Frequently Asked Questions - Code of Practice on Accommodating Students' Religious Observances

1. Which religions does the Code of Practice cover?

The Equality Act 2010 protects individuals from discrimination on the grounds of their religion or belief. It does not define what a religion is. However, guidance and case law indicates that any religion with a clear structure or belief system would be covered by the Act. ACAS lists the following religions as examples of this:

- Bahai
- Buddhism
- Christianity
- Hinduism
- Islam
- Jainism
- Judaism
- Rastafarianism
- Sikhism
- Zoroastrianism

It is likely that less prominent faiths will also be covered by the Equality Act.
A range of philosophical beliefs are also protected by the Equality Act.

2. Is the University under a legal obligation to accommodate a student's religious or belief-based needs?

There is not an explicit requirement in the Equality Act to accommodate religious or belief-based needs. However, the failure to consider and seek to accommodate a reasonable request could be considered discriminatory on the grounds of religion or belief.

The University is therefore expected to demonstrate it has given serious consideration to any request relating to religion or belief and accommodated it where it is practical to do so. This would also be considered best practice and in keeping with the University's objective to create an inclusive studying environment.

3. Can a student request time off for religious observance?

Any student requesting authorised absence should note that according to University Regulation 5.2.3 (h) "Any student who wishes to be absent from the University for any part of any semester or other period of required attendance **must first** obtain permission of the Head of School (or nominee)." Students should not book travel arrangements before being granted authorised absence.

As with all requests for authorised absence, those for religious reasons will be considered on the basis of:

- The degree of impact on learning;
- Whether additional learning exists which will enable the student to catch up on missed opportunities;
- The proposed period of absence.

The Head of School (or nominee) is responsible for ensuring that student requests are dealt with appropriately whilst being mindful of course requirements.

The Head of School has the authority to agree to these requests but may limit the number and regularity of these absences where there are sound and defensible pedagogic reasons. The Head of School may consult with the Deputy Pro-Vice-Chancellor (Student Experience), the University Academic Lead on Religious and Cultural Diversity and may seek advice from the relevant Chaplain. All such cases will be notified to the University Academic Lead on Religious and Cultural Diversity who will retain oversight and encourage an appropriate degree of consistency.

The University's position regarding reasonable diligence and absence from teaching sessions and assessments are available at: https://intranet.birmingham.ac.uk/student/academic-support/registry/legislation/documents/public/cohort-legislation-2018-19/cop-student-attendance-reasonable-diligence-18-19.pdf

4. Can the University schedule teaching in such a way that Friday afternoons are free for religious observations?

The University has a limited number of teaching facilities, and there is huge pressure on timetabling. It is not possible to free up timetabling to allow for regular weekly free periods. The University recognises that two of the major faith groups have religious obligations on Friday afternoons, which mean that students following those traditions may find it difficult to meet both their academic and religious requirements. Local solutions need to be discussed at programme level. Advice can be sought from the Deputy Pro-Vice-Chancellor (Student Experience) or the Academic Lead on Religious and Cultural Diversity.

5. Can a student leave a teaching session or examination for prayer?

Where prayer periods span a range of times, a student should arrange to pray during a non-teaching period if at all possible. Where this is not possible (due to a busy timetable or short prayer periods) the student must inform the lecturer / demonstrator at the beginning of a session that it will be necessary to leave at a certain time to pray. Having done so, a student must attempt to minimize disruption to others as much as possible when leaving the venue.

It is the student's responsibility to catch up on any learning missed whilst away from the teaching environment.

Students are not permitted to leave and to return to an examination venue for purposes of prayer.

6. How does a student register a request to avoid religious Holy Days and festivals as examination days?

The University has a procedure for requesting examination exemptions for religious holy days. However, due to the large number of examinations taking place during the assessment period, it is not possible for the University to accommodate religious observances within the timetable. This will be particularly relevant for students who wish to observe Ramadan during examination and revision times.

Students must complete and submit a Religious Observance Form, which should be authorised by their Personal Academic Tutor or School/Department Examinations Officer and then submitted to the University Examinations Office.

Information about the deadline for receipt of completed forms by the Examinations Office is available on the Examinations Office website
https://intranet.birmingham.ac.uk/student/academic-support/registry/exams/alternative/religious-observance.aspx
The Religious Observance form is available at:
https://uobasops.formstack.com/forms/religiousobservance

7. Can a student apply for extenuating circumstances if they believe their examination performance will be negatively affected by religious observation?

Advice on the University's Extenuating Circumstances procedures is available at
https://intranet.birmingham.ac.uk/student/academic-support/registry/extenuating-circumstances/index.aspx

Extenuating Circumstances are described as circumstances that are exceptional or 'unforeseen' and are over and above the course of everyday experience. Religious observance does not normally fulfil the criteria for extenuating circumstances because this is foreseen and can usually be planned for. Students should therefore seek support from the University Chaplaincy to optimise their academic performance whilst performing religious observances.

8. Will the University support a student's choice of religious dress?

A student's choice of religious dress will be respected, but there are occasions when this may not be possible:

- Students studying on programmes with placement components are required to abide by the provider's policies on work place dress codes. For instance, students on health care related programmes are required to abide by NHS policy on being bare below the elbows and having the full face visible.

- Students on programmes with laboratory work will be required to abide by Health and Safety regulations – for instance, securing sleeves to avoid accidents.

- All students are required to have their student ID photograph available for inspection if asked. ID checks are made during examinations and other assessments. If a student objects to having their ID photograph visible at all times for religious reasons, they may place a temporary covering over it, but must remove it to allow for ID checks. Students may request the check is performed by a person of the same sex after an examination or assessment has been completed, in a private venue.

9. What should a student do if they believe that they or others are being unfairly treated based on their religious beliefs?

The University uses the term harassment to describe harassment, bullying and victimisation. The University believes that harassment pollutes the working and learning environment and has a detrimental effect upon wellbeing, health, confidence, morale and performance of those directly affected by such behaviour or who are witness to it. The University is committed to creating a working and learning environment free from harassment and discrimination in which all staff, students and visitors to the University are treated with dignity and respect.

Any student who believes they are being treated unfairly on the basis of their religious beliefs, or witnesses this, should contact their Personal Academic Tutor in the first instance.

The Harassment Advice Service is a free and confidential service for anyone who believes they are being harassed, have been accused of harassment or who has been witness to harassment. Sources of help and advice are available from: https://intranet.birmingham.ac.uk/student/academic-support/registry/ug-gt/student-conduct/harassment-bullying-and-victimisation.aspx

10. Useful contacts

Dr Celia Greenway, Director of Student Engagement (c.a.greenway@bham.ac.uk)

Dr June Jones, Academic Lead on Religious and Cultural Diversity (j.jones.1@bham.ac.uk)

11. Useful Documents / Sites

- Code of Practice on Student Attendance and Reasonable Diligence (https://intranet.birmingham.ac.uk/student/academic-support/registry/legislation/documents/public/cohort-legislation-2018-19/cop-student-attendance-reasonable-diligence-18-19.pdf)

- Extenuating Circumstances Procedures (https://intranet.birmingham.ac.uk/student/academic-support/registry/extenuating-circumstances/index.aspx)

- Examinations Office (https://intranet.birmingham.ac.uk/student/academic-support/registry/exams/alternative/religious-observance.aspx)

- Religious Observance Form (https://uobasops.formstack.com/forms/religiousobservance)

- Harassment Advisory Service (https://intranet.birmingham.ac.uk/student/academic-support/registry/ug-gt/student-conduct/harassment-bullying-and-victimisation.aspx)