

Report of the Academic Board Working Group on Racism and Prejudice

Summary of Paper

The report of the Working Group established by Academic Board in December 2019
[AB Minute 26, 2019-20]

Prior consideration

None.

Action required of Academic Board

AB is invited to adopt the report and to endorse its recommendations.

Author / proponent

Working Group on Racism and Prejudice

A Special Meeting of Academic Board was held on 12 December 2019 in response to a requisition calling for the establishment of a Working Group 'to advise on racism and prejudice that would investigate the proposed adoption of the IHRA definition of antisemitism and its consistency with/inconsistency with Academic Freedom at UCL'.

Academic Board resolved at that meeting to set up a Working Group 'to report to the Board so that it may advise Council on the matter of group-specific definitions of racism.' Elections to the Working Group were accordingly held and the Working Group began its work in February 2020.

The report of the Working Group is attached.

UCL Academic Board Working Group on Racism and
Prejudice

December 2020

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Acknowledgements

We would like to thank the following members of the UCL community for joining relevant meetings and contributing to our discussions: Hiba Aouicha, Wendy Appleby (Registrar), Shabeer Ashraf, Sir Geoffrey Bindman QC (Visiting Professor of Law), Samuel Goldstone, Amina Harrath, Oliver Kingsley, Fiona McClement (Director of EDI), Abigail Smith (Senior Policy Advisor, OVPA), Faris Tamimi, and Professor Ijeoma Uchegbu (Provost's Envoy for Race Equality).

For further advice and feedback during the drafting stages, we would also like to thank Professor David Feldman (Director, Pears Institute for the Study of Antisemitism, Birkbeck), Professor Amos Goldberg (Hebrew University of Jerusalem), Professor Anthony Julius, Dr. Brian Klug (Oxford), Professor Colm O'Connell, Professor Lena Salaymeh (Oxford), Professor Philippe Sands QC, Professor Sacha Stern, and Dr. Yair Wallach (SOAS).

The committee alone is responsible for the research and drafting of the report.

It has been a privilege to chair this Working Group and to learn from many colleagues at UCL and beyond in preparing this report, which has been jointly researched, authored, and deliberated by all members of the Working Group:

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Professor Tamar Garb, Department of History of Art
Professor François Guesnet, Department of Hebrew and Jewish Studies
Aatikah Malik, Welfare & International Officer, Students' Union UCL
Sandra Ogundele, BME Officer, Students' Union UCL
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Professor Prince Saprai, Faculty of Laws
Professor Alan Sokal, Department of Mathematics
Professor Judith Suissa, Institute of Education
Sean Wallis, English and UCU Branch President

A special note of gratitude to Nick McGhee, Senior Assistant Registrar (Casework and Governance) of Student and Registry Services at UCL, for his exceptional work and guidance as secretary of the Working Group.

Dr. Seth Anziska, Associate Professor of Jewish-Muslim Relations
Chair, Academic Board Working Group on Racism and Prejudice
December 2020

I. Executive Summary

UCL's Academic Board Working Group on Racism and Prejudice was formally established by a vote of the Academic Board (AB) on 12 December 2019, in the wake of UCL Council's November 2019 decision to adopt the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism. In a series of regular committee meetings, interviews with staff and students, careful examination of a wide range of source material and secondary literature, consultation with outside experts, and extensive drafting between March and November 2020, the Working Group has produced this report for Academic Board's full consideration.

Despite a proud history of UCL's institutional pluralism and commitment to free thinking, as well as extensive institutional measures in place to combat discrimination and harassment, there is disturbing evidence that incidents of antisemitism have persisted in our university. The existence of discrimination within an institution is severely demoralizing for those who experience it, and adversely affects the entire community. How seriously we are committed to tackling prejudicial behaviour and educating ourselves about the dangers of discrimination remains the mark of our ability to thrive as a diverse and robust community of learners, researchers, teachers and administrators. Were a student or staff member to experience antisemitic harassment or discrimination and not believe their experience will be taken seriously, it would be a systematic failure of our duty of care and of our foundational egalitarian values as a university.

Our report examines the extensive policies and procedures at UCL that are in place to combat racism and prejudice, as well as the UK legal context that underpins and enforces these policies. We found a wide range of mechanisms that offer legal protection against antisemitism and other forms of racism and prejudice within our institution. A central issue, we concluded, was less with the policies than with their implementation. The gap between policies and procedural enforcement is a result of (a) insufficient reporting, possibly due to a belief that the existing mechanisms are either too confusing or not taken seriously; and (b) a lack of awareness about what antisemitism is and why it is a problem. On the former, we seek to clarify and elucidate the policies and legal protections already in place, as well as recommend ways to improve understanding of procedures for complaints about antisemitic harassment. As for the educational and awareness aspect (a problem that extends far beyond UCL and is characteristic of society as a whole), we recommend educational measures that recognize antisemitism as a complex societal phenomenon and clarify how it might manifest itself in the UCL community. We also emphasize the need for greater clarity in distinguishing between anti-Jewish prejudice and political debate over Israel and Palestine, examining pedagogical tools for clarifying these distinctions in a university.

One such initiative, across the world, to delineate how antisemitism functions has been the adoption of the IHRA working definition of antisemitism. Many governments, sporting clubs, associations and local councils have adopted this particular definition in recent months. Here in the UK, successive government ministers have requested university chancellors adopt the working definition, and most recently, the Secretary of State for Education has advised all

universities who have not yet adopted it to do so by the end of 2020. For its advocates, adoption of this working definition would make it easier to understand what antisemitism is, how it functions, and how to report it, and thereby, identify those in breach for disciplinary sanctions. In this context, as our detailed timeline of decision-making within UCL indicates, the UCLU Jewish Society, members of SMT, and supportive staff and students as well as advocates of the IHRA within AB encouraged Council's move to adopt the working definition as official UCL policy in 2019. This was not, however, a decision endorsed or advised by AB as a whole, and substantive resistance was demonstrated in a letter signed by over forty academics as well as robust debate at AB meetings. Nor was it negotiated with the recognized trade union for academic staff, Universities and Colleges Union (UCU), despite it potentially being used in disciplinary cases.

