



Religion and Belief Policy

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www.port.ac.uk/accesstoinformation/policies/humanresources/equalityanddiversity/filetodownload,53697,en.pdf

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Religion and Belief Policy

Summary

What is this Policy about?

This Policy document sets out the University's commitment to adhering to the Equality Act 2010 in relation to religion and belief. The Policy sets out the responsibilities of everyone in ensuring we are able to demonstrate due regard to supporting staff and students.

Who is this Policy for?

This Policy is for all students, staff and other individuals, including those of faith and non-faith. It will also be of interest to the wider public in relation to how the University meets its obligations in relation to the Equality Act 2010.

How does the University check this Policy is followed?

Information contained in the Policy forms part of Equality and Diversity training which is undertaken by all staff. The University encourages staff and students to raise questions about faith and religion and to report any issues or concerns they may have that their needs are not being supported appropriately. From the knowledge shown by staff and the questions asked, the University believes the Policy is being followed.

Who can you contact if you have any queries about this Policy?

All enquirers may contact the Equality and Diversity Manager on 023 9284 5774 or dave.small@port.ac.uk.

1. The legal framework

- 1.1 The Equality Act 2010 covers both the employment of staff and the admission and treatment of students including teaching methods, delivery and assessment. Other areas covered by the Act include the provision of services, goods and facilities such as careers, libraries, childcare services and conferences, premises and recreational or training facilities. The Act makes it unlawful on the grounds of religion or belief, or non-belief to:
 - discriminate against others either directly or indirectly;
 - subject someone to harassment – unwanted conduct that violates a person's dignity and creates an intimidating, hostile, degrading, humiliating or offensive environment;
 - victimise someone because they have made a complaint or allegation or have given evidence against someone else in relation to a complaint of discrimination; and
 - discriminate against someone in some circumstances after the working relationship has ended.
- 1.2 Exceptions may be made in very limited circumstances if there is a genuine occupational requirement for workers to be of a particular religion or belief in order to do the job.
- 1.3 Religion means any religion and a reference to religion includes a reference to a lack of religion. Belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief. Religion or belief should therefore be taken to mean the full diversity of religious and belief affiliations within the UK, including non-religious and philosophical beliefs such as atheism, agnosticism and humanism. It will be for employment tribunals and other courts to decide whether particular circumstances are covered by the Act.

2. Policy statement

- 2.1 The University of Portsmouth values religious and cultural diversity amongst its staff and students and aims to create an environment where the cultural, religious and non-religious beliefs of all are respected. The University is an academic institution committed to the values of open and rational debate that remains within the law and to challenging discrimination and harassment. It seeks to ensure that:
 - members of any religion or none are treated with equal dignity and respect;

- recruitment and selection are based entirely on relevant criteria, which do not include religious belief or non-belief;
- materials/graffiti that is anti any religion will not be tolerated. The University undertakes to remove such items from its premises and to take action against those responsible;
- where possible, appropriate services are provided to meet the cultural and religious needs of staff and students.

2.2 The right to freedom of thought, conscience and religion is absolute, but the right to manifest beliefs is qualified by the need to protect the rights and freedoms of others. This means for example, not using religion to justify harassment on the grounds of gender, ethnicity or sexual orientation.

3. Responsibilities

- 3.1 The **Board of Governors**, assisted by the Vice-Chancellor and other senior managers, is responsible for ensuring that the University fulfils its legislative responsibilities in respect of the Equality Act 2010.
- 3.2 **Deans and Heads of Services** are responsible for the promotion of a positive and inclusive culture for work and study. This will include:
- reviewing and amending policies, procedures and practices for which they are responsible to ensure they comply with the requirements of the Equality Act 2010;
 - actively ensuring that equality of opportunity and fairness of treatment for staff and students of any religion, belief or non-belief remains central to the delivery and operation of the University; and
 - ensuring that staff and students are aware of their responsibilities under this Policy.
- 3.3 **Heads of Department**, on behalf of Deans and in cooperation with Associate Deans (Academic) and Associate Deans (Students), are to assume primary responsibility for the promotion of equal opportunities for students with respect to admissions and recruitment, student support and guidance, curriculum design and content, teaching and the promotion of learning, progression and assessment.
- 3.4 The **Equality and Diversity Committee** is responsible for the maintenance and development of University policy concerning religion and belief and the provision of advice and assistance to Academic Council, and the Board of Governors to enable the University to meet its legislative obligations.
- 3.5 The **HR Department** is responsible for ensuring recruitment and selection, staff development and promotion policies and practice do not discriminate on the grounds of religion or belief.
- 3.6 **Academic Registry** is responsible for ensuring student admission and assessment policies do not discriminate on the grounds of religion or belief.
- 3.7 **All staff and students** are responsible for upholding University policy concerning religion and belief, for fulfilling their part in its implementation and for availing themselves of information in this regard.

