

Promoting Good Campus Relations: Working With Staff And Students To Build Community Cohesion And Tackle Violent Extremism In The Name Of Islam At Universities And Colleges

department for
education and skills

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Foreword

This guidance has been produced by the Government and is aimed at the Vice-Chancellors and Principals of Higher Education (HE) providers. It comes in response to requests from some educational providers for practical advice on how to respond to a number of challenging and sensitive issues. The guidance gives practical advice and draws on the good practice that already exists within the sector.

We recognise that academic institutions have two main responsibilities which they should take equally seriously. The first is to assure all constituent communities, and in this context particularly our Muslim communities, that we all share in the fundamental values of free intellectual enquiry and free expression within the law. This guidance is not about closing down open debate and discussion. It is about ensuring that free speech is not tempered by those wanting to bully others. It is violent extremists who want to stifle this dialogue and debate, and who want to create and exploit divisions between communities. The second is to ensure that there is no violence, incitement to violence or other illegal behaviour on our campuses, no matter what reasons are put forward as justification.

To balance both of these responsibilities is not always an easy task but it is one to which all of us are resolutely committed. Short term we have to play our part in ensuring civic safety, but longer term the main role of universities and colleges is to work towards a society in which all groups feel they belong and to which they have an equal responsibility. It is vitally important that in dealing with the present situation we do not lose that long term goal.

The document is part of a range of guidance available to HE providers on tackling different forms of extremism that might take place on campus. Violent extremism in the name of Islam is not the only form of extremism that exists on campus and universities and colleges should be prepared to take a tough line against any form of extremism that leads to or advocates violence. However this guidance is concerned with how HE providers can work with the vast majority of students on campus to isolate and challenge the very small minority who promote violent extremism in the name of Islam. It seeks to sensitise staff to the issues and encourage them to think about how Higher Education communities can become more vigilant and work with staff and students to take responsible preventative action to tackle violent extremism in the name of Islam on their campuses.

A handwritten signature in black ink that reads "Bill Rammell". The signature is written in a cursive, slightly slanted style.

Bill Rammell MP

Minister of State for Higher
Education and Lifelong Learning

1: Introduction

1.1 There is a real, credible and sustained threat to the UK from violent extremism in the name of Islam. To overcome this threat the Government firmly believes that all organisations and communities should be involved in working together to tackle the shared problem.

1.2 The Government has carefully considered the range of evidence available on violent extremism at universities and colleges. There is evidence of some individuals involved in violent extremist activity in the name of Islam, although there is no evidence to suggest that the problem is widespread. This document provides guidance for university and college authorities who provide higher education in England on tackling extremism in the name of Islam, within the context of promoting good campus relations and allowing genuine debate, focusing on the role HE providers, communities and students can play in achieving this. It builds on the Government's commitment to assist educational providers in tackling forms of extremism and on previous publications on promoting good campus relations including the Universities UK/Equality Challenge Unit/SCOP report issued last year *Promoting Good Campus Relations: Dealing with Hate Crimes and Intolerance*¹, which emphasised the need for universities to take robust action to deal with any form of religious hatred or unacceptable behaviour on campus. One of the key aims of all these documents is to support educational providers in protecting and ensuring the welfare of all their students.

1.3 Freedom of expression is a cornerstone of our democracy. A valued aspect of the right to freedom of expression in the UK is that individuals have the right to criticise, disagree and campaign against the Government on any issue of foreign or domestic policy they choose. It can be entirely legitimate to hold a view that is radical or extreme on the political spectrum. However, it becomes unacceptable when individuals develop extremist views that lead them to espouse, advocate or even undertake or facilitate violent acts that deliberately undermine good campus and community relations, using their extremist viewpoint as a justification for their actions.

1.4 This document is concerned with recognising and tackling this form of extremist behaviour and protecting students, not with targeting or monitoring particular individuals or groups of individuals. HE providers have a leadership role to work with staff and students of all backgrounds to isolate and challenge extremism that leads to or promotes violence wherever it exists by determining appropriate boundaries for behaviour on campus and identifying when behaviour may move beyond legitimate activities.