The bulk of our report examines the efficacy of the IHRA working definition, both in terms of its educational value and as a proscriptive tool for identifying antisemitism at universities and ensuring effective institutional reporting and enforcement. We have studied this document with great care and taken advice from a range of experts as to its efficacy and adoptability as well as acquainted ourselves with the lengthy literature it has generated. In the process we have identified a major concern in the conflation of the adoption of a special definition with the actual institutional combatting of antisemitism itself. Merely adopting this definition does not ensure efficacy in implementing appropriate measures. Another concern is the manner in which the IHRA working definition disproportionally draws debates over Israel and Palestine into conversations around antisemitism, potentially conflating anti-Zionism with antisemitism, and offering a large number of examples focusing on political conflict, thereby muddling the explanatory power of the definition and risking the suppression of legitimate speech and academic research. While the IHRA in principle is a "working definition" without legal standing, it has generated a robust body of literature over its scope and impact within university settings when it comes to these questions. After close examination of the debates over the IHRA and academic freedom from across the world, we have concluded that this specific working definition is not fit for purpose within a university setting and has no legal basis for enforcement. We have clearly identified a large body of existing UK law and coherent UCL policies that should instead be used as the basis of any institutional mechanism to combat antisemitism, and suggest possible alternative definitions that are more suitable for educational purposes. Moreover, we have examined how the adoption of the IHRA working definition may in fact undermine institutional responsibility to enforce these policies and procedures, providing a tokenistic gesture rather than a rigorous and enforceable set of procedures and protocols.

Many of these initial concerns were raised by members of Academic Board in a letter to Council in February 2019, and the Working Group has concluded that they were not sufficiently addressed in the process of adoption. Even with the addition of the two parliamentary riders to the definition, Council did not sufficiently account for the adverse impact of the IHRA working definition on UCL statutes concerning academic freedom and freedom of expression nor balance the legitimate concerns and desires for greater action in combatting antisemitism with the policies and procedures already in place to address racism and prejudice. While it is unquestionably legitimate for student groups or members of SMT to advocate for greater action on combatting antisemitism, the course of action must adhere to UCL policies and statutes. As an institution, we need to more clearly delineate the tools at our disposal to effectively address

these concerns and to educate our community about how group prejudice functions and where to distinguish discriminatory or antisemitic behaviour from legitimate debate over political questions.

We are deeply attuned to the strong feelings this topic generates, within our institution and on a national and global scale. This is clearly a moment of conjuncture in public discussions over modern antisemitism and its various manifestations, and there are a range of perspectives that have been brought to bear on how to identify and address antisemitism effectively. Contrary to the oft-stated notion of a singular view of this matter within “the Jewish community,” there is no monolithic community of Jews at UCL or beyond, but rather a robust diversity of opinion about many of these questions among Jewish and non-Jewish laypeople and experts alike, as reflected in our report. It is also worth stressing at the outset that Jewishness has several overlapping but distinct aspects: as a religious belief, as a category of ethnicity, and as a cultural identity, among others. Furthermore, Jewish people – both in the UK and elsewhere – hold a very wide spectrum of views concerning the state of Israel and its policies. All of these complexities must be borne in mind when considering this report.

Universities have an express statutory obligation to protect freedom of speech within the law. There are several contentious aspects of the IHRA definition – specifically governing its examples of antisemitism in the context of the Israeli-Palestinian conflict – that raise concerns about how the IHRA working definition can be effectively applied in a compatible manner with existing UCL policy and equalities legislation. Our report pays close attention to this question and enumerates further concerns over academic freedom, providing specific examples of how the IHRA’s application (as well as preliminary reliance on the definition) has served to undercut the UCL Charter and Statutes. It will continue to do so if used proscriptively. As *an* educational tool, rather than *the* educational tool, the IHRA working definition—like any group-specific definition of discrimination—may indeed have potential value, but that would have to be balanced against potentially deleterious effects on free speech, such as instigating a culture of fear or self-silencing on teaching or research or classroom discussion of contentious topics. As it now stands, the adoption of the definition does not comfortably meet this challenge or stand up to sufficient scrutiny.

In the light of these findings, we offer a further series of recommendations related to UCL’s adoption of the IHRA working definition. It is our view that AB should advise Council to retract the adoption of the IHRA working definition and consider more coherent alternatives, clarifying that it has no proscriptive function alongside existing university policies and legal obligations. As the report explains, the IHRA working definition is unhelpful in identifying cases of harassment and is therefore a weak tool for effective university action. The core definition itself is too vague and narrow, and the eleven examples often do not match experience, as elucidated in our discussion below. If Council does not retract its adoption, Council should be advised to confirm that the IHRA working definition (a) has no legal force, and (b) does not supersede existing law and policy in UCL.

In terms of its educational value, the growing body of scholarly evidence suggests that the IHRA working definition obfuscates rather than clarifies the meaning of antisemitism, and may in fact make it harder to identify and understand how antisemitism works. In this light – and

mindful of parallel debates around definitions of Islamophobia – the report discusses the efficacy of group definitions, as well as the value of symbolic adoptions without institutional follow-up or action. By focusing on how we can address and improve institutional commitments to addressing racism and prejudice, the report focuses on internal steps for action that are generated from within our community rather than outsourcing these questions to external bodies through symbolic acts of adoption. Given the primacy of the 2010 Equality Act and its wide cover of all group harassment, UCL needs to move beyond a proscriptive group-specific definition for a wider basis of action. We are, however, aware that educational tools for more clearly identifying antisemitism can be useful in helping our community address this form of racism and prejudice. There are some alternative definitions that we discuss, and which might be more appropriate for AB and Council to consider, bearing in mind that such a definition should (a) achieve something that the existing laws do not, and (b) not impinge on academic freedom.

As a large research university with a diverse range of staff and students across our community, we must be vigilant in addressing all forms of racism and prejudice. That a member of any group should feel targeted or discriminated against at UCL is unacceptable. The persistence of antisemitism is therefore a matter of grave concern and a reminder of our responsibility to each other and to the law to both report incidents when they occur, and to educate about the history of antisemitism and its contemporary manifestations. We must also ensure that there is no automatic conflation or confusion of antisemitism with critiques of Israel or Zionism, or with advocacy for Palestinian rights. This is, of course, to preserve serious academic debate and discussion, and the subject of world-leading teaching and research that is ongoing at UCL.

Given the sensitivity of this topic, it is not at all surprising that a range of strong views and opinions exist, and that this matter can be divisive within our communal setting. But we must strive for careful study and informed adjudication, even as we are mindful of the external pressures and government calls for action that have been brought to bear on this decision. As a university, our primary mode of engagement must demonstrate analytical rigor and intellectual heft, rather than hasty responses to the exigencies of a political moment. It is precisely because of the seriousness with which we take the ongoing existence of antisemitism in our university and in broader society that the Working Group has made these recommendations. In no way could we minimize or detract from the gravity of a situation in which Jewish students and colleagues report they do not feel safe or welcome.

