

# Handout seven: good relations scenarios and suggested actions

---

## 1 Invitations to external speakers

In the run up to a local election, a student debating society asks for permission to hold a meeting in a lecture theatre. Speakers from the political parties fielding candidates in the election, including a speaker from a far-right party, are invited to speak. The far-right party has a history of incitement to racial, religious and homophobic hatred and a senior member of the party has recently been convicted of incitement to racial and religious hatred. None of the staff members have attended any previous presentation given by the speaker in question, but they are concerned that he may create a hostile environment for staff or students or may contravene the law.

In deciding how to approach the situation, attention should be paid to the following points.

The institution must not subject students, staff or others to discrimination, harassment or victimisation.

The institution is subject to the PSED to foster good relations.

Rules relating to the holding of hustings may apply. The institution should ensure that it follows guidance produced by the Electoral Commission.

Institutions should be encouraging the exploration and debate of divergent views and opinions.

The institution has a duty to prevent public disorder on campus.

The guest speaker may have a right to express his views as the member of a registered political group and staff and students may have a right to hear and debate them provided that in doing so there is no threat to public safety, no likelihood of disorder or crime and no interference with the rights and freedoms of others.

The speaker's conduct could amount to a public order offence, such as using threatening, abusive or insulting words or behaviour within the hearing or sight of a person likely to be caused harassment, alarm or distress or incitement to racial, religious or homophobic hatred.



The presence of the speaker on campus might result in protest from groups opposed to his presence and might pose a threat to public safety.

As no staff or student member should be intimidated or harassed on campus, the institution must decide whether the impact of having a guest speaker from a far-right party would place student and staff members in that position. A proper investigation would mean examining the wider impact on campus and community relations of allowing a member of such a party to speak and taking into consideration the duty to foster good relations.

Legally, the institution should balance all relevant factors when deciding if permission should be granted, including the likelihood that the guest speaker may act in a way that constitutes discrimination, harassment or victimisation; that is, making hostile statements about people on the grounds of race, gender, ethnicity or national origin, religion or belief, or sexual orientation or disability which have the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

It is also necessary to examine whether the speaker would incite racial, religious or homophobic hatred, or commit some other public order offence, and whether the meeting might result in disorder. In coming to a decision on this it might be useful to look into the history of the speaker and/or the organisation they represent.

The requirement to sign a protocol that sets out the institution's commitment to tolerance and inclusivity and the standards of behaviour that an external speaker is expected to agree to as a condition of being given a platform might assist institutions in deciding whether or not to allow a particular speaker. As the speaker is invited by a third party (the students' union) rather than by the institution directly, this requirement might apply to any organisation that seeks to use campus facilities.

Early consultation with both the student group wishing to invite the speaker and representatives from any groups that oppose the invitation might enable the institution to manage the situation without damage to good relations and to the reputation of the institution for safeguarding freedom of expression.

## 2 Lawful speech

During a lecture on the history of Tibet, a university lecturer expresses strong opinions on the actions of the Chinese government. Her remarks are felt to be offensive and insulting by some Chinese students present, who make a complaint of harassment.

The lecturer's opposition to China's role in Tibet is evident in her involvement in a boycott of Chinese institutions, about which she comments extensively on her page on the university's social networking system. The students argue that this activity is indirectly discriminatory and mount a campaign against it.

In deciding on how to approach the situation, attention should be paid to the following points.

The university must not subject students or members of staff to discrimination or harassment on the grounds of race.

The university must not subject students or members of staff to discrimination or harassment on the grounds of religion or belief. Belief includes philosophical belief and may encompass some political philosophies.

The university is under a general duty to foster good relations.

Institutions should be encouraging the exploration and debate of divergent views and opinions.

Academic staff have freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing either their jobs or any privileges they may have had at an institution.

Proportionate interference with the lecturer's right to freedom of expression is permissible where necessary to protect the rights and freedoms of others.

The university has to determine whether the comments made about the actions of the Chinese government would constitute harassment or have an adverse impact on Chinese students. If a complaint of this nature is made it should be investigated and the outcome communicated to all parties, with due regard for confidentiality.