¹ *Promoting Good Campus Relations: Dealing with Hate Crimes and Intolerance*, issued by Universities UK/Equality Challenge Unit/SCOP, November 2005

1.5 This guidance highlights the crucial importance of HE providers in working with students of all backgrounds to build community cohesion² and good race relations³ on campus. It aims to share information and experiences in order to enable university and college authorities to develop a more consistent and effective approach. Most importantly it considers recommendations that may be necessary to ensure good relations and a safe environment in HE providers, thus ensuring that all staff and students can work, study and live without fear of intimidation, harassment, bullying and threatening or violent behaviour.

²For further information on community cohesion issues see:

<http://www.lga.gov.uk/Publication.asp?lsection=59&id=SXFC19-A7814115&ccat=249>

³ For further information on race relations issues see: <http://www.cre.gov.uk/duty/index.html>

2: What Is Violent Extremism In The Name Of Islam?

2.1 Unacceptable extremism can range from incitement of social, racial or religious hatred, to advocating the use of violence to achieve fundamental change to the constitutional structure of the UK, to carrying out terrorist acts. Individuals can and do hold extreme views without espousing violence. The authorities are concerned with any form of extremism that espouses, promotes or leads to violence: 'violent extremism'.

2.2 Violent extremist activity in the name of Islam is justified using a literal, distorted and unrepresentative interpretation of Islamic texts to advocate and justify violence in order to achieve fundamental change in society. Individuals involved in this form of extremism can be involved in criminal activity. They can either be directly involved in violence and terrorist acts, or can be involved indirectly through inciting others to become involved in violence or supporting or funding violent activities.⁴ However it is also important to recognise that the process of turning towards extreme views or sympathising with political, religious or ideological causes is not in itself necessarily a criminal activity.

2.3 The vast majority of Muslims in the UK and abroad reject both extremism and violence: violent extremists represent only a tiny minority of individuals in the UK and abroad. A clear distinction should be made between these extremist individuals and the faith they might claim to be associated with or represent. Indeed extremists who wrongly argue for support for acts of terrorism in the name of Islam present a threat to all communities. Moreover propagating false perceptions about the values and beliefs of Islam potentially adds to a vicious circle that may fuel discrimination and Islamophobia. This may, in turn, exacerbate violent extremism in the name of Islam, as individuals perceive that they are increasingly marginalised. HE providers should have robust policies in place to tackle any such prejudice or intolerance against them or any other student grouping of any background and should also be alert to how different forms of unacceptable behaviour and extremism on campus can interact.⁵

2.4 The Government judges the principal current terrorist threat to the UK to be from Islamist terrorism. The threat is international in its scope, involving a variety of individuals, networks and groups who are driven by violent and extremist beliefs. They are indiscriminate – aiming to commit murder and cause mass casualties, regardless of the age, nationality, or religion of their victims; and they are prepared to commit suicide to do so. The overall assessment is that the threat is unlikely to diminish for some years.⁶

⁴ page 18, Annex, on Terrorism Act 2006

⁵ For further information on tackling hate crimes and intolerance please refer to *Promoting Good Campus Relations: Dealing with Hate Crimes and Intolerance*, Universities UK/Equality Challenge Unit/SCOP, November 2005

⁶ Page 1, *Countering International Terrorism: The United Kingdom's Strategy*, HM Government, July 2006

3: Recognising Violent Extremism In The Name Of Islam

3.1 Introduction

3.1.1 HE providers have long established traditions of encouraging radical debate, ideas and ensuring freedom of speech. There is a difference between these activities and others that can lead individuals to promote, encourage or incite violence. It is the latter with which HE providers should be concerned.

3.1.2 The process of an individual turning to violent extremism in the name of Islam can occur because of a variety of factors, of which no single factor predominates.⁷ However, it is likely that the catalyst for any given individual developing Islamist extremist views will be a varying combination of: the development of a sense of grievance and injustice; a negative and partial interpretation of history and recent events and of the perceived policies of 'the West'; a sense of personal alienation or community disadvantage arising from socio-economic factors such as discrimination, social exclusion and lack of opportunity; and exposure to extremist ideas, whether from the internet, peers or a forceful and inspiring figure already committed to extremism.⁸

3.1.3 The following sequence highlights some themes that could play a role in the process of recruiting and grooming individuals to violent extremism in the name of Islam on campus. Similar themes and tactics exist for other forms of extremism on university and college campuses.