II. Scope and Aims of the Working Group

The UCL Academic Board (AB) Working Group (WG) on Racism and Prejudice was established at a Special Meeting of Academic Board on 12 December 2019, convened to discuss the Council’s adoption of the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism.¹ It was resolved as follows:

“To advise Council that the adoption of this definition (and any other) of a special instance of racism should be paused until the Academic Board has carried out the process (including the Working Group) to properly scrutinise the proposal and potential alternatives, so that it may properly advise Council in the light of expert judgment about consistency with Academic Freedom – in keeping with its statutory duty under UCL’s Charter and Statutes (Statute 7 (10)(A));”

In clarifying the scope of this Working Group alongside the requisition letter on which the AB motion was based,² the Secretary of the WG proposed the following Terms of Reference, which were approved by the Working Group at its first meeting on 16 March 2020:

“To provide expert advice to Academic Board on the adoption of the IHRA definition of antisemitism, and any other definition of special instances of racism (such as Islamophobia), particularly in view of considerations of consistency with the principles of Academic Freedom.”³

As stipulated by the resolution adopted by AB, membership of the group was constituted along the following lines:

1 expert from and nominated by UCL Faculty of Laws: Professor Prince Saprai

1 expert from and nominated by the UCL Department of Hebrew and Jewish Studies (HJS): Dr Seth Anziska

1 expert from and nominated by the Centre for the Study of Education in Muslim Contexts: Dr Farid Panjwani

4 volunteers from the membership of Academic Board (or, where there are more volunteers than places—as was the case— chosen by election):

Professor Tamar Garb, Department of History of Art

Professor Judith Suissa, Institute of Education

Professor François Guesnet, Department of Hebrew and Jewish Studies

Professor Alan Sokal, Department of Mathematics

¹ For the full text of the IHRA definition as adopted, see section V.A below; also available here: <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>.

For the history leading to Council’s adoption of the IHRA working definition, see Appendix A.

² See Appendix D.

³ See Appendix D.

1 member nominated by UCL's Senior Management Team (SMT): Dr Celia Caulcott

1 representative from and nominated by UCL University and College Union (UCU):
Sean Wallis, English, UCU branch president

2 student representatives nominated by the UCL students' union:
Sandra Ogundele, BME Officer, Students' Union UCL
Aatikah Malik, Welfare & International Officer, Students' Union UCL

The Working Group secretary is Nick McGhee, Senior Assistant Registrar (Casework and Governance) of Student and Registry Services at UCL. At our second meeting on 17 April 2020, the WG elected Dr. Seth Anziska as chair.

The AB Working Group convened seven regular meetings between March and July 2020, drafting this report over the summer of 2020 and conferring in October and November 2020 ahead of circulation. In delineating the scope and aims of our work, members focused on how racism and prejudice are reported on and dealt with at UCL. While our underlying aim was to address the specific question of the IHRA working definition of antisemitism – the method of its adoption and its appropriateness to existing UCL policies and procedures – our work was guided by the broader context of how discrimination functions in our institutional setting, the limits to reporting incidents and procedures for effecting substantive change in culture around racism and prejudice, as well as how to navigate considerations of freedom of speech and academic freedom.

It should be noted from the outset that while the question of UCL Council adopting a specific definition of Islamophobia was linked with the adoption of the IHRA definition of antisemitism (a decision ultimately delayed and relegated to a separate working group), the WG felt that addressing specific definitions of Islamophobia was beyond our remit, even as the complexities revealed by the discussion of antisemitism would apply to parallel discussions of Islamophobia as a form of racism. This connection is evident throughout this report and its recommendations. Likewise, in the context of a pressing and ongoing discussion of race, racialisation, and the Black Lives Matter movement globally and within the UCL community in the wake of social protest in the US and UK during the spring of 2020, our deliberations were also shaped by broader concerns about diversity and structures of exclusion based on racial prejudice, sex, and gender within academic settings as a mirror of wider society.⁴

⁴ The scale of the problem of racial harassment and its prevalence across UK higher education has recently been outlined by Universities UK in their November 2020 report, '[Tackling Racial Harassment in Higher Education](#)'. See pg. 6: 'In summary, almost a quarter of students from minority ethnic backgrounds reported experiencing racial harassment. Over half of staff who had experienced racial harassment described incidents of being ignored or excluded because of their race, and nearly a third had experienced racist name-calling, insults and jokes. Both staff and students reported regular experience of microaggressions (ie, subtle, less 'overt' forms of racism). Racial harassment occurred in a wide variety of settings and from multiple harassers.' The findings and recommendations in this UUK report clarify the extent of structural racism and should inform any discussion of group specific harassment and discrimination in university settings.

At the same time, while mindful of these broader links, and in spite of the more general name of “Working Group on Racism and Prejudice” assigned to the group in the above Academic Board resolution, we felt bound to focus on the concerns and questions which motivated the original call to establish such a working group, namely, Council’s decision to adopt the IHRA working definition of antisemitism, and the widely shared concern that this decision had not been subject to appropriate scrutiny by the academic community.⁵

We have approached our work with a seriousness of purpose and an open mind, seeking to consult with a wide range of UCL staff and students, members of professional services, and external experts. Throughout our work, and in crafting this report, our main goal has been to strengthen the sense of communal cohesion and collective responsibility that governs UCL, while at the same time respecting the mission of higher education as cultivating a space for critical thinking, robust debate, and scholarly integrity, even in the face of what can often be sharp intellectual and political disagreement. Members of the Working Group are also mindful of the position of the current UK government in support of adopting the IHRA working definition, and the extent to which the contours of this issue at UCL have resonance for other institutions of higher learning, especially those who have not yet adopted the definition, or who continue to examine its efficacy for combatting antisemitism today.

The sections that follow, as well as our conclusions and recommendations, should be viewed as an invitation to understand how reporting on group prejudice functions at a large institution like UCL, where existing policies can be strengthened and disseminated more widely, and what risks and pitfalls attend to the selection and endorsement of particular definitions of group prejudice beyond the legal framework that shapes university policy. In addition, the report raises crucial questions about how and why particular policies are adopted and put in place, what might be excluded or sidelined in the process, and how to navigate sensitive debates without eroding academic freedom for members of the UCL community.

Section III begins with a brief overview of UCL’s founding history of pluralism and recent accounts of how incidents of antisemitism have been experienced on campus. Section IV enumerates existing legal protections against racism and discrimination and relevant policies and procedures to enforce them at UCL, and discusses the role of academic freedom and the tensions and questions that have arisen in navigating these policies. Section V examines the IHRA working definition of antisemitism and its approval by UCL Council in November 2019, considering whether it is an appropriate remedy for the problems outlined in sections III and IV and discussing potential alternatives. In Section VI, the Working Group offers final conclusions and specific recommendations for the consideration of UCL’s Academic Board and Council. A series of appendices appear at the end of the report, and include a timeline of pertinent events, detailed exploration of existing legal protections, policies, and procedures, as well as essential documents, surveys and case studies considered by the group in the course of our deliberations.