Unless academic freedom is being abused, for example, by stirring up public disorder, or by infringing the rights and freedoms of others there will not be occasion to restrict the academic's freedom of expression. Therefore expressing opinions on the actions of the Chinese state is unlikely to justify any interference by the university or to amount to unlawful discrimination towards the students present. Consideration should be given, however, to the way in which the lecturer communicated her views. For example, there may be concerns with regards to the manner in which the subject was approached, particularly if this might lead to unwanted attention or hostility from other students towards Chinese students. The university should consider how it supports academic staff to explore challenging global issues in a way that encourages students to engage with new ideas in a safe environment.

In the second part of the example, the lecturer's association with a boycott of Chinese institutions associated with the government and the state is of itself unlikely to constitute discrimination or harassment on grounds of race or national origin, unless the way that it is conducted or the way that the underlying views are expressed genuinely creates a hostile environment for individuals of Chinese nationality. An academic has the right to choose not to associate with public instruments of a particular regime. The university may however, wish to review its guidance on use of the university's social networking in order to ensure that all content is in line with its equality policies.

The legality of an academic boycott of institutions must be distinguished from taking adverse decisions against individuals because of their race or nationality. The latter would obviously be discriminatory and the specific wording of any boycott would have to be examined in close detail.

The lecturer may be protected from discrimination and harassment on the grounds of her beliefs if they meet the definition of a belief in the Equality Act 2010 and associated case law. The university should ensure that the student campaign against the boycott is conducted lawfully.

### 3 Protests

A student animal rights group stages a protest outside its university restaurant about the way in which food is resourced. They gather at the gates to the building, hand out leaflets protesting about the preparation methods for halal and kosher food, the use of non-free range eggs and chickens, and animal welfare generally, but do not enter university premises. Their protest is peaceful but both members of the catering staff and students entering the site complain that they feel intimidated by the presence of the demonstrators and the placards they carry. A few days later a statement is issued naming particular members of staff who work in the restaurant and threatening them by saying that their home addresses are known. The university does not know the identities of those responsible for the statement and the organisers of the protest also claim not to have this information.

In deciding how to approach the situation, attention should be paid to the following points.

Institutions should be encouraging the exploration and debate of divergent views and opinions.

The animal rights protesters have a right to freedom of expression, including the right to receive and communicate information, and a right to freedom of peaceful assembly and association, provided that in doing so there is no threat to public safety, no likelihood of disorder or crime and no interference with the rights and freedoms of others.

The university must maintain a campus on which students and staff can participate in lawful activities unimpeded.

The catering staff have a right to be protected from serious harassment and intimidation.

Jewish and Muslim staff and students have a right not to be harassed on the basis of their religious practices, including those relating to food preparation.

As long as the protest is a peaceful one, which does not seem likely to result in public disorder or involve the implied or actual use of threats or violence, the fact that staff and students feel intimidated is unlikely to justify a ban on the protesters.

Once the protest spills over into the threatening and intimidating behaviour described in the second part of the example, the protest may be interfered with within the correct legal parameters, provided the response is proportionate.

References should be made to the equality duties and other relevant legislation to ascertain whether any of the behaviour described above contravenes lawful protest in UK law.

If the individuals making the threats can be identified and are found to be students or staff, they could be disciplined. If the individuals cannot be identified, then the group should be given the opportunity to disassociate itself from such actions and take action to stop them. If they continue the institution may have grounds to place restrictions on their right to protest.

---

## 4 Individual/group behaviour

An administrator who works in a university's open-plan admissions office is a member of a Christian group which believes homosexual practice is contrary to the law of God. He has chosen the extract from the Bible, Leviticus 18:22, as his screensaver. The extract states, 'You shall not lie with a man as with a woman; it is abomination'. Staff are generally free to personalise their screensavers and, provided that they are not obscene, the university does not seek to regulate their form and content. This text is within the view of his colleagues, one of whom is gay, several of whom complain to their manager about the offensive nature of the screensaver. The administrator does not directly refer to his colleague's homosexuality.

In deciding on how to approach the situation, attention should be paid to the following points.

The university has a duty not to discriminate against members of staff on the grounds of sexual orientation, and can be held vicariously liable for acts of discrimination (including harassment) of its employees by other employees on the grounds of sexual orientation, unless it can show that it took reasonable steps to prevent harassment.

The university has a duty to protect the absolute right of staff to freedom of thought, conscience and religion. The right to manifest those beliefs however is qualified.

The university is obliged under the PSED to foster good relations between different groups.