3.2 Networks

3.2.1 The nature of HE providers means that the student population is fluid and therefore the extent of different types of extremism on campus can be subject to change over time. The level of extremism can also be disproportionately affected by the simultaneous presence of a few like-minded individuals. Even one particularly determined individual can have a significant impact on the extent of extremism at a particular university or college.

3.2.2 Universities and colleges can provide a recruiting ground for extremists of all forms, and particularly those that target young people. Student communities provide an opportunity for extremist individuals to form new networks, and extend existing ones. Different categories of students may be affected. There are those who quite rightly are keen to explore the wider issues of their faith; there are those who may be actively looking for extremist individuals with whom to associate; there are those who may be new to a university or college environment and vulnerable to 'grooming' by individuals with their own agenda as they search for friends and social groups. For example grooming may involve separating students from their roots (such as family and old friends) thereby isolating them from alternative views. This is a tactic deployed by

⁷ Page 12, 'Preventing Extremism Together' Working Groups Report, August-October 2005 http://www.communities.gov.uk/pub/16/PreventingExtremismTogetherworkinggroupreportAugOct2005_id1502016.pdf

⁸ Page 10, *Countering International Terrorism: The United Kingdom's Strategy*, HM Government, July 2006

recruiters, and can be more easily achieved in a setting where young people are separated from their family environment.

3.3 Segregation

3.3.1 Ethnically segregated communities are increasingly common on campus. Two of the main reasons for this occurrence are lack of opportunity to mix with others and making the decision to separate from mainstream society. Lack of opportunity to interact can have a negative impact on how individuals view themselves and are viewed by others. Feelings of isolation, retreating into ones own community and feeling hostility towards the 'other' can exacerbate extremism.

3.3.2 The danger in having such segregated communities on campus is that in such an environment, attitudes and beliefs can be reinforced so that there is little opportunity for dissent, free-thinking or the dilution of commonly held preconceptions about issues within the segregated community or wider communities. Segregated communities may steadily drift away from each other increasingly regarding the codes of behaviour, loyalty and respect that wider society take for granted as behaviour that no longer applies to them. What can then follow is division and conflict. Attempts at encouraging integration can be presented by those who prefer segregation as being designed to destroy close community ties, breaking up groups.

3.4 Student Societies and other Groups

3.4.1 The overwhelming majority of faith-based student organisations are moderate and democratic groupings that seek to provide students with accurate information on religious beliefs, history and civilisations, as well as organising prayer meetings, speakers and other activities. These societies can have an influential role on campus with members varying in numbers across institutions. For those who are members, these societies can wield significant influence in their lives through organising liturgical and other activities. It follows that should control of a university or college society or other group fall into the hands of extremist individuals, this can play a significant role in the extent of extremism on campus. Taking control of Friday prayers, other prayer meetings and sermons and the use of charismatic radical speakers can be means by which extreme groups seek to spread their messages.

3.5 Outside Speakers

3.5.1 Student groups commonly hold debates and talks on a variety of issues and often invite speakers or preachers onto campuses. This is an important part of encouraging vibrant debate and discussion about issues of concern. However, on occasion such speakers may hold very extreme views which could include advocating and justifying the use of violence. These individuals can be forceful, persuasive and eloquent, and often have a scholarly background, the latter fact being emphasised in order to give them greater credibility in the eyes of students. They seek to exploit feelings of alienation and sometimes offer 'religious' justifications for extreme actions. It is increasingly likely that speakers

would be careful to keep their messages within acceptable limits while speaking at university or college meetings.

3.6 Peer Group Pressure and Bullying

3.6.1 Peer group pressure at meetings and debates can help to sway opinion, bringing moderates over to a more radical viewpoint. Those who have a differing viewpoint can be afraid to speak and differentiate themselves from the majority. Individuals who openly disagree could be opening themselves up to being accused of not being a true Muslim and become sidelined. Sometimes a group collectively adopts a more extreme position than would be expected from an analysis of views held by individual members of the group. Extremist individuals have also been known to 'groom' likely recruits, by closely observing those willing to adopt more extreme viewpoints or those perceived to be vulnerable and more likely to be easily influenced. There have been instances whereby extremist individuals have befriended vulnerable students in order to create a culture of dependency and influence over them.