⁵ See Letter requisitioning special meeting of Academic Board, Nov. 2019, in Appendix D.

III: Pluralism and Antisemitism at UCL

A. The Legacy of Pluralism at UCL: “Men of various religious opinions, and some notorious free thinkers”

UCL prides itself as the first university in England to welcome students of any religion or social background, as well as women, to university education. Upon its establishment in 1826, it was the first university in England to admit Jewish students, and it was the home of the first Jewish professor of the Hebrew language, Hyman Hurwitz, appointed when teaching began in 1828.⁶ At the time of UCL’s founding, known then as the ‘University of London,’ the conservative press used both anti-Scottish and anti-Jewish attack lines against the new institution, noting in 1825 that it would instruct ‘tallow-chandlers in Hebrew.’⁷ The institution’s early years were defined by a careful balancing act between its diverse founders (Unitarians, Presbyterians, Catholics, Jews, so-called free-thinkers or agnostics), who were motivated by the wish to ensure that non-Anglican youth could receive a high standard of education (which was not possible at Oxford and Cambridge, as both universities required an oath to the Church of England).

UCL’s founders did not define a theological orientation, assuring this absence of theological instruction was “not intended as an act of aggression towards Oxford or Cambridge... but motivated by the lack of opportunity for dissenters and other non-Anglicans to attend an English university.”⁸ As a result, the radicalism of UCL did not consist in a narrowly defined ‘secular’ or ‘secularist’ agenda, but in the audacity to outline and implement an educational vision which would look beyond the religious affiliations and philosophical choices of the individual, and define an academic mission which was at the same time inclusive and ambitious. Francis Place, one of the founders of UCL and a friend of Jeremy Bentham, noted that the first Council “contained men of various religious opinions, and some notorious free thinkers.”⁹ This formula encapsulates the idea that as an institution, UCL considers religious affiliation or dis-affiliation as not affecting either the relationship between members of the university or of these members to the institution, embedding the accommodation of needs resulting from religious affiliation or dis-affiliation as part of the fabric of the institution’s duties towards staff and students.

Our Working Group noted at several junctures that a fuller appreciation of this very specific legacy of the founding principles of UCL would contribute to a more adequate engagement with questions of group prejudice, religious diversity, and cultural identification that crosses the boundaries of one specific religious tradition alone. It should be understood that as a public educational institution, UCL has a duty to accord members of all religious faiths, as well as non-religious and anti-religious members, with equal respect; none have any special privilege or immunity from criticism. UCL’s Religion and Belief Equality Policy underscores these values

⁶ See <https://www.ucl.ac.uk/hebrew-jewish/about/our-history>. Professor Hurwitz was also the first Jew to hold a university position in England.

⁷ Rosemary Ashton, *Victorian Bloomsbury* (New Haven: Yale University Press, 2012), 28. For more on anti-Jewish slurs against the University of London, see Ashton’s chapter “Godlessness on Gower Street,” especially p. 38-39.

⁸ Ashton, *Victorian Bloomsbury*, 36.

⁹ Francis Place, diary entry of July 1826, cited in Ashton, *Victorian Bloomsbury*, 34.

and should be consulted accordingly.¹⁰ The term ‘faith’ in this context has the same meaning as the Equality Act protected characteristic of ‘religion and belief’ (see Section IV, A2 below).

In the Working Group’s discussions with Fiona McClement, the Director of Equality, Diversity and Inclusion (EDI) at UCL, it was made clear that issues of religion have been comparatively neglected within EDI, or subject to a reactive rather than a proactive approach across the institution. Some progress has been made in practical areas for supporting particular faith groups, such as the provision of prayer rooms, but in general there has not been a significant appetite from staff for engagement in this area. However, in 2018, then Vice-Provost (Advancement) Lori Houlihan became UCL’s first Interfaith Champion. Her mission was to:

Support and showcase the diversity of religious belief within UCL’s community and the contribution that faith-based groups make to the life and work of the university. She will collaborate widely to promote understanding, respect, positive relationships and constructive dialogue between people of all faiths and none, and will be a visible figurehead to coordinate activities, develop policies, report issues or concerns, mediate in disputes, and monitor best practice.¹¹

While Houlihan has since retired from UCL, attempts have also been made to set up a staff-student Interfaith Forum, which has not made much of an inroad on campus so far. There is also a UCL Chaplaincy, which is intended “to provide pastoral support and to foster diversity and cohesion amongst staff and students of all religious backgrounds and none in UCL. The Reverend Lizzie Baughen, the [current] UCL Chaplain, is available to listen and talk in complete confidence to all members of UCL, regardless of religious belief, about any concerns or issues they might have.”¹² Institutionally, questions of a communal religious nature—within religious groups and between them—occupy a somewhat marginal space.

With regards to relevant questions that arise in dealing with racism and prejudice, UCL is a signatory to the Race Equality Charter.¹³ The subsequent development of UCL’s Statement on Race¹⁴ has been a separate process from that leading to the adoption of the IHRA working definition on antisemitism. That statement had arisen from discussions at a Race Equality Charter meeting with hopes that the adoption of the statement would help drive transparency and accountability across the institution. As a process driven from the ground up and bringing together a wide range of voices, it stands in contrast to UCL’s institutional approach to the IHRA adoption.

B. Antisemitism at UCL

Despite the backdrop of our institutional history of pluralism, there have been incidents of antisemitism at UCL, mirroring the presence of anti-Jewish prejudice in wider British society

¹⁰ <https://www.ucl.ac.uk/students/policies/equality/religion>.

¹¹ <https://www.ucl.ac.uk/equality-diversity-inclusion/equality-areas/religion-and-belief-equality/interfaith-ucl>.

¹² <https://www.ucl.ac.uk/students/support-and-wellbeing/specific-student-groups/religion-and-faith>.

¹³ <https://www.ucl.ac.uk/equality-diversity-inclusion/equality-areas/equality-charter-marks/race-equality-charter>.