The university's mission statement and equality strategy includes a commitment to maintaining an inclusive and tolerant culture equality policy.

The university needs to determine if this employee's action is unlawful (eg if it amounts to harassment on the grounds of sexual orientation), or if it breaches the institution's equality policies.

If the university believes that there is clear evidence of a breach in law or institutional policies it may be justified in taking steps to moderate or terminate such conduct, provided these steps are no more than is necessary to pursue the legitimate aim identified. If it is agreed that the screensaver creates a hostile working environment, and this is a reasonable response in the circumstances, then the university would be justified in requiring the screensaver to be removed, with appropriate disciplinary action, if the employee refuses to do so.

The university should ensure that it has a policy which explores issues of respect in the workplace and sets out the behaviour that is expected from all staff, and that this policy has been communicated clearly.

If relations within the team have been damaged, the manager may wish to consider some training that encourages collective development of a set of team behaviours. More generally the university may find it useful to review the policy on the customising of screensavers to avoid such situations occurring in future.

---

## 5 Individual/group behaviour

A support group for trans students takes an active part in an institution's diversity month by running workshops to raise awareness of trans issues. These workshops involve members of the group talking about their personal experiences of transitioning. The workshops have received a lot of publicity, largely positive, and have been featured both in the student newspaper and on local radio.

The institution receives a request for a meeting from a group of female students who feel that the workshops are promoting a very conservative view of gender, reinforcing gender stereotypes and resulting in the harassment of women who do not conform to those stereotypes in their body shape, style and appearance. They have recent examples of a number of occasions when female students, particularly lesbian students, have been subjected to abusive comments about their appearance and say that these have increased since the workshops began. There is no evidence that any members of the trans group have been directly responsible for this behaviour.

In response the trans students point to a debate organised by the feminist society which considered the politics of gender reassignment and which caused considerable offence among the trans community for some of the views expressed.

In deciding on how to approach the situation, attention should be paid to the following points.

The institution has a duty to ensure that students are not discriminated against or harassed because of their sexual orientation, gender or gender identity.

The institution has a duty to foster good relations between protected groups.

The institution should encourage the exploration and debate of divergent views and opinions.

The institution values its diversity month for the focus it gives to equality and diversity issues and the contribution it makes to promoting tolerance and understanding between different groups across the institution. It also recognises the positive reinforcement that minority groups can get from sharing their experiences and raising awareness in the wider campus community.

Staff in student services have considerable experience of working with students who have been bullied or marginalised because of their appearance or who have negative body image which affects their studies and general welfare. They identify this issue as having a significant impact on a considerable number of students.



The institution needs to determine whether any unlawful action has occurred or whether there has been a breach of equality and diversity policies.

As both parties are concerned about the negative impact of restrictive views of gender and gender identity, albeit from different perspectives, there would seem to be opportunities for identifying common ground. Facilitated dialogue between the parties to explore tensions and raise awareness on both sides may lead to collaboration and mutual support.

---

## 6 Individual/group behaviour

A university receives a complaint from a student about the conduct of some other students in one of her seminar groups. She is offended by their frequent references to the lecturer's well-known history of mental health difficulties and use of terms such as 'nutty' and 'mad'.

The lecturer has not made a complaint. When asked about the incident he says that he feels that the terms are used in good humour, and it makes him feel accepted within the group. He is happy to be open about his history of mental health difficulties and feels that he is a good role model for any student who might have a similar condition.

In deciding on how to approach the situation, attention should be paid to the following points.

The university has a duty to eliminate discrimination and harassment.

The university has a duty to make reasonable adjustments to accommodate the needs of disabled staff.

The university has a responsibility to create an environment that is not hostile or degrading to any member of its community. The students may consider that the language they use shows that they accept the lecturer, and value him as an individual with particular identities. However, although the lecturer may find the comments positive, an environment is being created and accepted which other people may find uncomfortable (including, but not limited to, students experiencing mental health issues who have chosen not to disclose this to their peers). If an institution ignores the

student complaint, they may be liable to a claim of unlawful discrimination on the grounds of disability.

The way an institution handles a situation may have a negative impact on the lecturer, as his current relationship with the students may be compromised. This may cause anxiety for the lecturer. The university should ensure that any action on their part does not place further strain on the lecturer's mental health and that he has access to appropriate support.