3.7 Meetings Subsequently Attended Outside a University or College

3.7.1 HE societies and other groups are often inter-linked, as well as being in touch with networks outside the university or college. Details of external meetings can be passed on by word of mouth and particularly religious students can be targeted, or those who have shown a particular interest and fervour in the subjects of debates. It is at these external meetings that opinions can be more openly aired and more extreme views can be roused. Individuals may be encouraged to feel angry, frustrated, humiliated and powerless and may develop a strong desire to take some form of action to seek redress. HE providers should ensure they have an awareness of the local community context in which they are based and how that might impact upon students.

4: Scenarios And Responses

The following scenarios are all based on real events that have occurred at Universities and Colleges in the UK

4.1 Introduction

4.1.1 This guidance is about tackling violent extremism in the name of Islam at HE providers. It is not about eroding the long-established traditions of encouraging radical debate, ideas and freedom of speech within universities and colleges. Universities and colleges are in a unique position to provide a forum for open debate and discussion.

4.1.2 This section seeks to identify some of the activities or incidents in and around campuses which could potentially be associated with violent extremism in the name of Islam. That is not to say that such activities are necessarily illegitimate or criminal. The difficult balance which HE providers need to strike is to ensure that debate and discussion continues while being able to respond appropriately where concerns about violent extremism are identified.

4.1.3 When considering how to respond to activities and incidents, educational institutions should be alert to the possibility of unsubstantiated allegations being made against individuals or groups. There is a judgement to be made about how much internal investigation should be undertaken before taking any concerns to the police. But the closer and more informed the established relationship is between educational institutions, Students' Unions, societies, security officers and police, the easier it will be to make the correct decisions if incidents do occur and need investigation and action.

4.2 Example One – Suspected Extremist Literature On Campus

A member of teaching staff has raised concerns with university or college authorities about some literature that was left lying around in a room in which she took a tutorial group. Some leaflets were written in English, and others appeared to be in Arabic. She reported that the literature in English had titles such as 'Who is a legitimate target?' and 'From Jihad to a new world order'. One of the students in the tutorial group reported that she had seen lots of the pamphlets lying around other places on campus earlier in the day, and a number of students walking around with bundles of them.

4.2.1 Issues to Consider

- The leaflets may constitute a criminal offence under terrorism or racial and religious hatred legislation.⁹ In addition educational institutions should have clear policies regarding hate crimes.

⁹ page 19, Annex, 'Terrorism Act 2006' and 'Racial and Religious Hatred Act 2006'

- Do you have a reporting mechanism for staff and students to report any concerns? Are the reporting mechanisms clear and understood? Who should decide whether to inform the police?
- HE providers should be encouraging exploration and debate as part of their students' right to free expression of religious and political views.
- Is there a need to have a local policy on room bookings and contents of posters and meeting flyers?¹⁰
- Does the HE provider have the means of translating foreign language material if necessary?

4.3 Example Two – Extremist Speaker Attending Student Seminar

A group of students have approached their personal tutor to express concern about a speaker who has been asked by a student society to deliver a talk entitled 'Terrorist or Freedom Fighter?' They believe him to be someone who is using extremist language in the name of Islam who has made comments in the media that acts of terrorism against British citizens are justified.

4.3.1 Issues to Consider

- The speaker may have the right to express his views and staff and students the right to hear them, providing there is no likelihood of disorder or a crime being committed and no interference with the rights of others.
- It might be appropriate to ensure events or a series of events are balanced, with speakers offering differing viewpoints and arguments.
- The speaker's conduct could amount to a criminal offence under terrorism legislation or a public order offence. It is in the interest of the HE provider to prevent public disorder on campus, and they should establish the speaker's track record. If the speaker had indeed made the comments ascribed to him the HE provider should consider excluding him from speaking on the campus or premises. If there is no evidence to support the claims, the HE provider will still need to deal with the concerns raised and decide on the potential impact of the talk on the wider student communities.
- Is there a need to have a local policy to ensure that the university or college authorities are aware of and if appropriate advise on external speakers with student societies / the Students' Union?