¹⁴ <https://www.ucl.ac.uk/equality-diversity-inclusion/equality-areas/race-equality/ucls-statement-race>

and the persistence of antisemitism globally as a feature of modern life. Some granular detail is useful to provide a sense of how this prejudice can function. In 2016-17, Dr Cathy Elliott, a Senior Teaching Fellow in UCL's Department of Political Science, undertook, together with three Jewish students, in-depth interviews with twenty-six Jewish students at UCL to explore their experiences, if any, of antisemitism.¹⁵ Elliott explains that:

This kind of work is a useful complement to large scale survey-based studies, such as that conducted by the National Union of Students in 2016/17.¹⁶ Their study reported concerning findings about Jewish students' perceptions of antisemitism on campus at a national level. However, surveys do not allow us to go into detail about the stories behind the numbers. A small-scale but intensive, interview-based project like ours — which listened to a wide range of Jewish students from different years, departments and denominations, including those who do not get involved with religious or Jewish Society activities and would not be reached by JSoc — is able to provide a rich contextualisation and explanation of those findings.

The results were presented in a 7-part podcast.¹⁷ The major findings of these interviews were summarised by Elliott as follows:

All the Jewish students interviewed in our small project agreed that our university is, by and large, a safe and pleasant place to study. ... [M]ost students only had one or two upsetting incidents they wanted to tell us about, and whilst they did so with the vividness that characterises unhealed wounds and ongoing vigilance, they did not seem to be experiencing harassment as a daily experience. ...

The second thing to say is that much of the antisemitism we learned about had nothing explicitly to do with conversations about Israel or Palestine ... [M]uch of the antisemitism that students narrated was not 'old poison in new bottles': the bottles were old too. We came across many students who were afraid of disclosing that they were Jewish because of experiences of being called names or having to listen to jokes about Nazis, antisemitic tropes about rich Jews or stingy Jews, or Jews controlling the media or the supermarkets, or the world, or having to endure judgment about whether or not they 'looked Jewish'. ... Jokes about the Holocaust, patronizing explanations of the Holocaust from non-Jews ('goysplaining'), crass comparisons between the Holocaust and unrelated issues such as animal rights. Doubts about the Holocaust's importance were in one case signaled by the question, 'What do you think about the Holocaust?' The student on the receiving end had had family members murdered by the Nazis. ...

There was clearly a pattern of ugly attitudes and behaviour just under the surface of campus life. This implies a surprising lack of literacy in the old tropes and conspiracy theories of antisemitism, and of empathy towards Jewish students, particularly when

¹⁵ Cathy Elliott, "Learning lessons: the articulation of antisemitism on campus", *Renewal* 27, no. 2, 75-87 (2019), <https://renewal.org.uk/archive/vol-27-2019/learning-lessons-the-articulation-of-antisemitism-on-campus>.

¹⁶ National Union of Students, "The experience of Jewish students in 2016-17", 3 April 2017, <https://www.nusconnect.org.uk/resources/The-experience-of-Jewish-students-in-2016-17>.

¹⁷ 21 September - 4 October 2017: <https://jewcl.libsyn.com/>

discussing the Holocaust. Quite often I despaired to see a lack even of the basic critical thinking – such as the ability to spot a conspiracy theory – that universities like to think we promote.

Members of the Working Group and wider Academic Board were also disturbed to hear recent accounts of antisemitism at UCL in the context of the debate over the IHRA adoption. Since the completion of Dr Elliott’s study, UCL’s Jewish Society (JSoc) conducted its own online survey of 78 students in January 2019 that found nearly 72% reported they had experienced antisemitism on campus. The results of the survey are available in appendix E to this report, and were expanded upon by Lori Houlihan in paper 4-68 for Council, “Addressing Antisemitism at UCL”:

Comments reported by students covered a wide range of classic antisemitic tropes, including appearance (“*you’ve got a small nose for a Jew*”), money (“*Why don’t you pay for my Uber Jew boy?*”, “*You don’t need an internship, you’re guaranteed a job in a bank*”, “*I’m not surprised, your people are so good with money*” – said by a supervisor to their PhD student when he mentioned that he had identified a source of funding), and power (one student reports talking to a friend about antisemitic tropes about Jews controlling the media and being told “*Well, it’s not entirely untrue, is it?*”). Strong feelings relating to Israel/Palestine also affect Jewish students on campus regardless of their views on or connection with Israel, with reported comments including “*why do you like killing children?*” and “*You’re Jewish? So you take all the water from Gaza?*”.

An exacerbating factor is lack of understanding about antisemitism within the wider population, which is also reflected at UCL, and it is possible that some comments and incidents may stem from genuine ignorance. For example, in 2018 an event on diplomacy in the Middle East organised by a UCL student society was promoted with use of an antisemitic image dating from the 1930s. When challenged, the students involved claimed they had not understood the nature of the image and removed it.

Anecdotal evidence also exists that UCL is perceived externally as having a problem with antisemitism and failing to deal with it well. Several Jewish members of staff have contacted the Vice-Provost (Advancement) and Interfaith Champion Lori Houlihan to report that they are being asked by parents in their community whether UCL is a safe place for Jewish students. One student also said: “*Coming from France, I thought Jews were safe in the UK. I was really surprised by the UCL campus environment. I know families who don’t want their kids to come to UCL because they’re scared. I’ve got friends who weren’t allowed to apply.*”¹⁸

These examples are acutely disturbing and raise fundamental questions about existing institutional avenues for reporting antisemitism and responding to offensive harassment at UCL. It is also in this context that leaders of the Jewish Society felt it necessary to advocate for more specific language identifying antisemitism, and therefore advocated for Council to adopt the IHRA working definition.

¹⁸ Council Paper 4-68; available in Appendix D.

In part it seems likely that safeguards to address racism and prejudice currently in place at UCL were not clearly understood or used effectively. The following section therefore reviews the current legislative framework and existing UCL policies and procedures that specifically bear on the issue of how incidents of antisemitism can be dealt with on campus. There are multiple laws that offer protections against antisemitism, and these are presented alongside the policies enshrined in UCL's Charter and Statutes as well as the procedures currently in place to report on incidents of harassment and discrimination.

IV. Policies, Procedures, and the Legal Context for Combatting Racism and Prejudice at UCL

A. Legislative Framework

Broadly speaking, the relevant legislation in the UK covers five main areas: prohibiting certain types of incitement to racial and religious hatred; prohibiting discrimination, harassment and victimisation; promoting equality of opportunity and fostering good relations between groups; protecting freedom of speech; and, finally, preventing terrorism.

1 Racial and Religious Hatred

The [Public Order Act 1986](#) prohibits intentional or likely stirring up of ‘racial hatred’ by threatening, abusive or insulting words, conduct or written material (section 18(1)). Racial hatred involves ‘hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins’ (section 17).

This Act was amended by the [Racial and Religious Hatred Act 2006](#), which prohibits the intentional stirring up of ‘religious hatred’ by threatening, abusive or insulting words, conduct or written material (section 29B(1)). Religious hatred involves ‘hatred against a group of persons defined by reference to religious belief or lack of religious belief’ (section 29A). However, the Act explicitly protects freedom of expression:

Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system. (section 29J).