4. Dress code

The University welcomes the variety of appearance brought by individual styles and choices. The wearing of items arising from particular cultural and religious norms (e.g. hijab, kippah) is seen as part of this welcome diversity. The only limitations to this are:

- 4.1 Health and safety requirements may mean that for certain tasks specific items of clothing such as overalls, protective clothing etc. need to be worn. If such clothing produces a conflict with an individual's religious belief, the issue will be sympathetically considered by the line manager/supervisor/lecturer, with the aim of finding a satisfactory outcome. Advice can be sought from Health and Safety, the University Chaplaincy or Equality and Diversity Unit.
- 4.2 The wearing of slogans or symbols that are discriminatory (e.g. racist or sexist) is not acceptable and may result in disciplinary action being taken.

5. Religious observance

- 5.1 The University will make reasonable efforts to provide a suitable place for prayer and ablution if practical. In many cases individuals' requirements will be met by facilities in the neighbourhood. Information on these may be obtained from the University Chaplaincy.

- 5.2 All staff, regardless of their religious belief, are required to work in accordance with their contract. Line managers should make every attempt to ensure that those whose religion requires them to pray at certain times during the day are free to do so. In addition, requests for a degree of flexible working from those who require, for example, an extra hour for prayer at midday on Friday, or not to work beyond sunset on Friday or at weekends in ways that conflict with their religious beliefs should be accommodated wherever possible.
- 5.3 Every reasonable effort should also be made to accommodate religious observance by students. Where religious observance may cause difficulties in submitting or sitting any assessment, it may be possible to accommodate this under the University's Extenuating Circumstances Procedures, but only if no other reasonable arrangements can be reached with the University.

6. Leave for religious festivals

- 6.1 The University operates a system of fairness when agreeing annual leave for staff. No reasonable request for annual leave should be refused by a manager. However, in deciding what is reasonable, a manager will need to look at all the implications on the team/department or service they deliver when authorising leave. Staff should therefore not expect that they will be able to have leave centred around every religious or cultural occasion, but rather a fair amount of leave agreed between the manager that is also fair to both the staff team and the individual staff member making the request. Any leave for religious or cultural holidays/festivals should be taken as annual leave or unpaid leave. There is no additional allowance for this. Requests by students for absence during term-time to observe religious festivals should be considered sympathetically. (Calendars of religious festivals may be found at www.bbc.co.uk/search?q=Calendar%20of%20religious%20festivals.)
- 6.2 Some religious festivals are aligned with lunar activity and therefore change from year to year. As a result the dates for some festivals do not become clear until just prior to the actual day itself. Staff and students who are aware that they will wish to celebrate a festival where this is the case should flag this up at the beginning of the year and then give as much notice as they are able.

7. Extended leave

- 7.1 If a member of staff requests extended leave at a particular time for the purpose of going on pilgrimage, the line manager should attempt to accommodate the request. If the extended leave exceeds the annual holiday entitlement, the excess days will be unpaid leave.
- 7.2 Staff with relatives abroad may have particular religious/cultural needs for occasional extended leave for births, weddings or deaths. Line managers should accede to such requests if reasonable and practical.

8. Dietary requirements

The University will provide food that meets religious dietary requirements (e.g. vegetarian, kosher, halal) according to the demand for it.

9. Offensive actions or behaviour

- 9.1 All staff, students and visitors to the University have a responsibility not to discriminate on the grounds of religion or belief.
- 9.2 Any attempt to coerce others to comply with a particular belief system, for example through distribution of threatening material or other material in a threatening manner, will result in disciplinary action.
- 9.3 This Policy aims to ensure equal treatment for everyone, of any religion or none. It is based on the principle that people have the right to their own belief system. However, they have no right to force it on others.
- 9.4 This Policy does not stifle lawful, legitimate criticism of, or debate about, a religion or belief for academic purposes.