4.4 Example Three – Inappropriate Student Use of the Internet

¹⁰ The CRE have issued advice on this subject in the context of other forms of extremism to which universities and colleges may find it useful to refer:
http://www.cre.gov.uk/downloads/Defeating_organised_racial_hatred.pdf

University or College Library staff have reported that a student has approached them expressing concerns at images she had seen fellow students looking at on computers in an IT room. She reported that two males were looking at some kind of home-made images of other men dressed in military and civilian clothing holding guns. The two men were joined by two others and she could see that they were watching shots being fired and explosions on the computer. The images then appeared to show somebody making a home made explosive device.

4.4.1 Issues to Consider

- HE providers should consider that the dissemination of terrorist publications is an offence under section 2 of the Terrorism Act 2006.
- The HE provider will have a policy on internet use and internet security as staff and students may need to access material of this sort as part of legitimate research. If it is alleged that these policies are breached then what is the process for sensitively investigating allegations, and if necessary who should decide whether to inform the police?

4.5 Example Four – Student Society Meetings Becoming Increasingly Extreme

A second year student who is a member of the Islamic Society affiliated to the Students' Union has expressed concerns to a personal tutor that Society meetings have begun to turn more extreme under the influence of a number of individuals who have recently joined the Society. The student has also expressed concerns about members being coerced into voting for these individuals to play key roles including president and treasurer of the Society in forthcoming elections. The tutor reported that the student was extremely anxious that her identity would remain confidential.

4.5.1 Issues to Consider

- Students have the right to freedom of expression and association and the HE provider cannot interfere with that right unless justified.¹¹
- The HE provider must ensure the Students' Union implements a complaints procedure.
- A student should not be harassed or intimidated and educational institutions should robustly enforce their anti-bullying policies.
- The HE provider and Students' Union should have policies in place stating when and how the Society can be sanctioned.

¹¹ page 17, Annex, 'Freedom of Speech'

- The HE provider's religious advisors and student welfare officers could be consulted for further guidance.

4.6 Example Five – Concerns about Potentially Suspicious Group Activity

A staff member has been made aware by a student of a group of students who meet up on Monday evenings to take part in a martial arts club followed by a 'current affairs discussion group' on subjects ranging from 'The duties of Muslims in the UK today', 'Islam and the West' and 'The plight of Muslims across the world'. These activities have been advertised through leaflets on a University or College notice-board. The leaflet does not give verifiable contact information about the organisers but does give out a contact mobile phone number. The student informing the staff member had spoken to an attendee of the Monday evening session, and from his conversation was concerned that the activities were organised by a group seeking to spread violent extremist views in the name of Islam.

4.6.1 Issues to Consider

- Students have the right to freedom of expression and association. This includes convening and advertising informal groups. However, such groups have, on rare occasions, formed the basis for developing violent extremist views.
- Is there a need for a local policy on groups advertised on campus? Could the HE provider work with student societies/Students' Union to develop one? Should one of the student bodies contact the group? Is there a role for an HE provider's religious advisor to become involved?
- Are the reporting mechanisms for staff clear and understood? Who should decide whether to contact the group, consult student societies or inform the police?
- Does the Students' Union have a policy to ensure that university or college societies are open and inclusive?

4.7 Example Six – Use of University or College Prayer Facilities

A student has spoken to their personal tutor about their concerns around alleged inappropriate use of a prayer room in a university or college. The student reported that a prayer room appeared to be off-limits and claimed offensive material was on display on the inside of the room which could not be seen from the outside as the windows of the room had been covered with posters.

4.7.1 Issues to Consider

- If multi-faith prayer rooms are provided, is there a 'fair use' policy to ensure prayer rooms are seen as a shared resource and accessible by all faiths?

- Are there unregulated prayer rooms for different faiths? How should the University or College administration ensure these are accessible by all who want to use them?
- Are prayer facilities accessible to all who want to use them including women and those who hold other views within a particular faith?
- Are the reporting mechanisms for staff and students clear and understood?
- Issues about extremist literature are discussed above.