2 Discrimination, Harassment and Victimisation

The [Equality Act 2010](#) protects groups defined by certain ‘protected characteristics’ from discrimination, harassment and victimisation. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including lack of belief), sex, and sexual orientation (section 4). Relevant to the question of antisemitism is both ‘race’ (which is defined to include colour, nationality, and ethnic or national origins) and ‘religion or belief (including lack of belief)’.

The Equality Act provisions are to be interpreted in such a way as not to conflict with the [Human Rights Act 1998](#) and rights protected by the [European Convention for the Protection of Fundamental Rights and Freedoms](#) (ECHR). ‘Convention rights’ include freedom of expression and belief.

3 Equality of Opportunity and Fostering Good Relations

Section 149 of the Equality Act creates a Public Sector Equality Duty which requires that universities (which are considered ‘public sector organisations’ under the Act) take steps to eliminate discrimination, harassment and victimisation; promote equality of opportunity; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The set of provisions on fostering good relations between social groups is probably the most directly relevant to the question of the adoption of the IHRA working definition of antisemitism and other similar definitions because it has a clear educational element. The EHRC [Technical Guidance on the Public Sector Equality Duty for England](#) explains the aim of this duty (p 35):

The aim of the duty to foster good relations

3.37 Fostering good relations between people who share a particular protected characteristic and those who do not is intended to, for example:

- increase integration
- reduce the levels of admitted prejudice between people with different protected characteristics
- increase understanding of, and reported respect for, difference
- increase diversity in civic and political participation (including volunteering) in the relevant community
- increase reported confidence and trust in institutions such as the body subject to the duty
- lead to a reduction in bullying, harassment, hate crime and violence against those who share a particular protected characteristic
- lead to a reduction in fear of crime both in respect of those who share a certain protected characteristic and those who do not.

The Equality Act places obligations on public bodies to be able to demonstrate progress towards these goals, and to not implement policies that may undermine them.

4 Freedom of Speech

Section 43 of the [Education \(No. 2\) Act 1986](#) places a statutory duty on universities to ‘take such steps as are reasonably practicable’ to ensure freedom of speech for staff, students and visiting speakers on campus. While the broader implications of academic freedom at UCL are discussed in detail below, this includes the duty not to deny access to campus to individuals or groups on the grounds of their beliefs or policy objectives. In furtherance of this duty, the Act requires universities to have a code of practice which sets out the procedures for the organisation of meetings or activities on campus.

Freedom of expression is also a Convention Right under Article 10 of the ECHR, which has been implemented into UK law by the [Human Rights Act 1998](#). It is unlawful for public authorities, like universities, to act in ways that are incompatible with this Act (section 6). However, this right to free expression is not absolute. Restrictions may be placed on freedom of

expression provided they are ‘prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary’.

5 Preventing Terrorism

Section 26(1) of the [Counter-Terrorism and Security Act 2015](#) places a duty on specified organisations (including universities) ‘to have due regard to the need to prevent people from being drawn into terrorism’. This has become known as the ‘Prevent duty’.

The interpretation of the ‘due regard’ clause is most pertinent to the current discussion. This has been the subject of much debate, especially at UCL, where the question of whether a convicted terrorist was radicalised while at the University was subject to an independent review led by Dame Fiona Caldicott. This concluded that ‘no student-support system, however sophisticated, would have drawn attention to [the student] as a potential terrorist’.

This does not mean that nothing should be done however, and legitimate preventative measures would involve training and support. Neither training nor support should be discriminatory or harassing (such as discussing ‘British values’ uncritically or displaying posters stereotyping Black or Arab people). Prevent does appear as a factor in reviewing external speakers in UCL’s freedom of speech policy (see below). For further detail, guidance for higher education institutions has been [issued by the Home Office](#). The Prevent duty and the associated guidance needs to be read subject to the free-speech right set out in Article 10 of the ECHR, as confirmed by the Court of Appeal in *R (Butt) v Secretary of State for the Home Department* [2019] EWCA Civ 256.

B. UCL Policies and Procedures

UCL and the UCL Student Union (UCLSU) have various internal policies and procedures in place for staff, students and visitors that offer recourse for different manifestations of antisemitism and that also pertain to the adoption of the IHRA working definition.

These include the prevention of discrimination and harassment, the protection of academic freedom and freedom of speech, procedures relating to the management of events held on campus, respecting religion and belief, and promoting equal opportunities (see appendix C). These policies and procedures have to be evaluated in the context of the legislative framework outlined in section A, above.

1 Preventing Bullying, Discrimination and Harassment

UCL has an overarching [Prevention of Bullying, Harassment and Sexual Misconduct Policy](#), which applies to all members of the UCL community including staff and students. The policy aims to protect members of the UCL community from unacceptable behaviour by UCL

members or third parties (e.g., a supplier or visitor to UCL) or members of the general public with particular reference to bullying, harassment and sexual misconduct. The policy states that UCL is committed to taking reasonable action to prevent unacceptable behaviour, including educational and preventative training.

Of potentially particular reference to the issue of antisemitism is the adoption by the policy in Section 3(2) of ACAS guidance on the nature of *bullying*. Bullying is not defined in legislation but the ACAS guide uses the same principles as harassment under the Equality Act, without requiring reference to a protected characteristic. It is said to include ‘intimidating, hostile, degrading, humiliating or offensive behaviour, through means which have the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, or humiliating environment’. It is worth noting that the policy states that bullying typically involves a *repeated* course of such behaviours.

Section 3(5) of the policy, referencing the Equality Act 2010, says that discrimination which amounts to unfavourable treatment on the grounds of a protected characteristic is unlawful. Protected characteristics include race (which includes ethnic origin, nationality and colour), and religion or belief (see above). In referencing the Equality Act in its definitions of discrimination and harassment, the University thereby references English case law in the manner of the interpretation and assessment of complaints made under that Act.

Under section 1(2) of the policy, staff and students are given a general right ‘to disclose experiences of unacceptable behaviour experienced while studying or working; to be listened to, and to seek support’.

An affected individual may either *disclose* a breach of the policy, which does not trigger an investigation (except where UCL has a duty of care) but would entail UCL offering support, or instead *report* it, which would trigger an investigation and any associated disciplinary process.

2 Reporting Mechanisms

Staff and students may make anonymous disclosures or reports of unacceptable behaviour using [Report and Support](#). Report and Support provides information for affected individuals on support options and informal and formal complaint procedures.

Affected individuals may at their discretion invoke an informal process for dealing with the complaint by informing their manager or supervisor, HR, a Dignity Advisor or their Trade Union Representative. Students may do the same by speaking to their personal tutor, a Dignity Advisor, the Students Union Advice service, or the Student Mediator. This does not prevent the affected individual from subsequently bringing a formal complaint.