10. Resolution of complaints

- 10.1 Any member of staff or student who feels that they have not been treated fairly in accordance with this Policy should first try to resolve the matter informally by discussion and, if that fails, take the matter up with the Head of Department or Head of Service. If the issue remains unresolved the respective **Grievance Procedure** and **Student Complaint Procedure** should be used.
- 10.2 Anyone making a complaint will be taken seriously and treated with respect. Confidential advice and support is available from the University **Harassment Adviser Network**, **trade union representatives**, the **Students' Union**, **HR Department**, **Equality and Diversity Unit**, **Employee Assistance Programme** (EAP) (staff only) and the Chaplaincy (email christine.hollis@port.ac.uk). Students may also access the **Counselling Service**.

11. Frequently asked questions

How could a Higher Education Institution (HEI) discriminate against an employee or student on the grounds of religion or belief?

By treating him or her less favourably for a reason connected to his or her religious belief or non-belief (direct discrimination). An institution also discriminates if it applies a general rule or has a practice that puts people of a particular religious belief or non-belief at a disadvantage (indirect discrimination). Harassment and victimisation are also unlawful.

Does the Equality Act 2010 cover all religions and beliefs?

It is likely that minority religions (e.g. Rastafarians, Scientologists) will be covered and belief systems such as Paganism and Humanism. The guidance makes it clear that non-belief is likewise covered.

How should managers deal with staff or students promulgating faiths in lectures, seminars and other timetabled classes?

Promulgation of faith within timetabled activities should not be discriminatory or disruptive. Staff or students may use their free time to celebrate/share their religious experiences, but no staff member or student should be subjected to pressure to join a religious group (or any other group). All staff and students must respect the University's policy that includes regards for those who are agnostics or atheists.

This Policy is not intended to prevent academic debate.

Behaviour that offends, intimidates, is hostile, degrading or humiliating constitutes harassment under the Equality Act 2010.

Do prayer rooms have to be provided regardless of the number of worshippers involved?

No, but the University is committed to providing the best facilities it can for students and staff for prayer and contemplation. The University currently provides dedicated prayer space in Mercantile House and in the Chaplaincy. Working closely with Chaplaincy, these facilities are something that are always under review.

Should we monitor for religion and belief?

There is no legal requirement but the guidance on the Equality Act 2010 does make it clear that we should be able to evidence how we are taking action on religion and belief. The University has introduced monitoring of students as part of registration and staff in recruitment from September 2015.

How should the balance between different views (e.g. evangelising that is critical of gay people) be managed?

Staff will have a range of views on same sex relationships and the doctrines of some religions. The Equality Act 2010 does not seek to infringe anyone's rights to hold these views, but does seek to prevent them being manifested in the workplace in such a way that offends, humiliates or intimidates, is hostile or degrading to others.

Can a member of staff or student who is religious refuse to work with a lesbian, gay bisexual or trans (LGBT) colleague/peer on religious grounds, or vice versa?

No. The Equality Act 2010 is intended to protect people from discrimination, not facilitate it. Any collusion with such a request could encourage a claim of harassment by a LGBT staff member or student within the definition of harassment under the Act. The case would be the same if a LGBT staff member or student refused to work with a religious colleague/peer because of their views on homosexuality.

Can a religious member of staff refuse to work with a LGB student?

No. If a member of staff cannot work with all students, then they cannot do their job. Working with all students is a requirement of any position in an HEI.

Where can I find information about different religions including the dates of religious festivals?

The University produces a Diversity Calendar, available from the Equality and Diversity Unit that provides details of important dates, holy days, festivals and special events. Information on religion and belief including date of religious festivals may also be found at www.bbc.co.uk/search?q=Calendar%20of%20religious%20festivals.

What support do we offer on fasting?

The University has produced guidance for staff and students on fasting. This can be found at www.port.ac.uk/departments/services/equalityanddiversity/guidanceandresources/faithandreligion/.

Where can I go to for support on faith and religion matters?

Chaplaincy is there to offer support to both staff and students. If there is a question relating to the equality law in this area, and it is not answered in this Policy, you should engage with the Equality and Diversity Unit or additionally students may wish to engage with the **Students' Union Advice Service**.

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