4.8 Recommendations

4.8.1 Integration

Educational institutions must ensure equality of opportunity for all, increase participation and promote interaction between different groups by ensuring all societies are inclusive, setting up interfaith boards and funding events that bring different people around a common issue or cause.

4.8.2 Engagement

HE providers should encourage students to play a full and active role in wider engagement with society. For example encouraging participation in the democratic process - on campus, in local politics or at a national level, or encouraging students to take up volunteering opportunities which can empower students and enable them to develop new skills and mix with others from different backgrounds.¹²

4.8.3 Protecting Students from Recruitment to Violent Extremism

One method of protecting students could be to publicise how violent extremist groups operate and recruit, and who to contact with any concerns. There should be an assessment of whether specialist support mechanisms should be implemented for students who may be deemed to be more susceptible to recruiters seeking to befriend and indoctrinate them.

4.8.4 Publicising Sources of Further Information and Support

HE providers should work closely with the Students' Union and student societies to publicise appropriate contacts with whom students with any concerns about violent extremism can consult in confidence. These could be confidential helplines; religious advisers; tutors specialising in certain areas who would be willing to speak to students with questions; student welfare groups or other forms of information or support. Mosques or other Muslim groups in local communities may also have the expertise to play a positive role here.

4.8.5 External Speakers

¹² The Commission for Racial Equality undertakes detailed work on these issues. For more information see www.cre.gov.uk

HE providers should establish a policy of ensuring beforehand that external speakers do not adhere to or advocate violent extremism. Universities and colleges should consider sharing information on issues such as speakers of concern or those who are deemed inappropriate to be allowed onto campus, who are involved in any form of extremism.

4.8.6 Developing an Institutional Standard

HE providers could establish a clear institutional standard alongside their mission statement outlining what behaviour is allowed within the campus community and what is not.

4.8.7 Incident Planning

HE providers should consider having emergency plans in place to respond to an event or an incident, for example if a student is arrested under terrorism legislation. What are the implications for students and staff and how should they be supported?

4.8.8 Consultation Process

If an incident is judged to be serious then HE providers should consult the authorities immediately. For a less serious incident the following process might be a useful model to consider:

Stage 1: Educational provider investigates and talks to students and staff about the incident

Stage 2: Information is shared with other universities and colleges who may face similar issues

Stage 3: Consult local communities, voluntary/community organisations, faith leaders, Local Authorities

Stage 4: Bring together internal players including the Students' Union to work towards a consensus about how to respond

Stage 5: Enact the decision including bringing the police in if and where necessary.

5: Engagement with Police

5.1 There are a number of intervention options available to HE providers that may be more appropriate than direct police enforcement action. These can range from overt engagement and diversion work to simply enforcing existing rules. A partnership approach between police and HE providers may enable early intervention to take place that could negate a later need for enforcement action.

5.2 However those few HE providers that identify they may have a problem with violent extremist groups will be fully supported by the police in their efforts to promote good campus and community safety.

5.3 Many HE providers have highly effective multi-level liaison with their local uniformed police. However, it is important that these partnerships between the police and universities and colleges are able to address effectively the full range of policing issues that may be found on campus. This includes instances of violent extremism that may lead to terrorism. The police are keen to build on existing relationships to support HE providers in recognising and responding to such instances should they occur.

5.4 With the complexities and difficulties surrounding violent extremism, the police are seeking to promote a position whereby HE providers have the confidence to share concerns about emerging (or existing) instances of violent extremism on campus with them. Equally, it is important for the police (and wider community) to have confidence that a local educational institution can recognise if it has a problem and ask for help. In order to assess this capability it may be useful for HE providers to consider the following questions:

- Can staff identify violent extremist behaviour?
- Do staff have the confidence to report it within the institution?
- Does the HE provider have the processes in place, and the willingness, to get that information to the police?

5.5 Staff in the institution may be unsure of how to recognise signs of violent extremism, or should they become aware, may be unsure of what they can or should do with that information. Police can offer support and guidance to HE providers in developing strategies, policies or training to assist them in recognising and responding to potential violent extremism. The police will also take the appropriate law enforcement action on the rare occasions this may be required.