Where the matter is more serious, the affected individual may want to trigger a formal process. In the case of a student taking action against another student, they would need to make a report to the Student Casework Team or via Report and Support. Where a student wishes to make a formal complaint against a member of staff, they should make a report via Report and Support.

A member of staff may make a formal complaint against another member of staff using the [Staff Grievance Policy](#), or against a student via the Student Casework Team. These processes may also be initiated using Report and Support. Complaints and their investigations are strictly confidential to protect all parties and the integrity of the process.

Complainants of harassment and discrimination are protected by the victimisation provisions of the Equality Act (see appendix).

Different provisions apply in the case of external parties. Where a student or staff member has a complaint against a third party or member of the public, they are expected to raise this in the first instance with their manager, supervisor or personal tutor. UCL may then invoke third party complaints processes or inform UCL Security and/or the police.

A third party or member of the public may make a formal complaint against a UCL student or staff member through the [Public Complaints Procedure](#).

Formal complaints against staff and students are investigated by UCL and, unless there is insufficient evidence for the complaint to go forward, would be heard under the various procedures (Staff or Student). Some complaints are so serious as to require the involvement of the police service, and UCL may be instructed by the police to stop any processes while they investigate. Investigations can take some time, and therefore protective measures may need to be taken.

The procedure permits UCL to take interim measures during investigations until a matter is heard. These measures normally at minimum include separating parties, and may go as far as suspending a member of staff from their duties. Such measures are not intended to be penalties, as no wrongdoing will have been determined until the case is heard. The justification for these measures is first and foremost to protect the integrity of the investigation process, but they may also be justified to prevent an alleged offence from recurring (although ‘the protection of others’ is often cited, it is important to be aware that until any finding is made, UCL has not determined that such protection is needed).

Where complaints against staff are found by an investigation to have merit, and are sufficiently serious as to justify disciplinary action if upheld, a Hearing under the staff [Disciplinary Procedure](#) will usually be convened, as it permits UCL to impose a sanction against the employee. Disciplinary sanctions include dismissal or demotion for the most serious offences (‘gross misconduct’), withholding of pay increments and denying access to promotion for lesser offences, through to training and remediation measures. Formal warnings, during which such sanctions may apply, last for up to two years for academics and one year for other staff.

Section 10(1) gives UCL the power to conduct an ‘environmental investigation’ where there are multiple reports of unacceptable behaviour relating to staff or students from a particular Department or Faculty. The purpose is to understand what is happening and, if necessary, to intervene or provide support to affected individuals.

The policy commits UCL to collecting equalities data and evaluating the equality impact of the policy on an annual basis.

Appendix 1 of the policy sets out examples of unacceptable behaviour. Somewhat confusingly included under the heading ‘Outing or threatening to out someone as gay, lesbian, bisexual or trans’ (probably due to a typographical error), there is a bullet point which states that ‘racist behaviour’ is unacceptable. This includes ‘(but is not limited to) making racist jokes, name calling, making assumptions about someone based on their race or religion, racial harassment (for example, anti-Semitism or Islamophobia) or racialised micro-aggressions’. However, for the avoidance of doubt, the policy makes clear that the definitions and thus the examples of the Equality Act 2010 also apply.

Also of relevance to preventing unacceptable behaviours are the [UCL Code of Conduct for Students](#) and the [UCL Code of Conduct for Visitors](#).

The Code of Conduct for Students requires students ‘to conduct themselves at all times in a manner that does not bring UCL into disrepute’, including when students are not on UCL premises. Students are expected to behave well at all times and in all places (including the internet) but in particular ‘in the local community around UCL’ and when engaged in UCL-related activity.

The Code states that UCL is a diverse community and that students are prohibited from discriminating against others on grounds including ethnic origin, race, nationality, membership of a national minority, culture, language, religious faith or affiliation or lack thereof, political affiliation or opinions or lack thereof, physical appearance, genetic features, parentage, descent, socio-economic background or any other irrelevant distinction.

Students must also behave respectfully towards others, avoiding conduct that may lead others to ‘feel that they are being harassed or bullied’. Students are also required to respect the lawful exercise of freedom of speech.

The Code of Conduct for Visitors requires all visitors to UCL to behave with respect towards others and not to engage in conduct on UCL premises or using UCL facilities that might cause property damage, be unlawful or ‘cause inconvenience or distress to others’.

3 Freedom of Speech and Managing Events and Speakers

There are two overarching policy documents that govern the protection of free speech at UCL: the [UCL Code of Practice on Freedom of Speech](#) and the [UCL Procedure for the Management of Events that Include External Speakers](#). The existence of these policies is required by the Education Act (No 2) 1986 (see above).

The Code of Practice on Freedom of Speech states that UCL is committed ‘to upholding academic freedom of enquiry in its teaching and research and to ensuring that free and open discussion can take place in an atmosphere of tolerance’ [para 1]. Referencing the Education Act (No 2) 1986 (see above), the Code states that universities have ‘a positive and proactive

legal duty... to promote and protect freedom of speech on campus’ subject to constraints ‘imposed by law’: ‘It is therefore for the law, not for institutions, to set limitations’ [para 2].

These restrictions on free speech include ‘laws for the protection of the reputation or rights of others, to protect national security and public safety, for the prevention of disorder or crime, and to prevent the disclosure of information received in confidence’ [para 3]. The Code makes clear that a balance must be struck between freedom of speech and other values:

Universities do not function in a vacuum, and wider conflicts and disputes, for example involving ethnicity or religious faith, may sometimes find expression on campus amongst the student body or other constituencies. The challenge for UCL is to identify when the pursuit of freedom of ideas and expression crosses a threshold and becomes unlawful or poses unacceptable risks to the health, safety or welfare of employees, students or visitors [para 5].

The Code applies to all staff, students, visitors and to anyone who attends events or meetings at UCL premises and to UCL off campus events. It also applies to outside organisations that hire UCL premises.

Paragraph 13 of the Code reiterates that [Statute 18](#) of UCL’s Charter and Statutes protects the freedom of academic staff in the following terms: ‘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 their jobs or privileges’.

The Code states that in deciding whether an event goes forward, UCL will consider whether the views or manner of expression of views at the event will infringe others’ rights, be discriminatory, constitute a criminal offence or threaten public order or safety or incite the commission of criminal offences [para 16]. Paragraph 17 states that ‘A key test is whether a proposed event is likely to give rise to an environment in which people will experience – or could reasonably fear – harassment, intimidation, verbal abuse or violence, with particular reference to the protected characteristics under the Equality Act 2010’.