Tackling the situation also has potential for a negative impact on the student who has made the complaint, particularly if the lecturer or other students feel that they are being wrongly criticised for actions that were intended to be in the spirit of inclusivity and acceptance. The university should ensure that all parties understand the issues and the reason for intervention. The student who has made the complaint may need support.

The university might take measures to promote understanding of mental health issues to all students. Although the students in the class may feel that they were using terms in an accepting way and that the lecturer was not offended, they need to understand the potential impact of their language on other people who may find it uncomfortable, isolating or hostile. Raising awareness of mental health issues will have the further positive effects of communicating how the institution supports students experiencing mental health issues.

The university might consider incorporating some guidance on how to create inclusive seminar groups where the full range of student experience is respected and valued as a resource that enriches learning into its pedagogical practice. This would assist lecturers in managing the complex issues that can arise in a diverse group of students.

---

## **7 Displays of notices, distribution of literature and electronic communications**

Members of an anti-abortion group, some of whom are members of staff and students of the university, put flyers on notice boards, in common areas and under doors of student rooms in halls of residence. In addition to strong wording urging women not to have abortions and referring to abortion as murder, the flyers contain graphic pictures of an abortion

and claim abortion is immoral and should be illegal. They also email staff who work in the university's medical centre which offers an abortion referral service. The emails, which do not identify the sender but originate from the university's system, address members of staff personally stating that acts of violence such as abortion beget violence and those who help women obtain abortions are vulnerable to being attacked.

While the anti-abortion group is not officially part of any other student association on campus quite a few of its members are also members of faith societies. There is some concern among these societies that they will be the focus of counter protest.

In deciding how to approach the situation, attention should be paid to the following points.

The university should be protecting the rights to freedom of expression and to manifest religious beliefs.

University medical staff are entitled to protection from harassment.

Employees can reasonably expect privacy in the workplace, including the privacy of communications and the extent to which the university can intercept or monitor emails.

Abortion is legal in the UK and therefore women have a right to seek to have an abortion should they wish to. At the same time, the group is entitled to express its views, unless the manner of expression or content of those views is unlawful or breaches the rights of others.

The university has a responsibility to protect staff members and students from harassment. The literature distributed by the group, while shocking, is unlikely to amount to an obscene publication on its own. However the manner of distribution should not harass or intimidate: putting flyers under halls of residence doors or emailing threats to those who work in the university's medical centre are not acceptable forms of behaviour.

An institution should ensure it has policies in place so that all staff and students are aware of standards of acceptable campaign literature. Insofar as members of the group are resident students, they can only be prevented from distributing the literature to the

extent that, for example, it breaches the university's right to quiet enjoyment of its property by causing a significant nuisance. In these circumstances, the university may be justified in prohibiting the distribution of the literature in that manner, but should accommodate an alternative means of distribution, for example by allowing the students to affix a limited number of posters to noticeboards.

The emails sent to the staff of the medical centre may amount to harassment, cause fear or threaten violence. In order to deal with this the university may take appropriate action in order to ascertain the identity of the sender and to take appropriate steps to penalise the activity and prevent a recurrence. The university should make clear provision for the monitoring and interception of staff and student communications in its email/internet policy and not give licence to invade the privacy of all staff and students, but only those whom it reasonably believes are sending the offending material, or only those messages which it reasonably suspects contain such material.

Controversial issues such as abortion cause considerable tension between groups with opposing views and it is likely that pro-abortion groups will respond to the activity described above. The university needs to ensure that it treats all parties fairly and consistently with the same regard for legal compliance, freedom of expression and respect for good relations.

---

## 8 Banning of groups

Members of an extreme political organisation, who are not students or staff, come to a campus to distribute flyers and put up posters promoting their policies and views and generally to canvass support. A number of students complain that they believe this to be contravening the institution's equality policy; some students claim to have been intimidated and threatened by members of the organisation in the past.

In deciding how to approach the situation, attention should be paid to the following points.

The institution is under a general duty to foster good relations and could be liable for failing to deal with a situation where harassment or incitement to hatred is taking place.

The organisation's conduct could amount to a public order offence such as using threatening, abusive or insulting words or behaviour likely to cause harassment, alarm or distress or incitement to racial, religious or homophobic hatred.