Annex

Introduction

An overview of the key legislation for HE providers to consider when dealing with violent extremism can be found in the guidance *Promoting Good Campus Relations: Dealing with Hate Crimes and Intolerance*.¹³

When making a decision on how to deal with an incident on campus, HE providers will need to take into account the concepts of reasonableness and proportionality. The Commission for Racial Equality advises that if a right under the European Convention on Human Rights is to be restricted or limited in any way, then it will be necessary to demonstrate that:

- the decision has been reached after careful consideration;
- the decision is based on evidence;
- the decision is necessary to prevent crime or disorder, or otherwise to protect the rights and freedoms of others;
- the decision is proportionate.

In essence any action taken must be a reasonable response to the perceived or actual threat and must be proportionate to the situation. HE providers need to be able to show that any decision has been based on consideration of all available information and is sound. If a reasonable decision is taken and documented as a result of evidenced balancing of all the relevant issues, an institution should be able to defend its actions against any subsequent claim.

Freedom of Speech

HE providers have a particular position with regard to freedom of speech. Under the Education (No. 2) Act 1986, persons concerned in the government of an institution in the higher or further education sector have a duty to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers. They must also ensure insofar as reasonably practicable that the use of the institution's premises is not denied to any individual or body or people on the grounds of their beliefs, views, policies or objectives. The right to freedom of expression can be subject to limitations provided those limitations can be justified. A limitation can only be justified if it is in accordance with the law, is in pursuit of a legitimate aim (including the prevention of disorder or crime; to protect health or morals; or in the interests of national security) and is necessary in a democratic society.

Employment Equality (Religion or Belief) Regulations 2003

HE providers also need to be particularly aware of the Employment Equality (Religion or Belief) Regulations 2003. These Regulations outlaw direct and indirect discrimination (and victimisation and harassment) on grounds of religion

¹³ *Promoting Good Campus Relations: Dealing with Hate Crimes and Intolerance*, issued by Universities UK/Equality Challenge Unit/SCOP, November 2005

or belief. The indirect discrimination provisions apply where a policy or practice has a detrimental impact on a particular religious group that cannot be justified. Essential to the issue of justification is the relevance and proportionality of the policy or practice. The Regulations apply to the employment of staff and to the provision of vocational training, including education in institutions of further or higher education.

Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000

The amended Race Relations Act requires HE Providers, in carrying out their functions, to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between persons of different racial groups.¹⁴

Disclosures to the Police

If a university or college suspects that an offence has been or is likely to be committed then a report should be made to the police. Educational providers should have a policy on the release of student information which should be followed. If the police require information from a university or college then they will make a request for it. A court order is not necessarily required before a disclosure can be made to the police, although if a university or college receives such an order it must be complied with. Most police forces will have their own request form which should always include a brief outline of the nature of the investigation, the student's role in that investigation, the signature of the investigating officer and will, if necessary, provide how the request is compatible with the Data Protection Act 1998. Disclosures should be made in writing rather than over the telephone.

Under section 38B of the Terrorism Act 2000 a person commits an offence if he or she has information which he or she knows or believes might be of material assistance in preventing another person from committing an act of terrorism or securing the apprehension, prosecution or conviction of another person, in the UK, for an offence involving the commission, preparation or instigation of an act of terrorism and he or she fails to disclose that information to a constable as soon as reasonably practicable. Section 19 of the Terrorism Act 2000 places a legal duty on a person to disclose to a constable that he believes or suspects that an offence under sections 15 to 18 of that Act has been committed, if the belief or suspicion is based on information that came to the person in the course of a trade, profession, business or employment. Sections 15 to 18 deal with offences relating to funding terrorism and the laundering of terrorist property. If a person fails to make a disclosure in accordance with section 19 they commit an offence. Section 21A of the Terrorism Act 2000 creates a similar offence in relation to information that comes to a person in the regulated sector.

