by guarantee registered in Ireland no. 703150. Registered as a charity in England and Wales no. 1101607. Registered as a charity in Scotland no. SC043946. Registered Office: Advance HE, Innovation Way, York Science Park, Heslington, York, YO10 5BR, United Kingdom.

To request copies of this report in large print or in a different format, please contact the Marketing and Communications Team at Advance HE: communications@advance-he.ac.uk

advance-he.ac.uk

in X f   @AdvanceHE