Different considerations will apply if the relevant part of the campus is public or private property. On public property the organisation has a right to express its views to freedom of peaceful assembly and association. The institution has a right to allow only legitimate visitors access to its private property and to require them to conform to certain standards of behaviour.

Students have a right to hear and debate the organisation provided that in doing so there is no threat to public safety, no likelihood of disorder or crime, and no interference with the rights and freedoms of others.

The rights of freedom of expression and peaceful assembly can be interfered with if necessary to protect public safety, prevent crime or disorder, or protect the rights and freedoms of others. Therefore the rights of any extreme political organisation to make its presence felt on campus would have to be seen within these parameters.

The institution would have to examine the literature given out by the group and history of group activity to determine if there is a reasonable risk that there is a breach of the law or that they could constitute a breach of institutional equality policies. In order to ensure that staff and students are able to voice their concerns over any such incidents a clear complaints and reporting procedure should be set in place. All relevant evidence should be taken into consideration and equality groups, trade unions and the students' union should be consulted.

If it is decided that the group poses a threat to staff or students, damages good relations on campus and/or within the wider community, or may partake in activity that is unlawful, the institution will be justified in taking action to remove it from campus. In order to deal with situations where this may be necessary, security staff should be fully trained (in consultation with the local police) in evicting people from campuses.

Any offensive display in the form of flyers, posters or graffiti should be removed immediately. An institution may be held liable for harassment if it does not remove offensive materials within a reasonable timeframe.

If the campus is private property, and if it was felt the group's behaviour was in contravention of the institution's equality policies, the group could be asked to leave. If the part of the campus where the group congregates is public property, the institution may have to rely on the police to intervene.

Where the group's activities amount to the criminal offence of harassment (which requires a course of conduct designed to harass an individual, or identifiable group of individuals), an injunction may be obtained to prevent the group from congregating even on public land, but this is more difficult to secure than on private land. Where the group has a clear history of hate incidents, crime and intolerant behaviour, it is legitimate to exclude them from campus.

---

## 9 Students' unions

Students in support of Palestine (SiSoP) has existed for a number of years, affiliated to the students' union. Its constitution states that the objective of the club is to support the Palestinian struggle for independence by increasing awareness and raising funds. The society operates according to students' union rules, membership is open to all students and there are several Jewish members. SiSoP has taken care to ensure that its criticism of the actions of the Israeli state have not promoted antisemitism and relationships with the Jewish students' society have always been amicable.

Following a change of leadership there are several complaints that the society is adopting a more aggressive stance in its publications that is bordering on antisemitic. Two of the Jewish members of the society complain that they are being marginalised and no longer feel welcome at meetings and social events. Following a public meeting organised by SiSoP a Jewish student was threatened on their way home (off campus). While there is no evidence that the threat was made by anyone connected to SiSoP, a number of students insist that the society has been supportive of activity likely to harm the Jewish community and insist that it should be banned.

In deciding how to approach the situation, attention should be paid to the following points.

The university has a duty to protect its students from discrimination and harassment.

Students' unions must require clubs to accept the principles of equality as a precondition of funding.

The institution must ensure that the students' union implements a complaints procedure, which provides an effective remedy when a complaint is upheld following investigation.

Students have the right to freedom of expression and of peaceful assembly and association, and the institution cannot interfere with this right unless it is justified.

Students' unions are usually autonomous from institutions. An institution does however have a statutory duty to ensure that the students' union conducts itself in a fair and democratic manner (section 22, Education Act 1994). This includes specific requirements that institutions take reasonable steps to ensure that the students' union adopts a complaints procedure available to all students who have a grievance or complaint against the union.

Clear guidance should be provided by the students' union or by the institution on the constitution of clubs to avoid breach of the law. This includes acting in a way that is compatible with the Human Rights Act 1998 and the Equality Act 2010, including the PSED. An institution and students' union should also have policies in place which state when and how clubs can be dissolved and this could include a clause about failure to maintain compliance with legislative or institutional requirements.

In the circumstances outlined in this example, the students' union would have to investigate any claims of unlawful activity or breach of institutional policy through its procedures. It would need to establish whether it was SiSoP's official practice to persuade its Jewish members to leave (in which case it would be in breach of its constitution) or the unauthorised actions of some of the society's members. In the latter case if it was found that the actions amounted to harassment then SiSoP would be expected to deal with the members in question.