Legislation Enacted In 2006

The following provides an update on key pieces of legislation which have been enacted in 2006 and which have a direct impact on the issues surrounding

¹⁴ Further, more specific, guidance on the duties that apply to educational establishments can be found on the CRE's website at <http://www.cre.gov.uk/legal/index.html>

extremism. These should be read in conjunction with the previous guidance on *Promoting Good Campus Relations: Dealing with hate crimes and intolerance*¹⁵ which contains a more comprehensive section on relevant legislation.

Racial and Religious Hatred Act 2006

The Racial and Religious Hatred Act 2006 was passed by Parliament on 16 February 2006. It is intended to extend existing incitement to racial hatred laws that protect certain religious groups to provide protection for people of all faiths and those of no faith by creating a number of new offences which relate to the stirring up of religious hatred. This legislation will operate in England and Wales under part 3A of the Public Order Act 1986, which is due to come into force in February 2007 which the 2006 Act is due to be commenced.

The new legislation creates a number of new offences including an offence for a person to use threatening words or behaviour, or to display any threatening written material, with the intent to stir up religious hatred. For this purpose, religious hatred is defined as hatred against a group of people defined by reference to religious belief or lack of religious belief.

Educational providers should note that the legislation is not intended to impinge on students' freedom of speech: the Act does not prevent students from offending, criticising or ridiculing faiths without any intention to stir up religious hatred. Rather, protection will be provided from the stirring up of hatred against students because of their faith or lack of it.

Terrorism Act 2006

This Act came into force (in the main) on 13 April 2006 and created offences which include:

- Publishing or causing to be published a statement which is likely to be understood as directly or indirectly encouraging terrorism. Indirect encouragement includes glorification as long as those to whom the statement is published understand that the conduct that is glorified is glorified as conduct that should be emulated (section 1).
- Disseminating terrorist publications. Dissemination includes distributing, circulating, selling, e-mailing or offering for download. A publication will be a terrorist publication if it contains matter which direct or indirectly encourages terrorism, or is useful in acts of terrorism and was included in the publication wholly or mainly for the purpose of being so useful. Indirect encouragement includes glorification as long as those to whom the publication is made available understand that the conduct that is glorified is glorified as conduct that should be emulated (section 2).
- Preparing to commit an act of terrorism or to assist others to do so, if the defendant has the necessary intention to commit an act of terrorism or assist others to do so (section 5).
- Giving or receiving training in certain terrorist skills such as the making, handling or use of a noxious substance (section 6).

¹⁵ *Promoting Good Campus Relations: Dealing with Hate Crimes and Intolerance*, Universities UK/Equality Challenge Unit/SCOP, November 2005

- Attending at a place used for terrorist training (section 8).

The Act also increases the maximum period that a person can be held after arrest under section 41 of the Terrorism Act 2000 and before charge from 14 days to 28 days.

There are opportunities for students in universities and colleges to be manipulated by individuals who commit these offences or to commit these offences themselves. Examples of undesirable and possibly criminal conduct in this context could include: an individual handing out flyers or leaflets or offering for sale books, videos or DVDs that encourage terrorism; the use of a university or college IT system to circulate material that encourages terrorism; the use of university or college facilities to carry out training in terrorist skills.

Equality Act 2006

Part 2 of The Equality Act 2006, which is due to come into force in April 2007, makes it unlawful to discriminate on grounds of religion or belief in:

- Education
- The provision of goods, facilities and services
- The use and disposal of premises
- The exercise of public functions

The measures will afford protection from:

- *Direct discrimination*, where a person is treated less favourably than another.
- *Indirect discrimination*, where a provision, criterion or practice has the effect of putting people of a particular religion or belief at a disadvantage when compared to others which cannot be reasonably justified.
- *Victimisation*, where someone is treated less favourably than others because, for example, they have complained of discrimination on the grounds of religion or belief or have assisted someone else in a complaint.

Individuals are protected not only if they suffer direct discrimination because of their own religion or belief, but also if they are directly discriminated against because of the religion or belief of someone they are associated with (such as a friend or member of their family). Individuals are also protected if they are discriminated against because the discriminator mistakenly thinks that they belong to a certain religion, for example because of what they are wearing, even when they do not.

The concept of religion or belief also covers a lack of religion or belief, which means that people will be protected if they suffer discrimination because they have no specific religion or belief.