Generally students have the right to freedom of expression, which includes criticising a particular regime. However, if the publications that SiSoP produce are targeted at particular individuals or a racial group so as to incite racial hatred or otherwise cause fear or provoke violence then they would become unlawful.

The institution has a duty to ensure that students feel safe on and around campus and may, in the light of the threats to the Jewish student, wish to work with the students' union, the police and other agencies to prevent further incidents occurring and to make the campus a safer place for all. This could include a campaign to raise awareness of hate crime reporting processes.

---

## 10 Students' unions

The students' union at a university takes pride in organising a vibrant freshers' week, full of entertainment to introduce students to university life and help them to feel at home. Student societies are encouraged to put on activities during the week and the response from them is usually enthusiastic.

One student society organises a photographic treasure hunt. Participants are given a list of things to photograph at various locations across campus. While some of the subjects are innocuous, many involve students (most frequently women) in states of undress or in sexual poses.

The majority of students who take part seem to enjoy the treasure hunt. However, two female students complain that they were put under pressure to pose for photographs that made them feel uncomfortable. One of the female students eventually gave in having been assured that the photograph would not be published. She has just learned that a photo showing her in a sexual pose is posted on the student society's website and she is extremely distressed. She wants to know what the university intends to do about the situation.

Initial conversations between the university and the students' union are not well received by some students who take offence at what they perceive to be censorship. There is a heated discussion on the university's online forum with accusations that the university is anti-heterosexual, pushing an agenda that is repressive of personal freedom, in thrall to conservative and religious forces, promoting sexual and gender stereotypes, and there are calls for organised protest.



In deciding how to approach the situation, attention should be paid to the following points.

The university can be held liable for acts of discrimination (including sexual harassment) of its students by others, unless it can show that it took reasonable steps to prevent harassment.

Students' unions must require clubs and societies to accept the principles of equality as a precondition of funding.

The institution must ensure that the students' union implements a complaints procedure, which provides an effective remedy when a complaint is upheld following investigation.

The students' union or university should provide clear guidance on the responsibilities of student societies and individual students in relation to preventing harassment. This includes acting in a way that is compatible with the Human Rights Act 1998 and the Equality Act 2010. The students' union should have policies that state when and how affiliated societies can be dissolved, which could include a clause about failure to maintain compliance with legislative or institutional requirements.

The university should work with the students' union to ensure the removal of the offending photographs from any university-hosted websites. The university should check that other similarly explicit photographs are not displayed. The university might consider developing a policy on appropriate website content.

Freshers' week is an ideal opportunity for the university to make sure that all new students are aware of the standards of behaviour that are expected of them, their rights and responsibilities under the Equality Act 2010 and the university's equality strategy and supporting policies and procedures. The university and the students' union have a shared interest in creating a programme for freshers' week that recognises the diversity of students and is inclusive, accessible and promotes respect. By working together and using equality analysis to inform the process they will minimise the risk of including events that have the potential to result in unacceptable behaviour.

The university should be alert to the risk that the online dialogue may result in the scapegoating of groups that are perceived to

hold conservative views of gender and sexuality such as religious groups, or whose interests are thought to be prioritised by the university over others such as LGB people. Clear communication about why the university wishes to dissuade student societies from activities that may lead to harassment (without referring to those involved in this particular case) may help to avert this.

There is potential to use the interest from the online response to promote a greater understanding of the impact of harassment and the tensions between personal freedom and respect for others in a creative way. The university and students' union might respond by organising a debate about the issues, talks from visiting lecturers from across the spectrum, a film night or an exhibition in the library.

---

## 11 Community engagement

As part of their course, a group of drama students write and produce a play for performance on university premises. The play is a fictional story of a young Sikh woman who is forced to marry against her wishes and the discrimination she faces within the local community when she leaves the marriage. It deals with issues of tension between generations, different interpretations of religion and the interface between religious belief and gender. The university campus is based in a city with a large Sikh community, and the university has a number of Sikh students. Before the opening of the play some Sikh students and members of the local Gurdwara complain that it is highly offensive and demand that the university cancels all performances. This angers other members of the university's community (including the Asian Women's Group campaigning against forced marriage and honour-based violence) who demand that the performance continues.

In deciding how to approach the situation, attention should be paid to the following points.

Institutions should be encouraging the exploration and debate of divergent views and opinions. The drama students have a right to freedom of expression, including artistic expression, provided that in doing so there is no threat to public safety, no likelihood of disorder or crime and no interference with the rights and freedoms of others.

A person commits a criminal offence if he or she uses threatening, abusive or insulting words or behaviour or displays, publishes or distributes threatening, abusive or insulting material intended or likely to stir-up racial or religious hatred.

The university is under a general duty to foster good relations and eliminate discrimination.

The drama students have a qualified right to freedom of expression. The Sikh students have a right to freedom of religion, which could be undermined if material offensive to their faith was depicted.

The content of the play should be assessed before performance to determine whether the play deals with issues governing the Sikh faith, or whether it is a political play about family relationships, culture and the position of women, albeit set within the Sikh community. This will enable an informed decision as to whether or not the play's content either does or is likely to breach the relevant legal provisions.

The university would need to assess if there is a real risk of public disorder or other threat to public safety if the play is permitted to proceed. In the absence of any of these factors, there are unlikely to be lawful grounds for cancelling it.

The debate about how religious belief should impact on lifestyle, choices and behaviours can be as vigorous between members of a religion as it is between those of that religion and those who do not follow that religion, and has the potential to damage good relations on campus if not conducted with a commitment to tolerance and respect for human rights. The university should ensure that all parties over which it has authority understand their responsibilities to frame their protests in a way that does not intimidate individuals or otherwise harm good relations.

The university is an important member of the local community and should be working to ensure the performance (or non-performance) of the play does not significantly damage relationships or disrupt community cohesion. Proper dialogue between the university, the objectors, the performers and the faculty involved will help to ensure that all parties feel that their views are given proper consideration and that efforts are made to reach a resolution that most people feel comfortable with.

If the university has one, its Sikh faith adviser will have a useful role to play in these discussions.

It is important that students understand the parameters of freedom of artistic expression and the university should consider ways of incorporating this into the curriculum as appropriate.

---

## 12 Community engagement

A university begins to get complaints from ethnic minority students who claim to have experienced abuse and discrimination while travelling on a popular public bus route leading to the main campus during evening. The university does not have a history of such incidents and is concerned by the response from the local police and bus operating company who seem slow to act.

At a meeting with the local Neighbourhood Multi-Agency Forum it is apparent that the incidents have taken place in an area where a number of Roma families have been recently housed, that similar allegations have been made from members of the local community and counter-allegations of hate incidents made by the families in question. The police and other agencies are experiencing challenges in engaging with the Roma community who are reluctant to work with them. The university has good connections with other local community groups who make use of campus facilities but to date has not developed a relationship with the Roma community. Further discussions identify that the families may be in the target group for widening participation initiatives. To its knowledge, the university has never had a Roma student.

In deciding on how to approach the situation attention should be paid to the following points.

The university has no jurisdiction outside campus.

The students concerned have the status of adult private citizens.

The alleged incidents may be criminal acts.

The university has a commitment to increase the number of students from social groups that are currently underrepresented in higher education.

In order to exercise its duty of care for its students, the university should ensure that it is represented in discussions with the police and other agencies that are tackling the situation and that it argues for a better response to these incidents. The duties of the bus operating company and the police under the Equality Act 2010 and the crime and disorder legislation could be emphasised.

Students should be made aware of the law relating to hate crime and encouraged to report any incidents to the police. The university might consider the establishment of a third party reporting centre on campus which would facilitate the full and quick monitoring of incidents. A mobile police unit might make regular visits to the campus, which would be particularly helpful for students with mobility impairments.

The university might review its student support services to ensure that staff are aware of the situation and have the knowledge and skills to deal with students who might feel traumatised by their experiences of hate crime/incidents. This might be particularly important for students who do not have other easily accessible support networks (international students for example). Some students may wish to receive support from someone who has personal experience of race discrimination and, where this resource is not available through the staff team, the university should consider with which external organisations it might make links.

In partnership with the students' union, the university should raise awareness of personal safety among students. A scheme to ensure that students could travel together (perhaps using the institutions mini-buses) might help to ease feelings of vulnerability.

The university might consider establishing links with the Roma community either through widening participation activity, through the work of its faith advisers, through its volunteering programme or other community engagement initiatives.

In partnership with other agencies the university might contribute to the funding for CCTV cameras on bus routes to and from the campus and other community safety initiatives.