Where an event or protests in response to an event create risks to others the Code states that UCL will attempt to mitigate those risks. Compliance with the Code is regulated by the Student Code of Conduct and the Staff Disciplinary Procedure.¹⁹

The Provost is the ultimate authority for the interpretation of the Code, under delegated authority from UCL’s Council. Its day-to-day operation is the responsibility of the Registrar [para 24]. On the procedure for managing events, see appendix C.

¹⁹ In 2017, Professor Geraint Rees, Dean of the UCL Faculty of Life Sciences, completed an ‘Investigation into the UCLU Friends of Israel Society event on 27th October 2016’ that resulted in interruption and protest, leading to updates in the UCL Code of Practice on Freedom of Speech. For details, see: <https://www.ucl.ac.uk/news/2017/jan/ucl-publishes-investigation-uclu-friends-israel-event>.

C. Academic Freedom at UCL

Academic freedom is at the heart of our work as teachers and researchers and is explicitly protected by the statutes of most UK universities, including UCL. Statute 18 of UCL's Charter and Statutes guarantees that 'academic staff [shall] 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 their jobs or privileges.'²⁰

But academic freedom is not merely about protecting lecturers and researchers from retaliation by university officials and politicians (though this was indeed its historical genesis).²¹ Above all, academic freedom embodies a positive value for public institutions of higher education in a democratic polity: namely, fostering an ethos of open inquiry and free and constructive discussion and debate throughout the university community, including students and administrative personnel as well as academic staff. A recent joint statement by two political theorists, Robert P. George (a conservative) and Cornel West (a progressive), puts it well:

The pursuit of knowledge and the maintenance of a free and democratic society require the cultivation and practice of the virtues of intellectual humility, openness of mind, and, above all, love of truth. These virtues will manifest themselves and be strengthened by one's willingness to listen attentively and respectfully to intelligent people who challenge one's beliefs and who represent causes one disagrees with and points of view one does not share.

That's why all of us should seek respectfully to engage with people who challenge our views. And we should oppose efforts to silence those with whom we disagree – especially on college and university campuses. As John Stuart Mill taught, a recognition of the possibility that we may be in error is a good reason to listen to and honestly consider – and not merely to tolerate grudgingly – points of view that we do not share, and even perspectives that we find shocking or scandalous. What's more, as Mill noted, even if one happens to be right about this or that disputed matter, seriously and respectfully engaging people who disagree will deepen one's understanding of the truth and sharpen one's ability to defend it.²²

It goes without saying that university staff and students are also protected by the general principles

²⁰ <https://www.ucl.ac.uk/srs/sites/srs/files/charter-and-statutes.pdf>.

²¹ For a historical overview covering the UK, Germany and the USA, see Eric Barendt, (2010) *Academic Freedom and The Law: A Comparative Study*. Oxford, Hart Publishing. For the USA (where the principles of academic freedom were formalised earlier than in the UK), see Robert P. Ludlum, 'Academic freedom and tenure: A history,' *The Antioch Review*, Vol. 10, No. 1 (Spring 1950), pp. 3-34, <https://www.jstor.org/stable/4609390?seq=1>; Richard Hofstadter and Walter P. Metzger (1955) *The Development of Academic Freedom in the United States*. New York, Columbia University Press; Ellen W. Schrecker, (1986) *No Ivory Tower: McCarthyism and the Universities*. Oxford, Oxford University Press; John K. Wilson (2014) *A History of Academic Freedom in America*, Ph.D. dissertation, Illinois State University, <https://core.ac.uk/reader/48841000>. For the UK, see also Remi Adekoya, Eric Kaufmann and Thomas Simpson (2020) *Academic Freedom in the UK: Protecting Viewpoint Diversity*, Policy Exchange, London; Dennis Farrington; and David Palfreyman (Eds) (2012) *The Law of Higher Education*, Oxford, Oxford University Press (Chapter 1).

²² Robert P. George and Cornel West (2017), "Truth Seeking, Democracy, and Freedom of Thought and Expression", <https://jmp.princeton.edu/statement>; John Stuart Mill, (1991) [1859] *On Liberty and Other Essays*, Oxford, Oxford University Press.

governing freedom of expression in the wider society. The Universal Declaration of Human Rights proclaims (Article 19) that ‘Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.’ In the UK, the Education Act (No. 2) 1986 (Section 43) enshrines a positive and proactive legal duty on universities to promote and protect freedom of speech on campus, by requiring that universities ‘shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.’ UCL’s Code of Practice on Freedom of Speech wisely goes on to observe that ‘the only constraints on the duty to secure freedom of speech are those imposed by the law. It is therefore for the law, not for institutions, to set limitations.’²³

And indeed the law does set limitations on the freedom of speech: incitement to immediate illegal action is unlawful, as is falsely and knowingly crying ‘fire’ in a crowded theatre. Moreover, in the UK, some types of ‘speech’ constitute unlawful actions, notably harassment of individuals and incitation to racial or religious hatred (see above). But these unlawful acts are narrowly defined and require in general either ‘threatening, abusive or insulting words or behaviour’ or conduct that ‘creates an intimidating, hostile, degrading, humiliating or offensive environment’ for another individual. These are forms of behaviour that no one should wish to defend, and which universities (and employers generally) are in fact explicitly required to prevent. Indeed, as explained above in Section III, there is disquieting evidence that antisemitic insults towards Jewish students (under even the most restrictive definition of antisemitism) have occurred at UCL much more frequently than most of us had realized; and this calls, in our view, for a robust educational effort to counter antisemitism and for robust disciplinary procedures that deal swiftly with perpetrators of harassment as defined by the law.

But the ongoing debates around the meaning of academic freedom do not revolve around personal harassment and insults, which everyone agrees are not and should not be protected. Rather, the controversies concern *ideas* that some people – or in some cases, nearly all people – deem distasteful, harmful or even abhorrent. While the members of this committee may disagree on specific cases, we are committed to the view that as an academic community, we have the intellectual resources to judge whether particular views or positions can be regarded as within the bounds of legitimate disagreement, and that, provided that the expression of such views does not violate the above legal restrictions, the fact that they may cause discomfort to those who disagree with them should not, in and of itself, constitute a reason to prevent people from expressing them.

The commitments to both academic freedom and the freedom of expression are in fact central to UCL’s ethos. UCL begins its Code of Practice on Freedom of Speech by observing that ‘UCL has a long tradition of safeguarding freedom of speech. UCL is committed to upholding academic freedom of enquiry in its teaching and research and to ensuring that free and open discussion can take place in an atmosphere of tolerance. The key aim of UCL policies is the creation of an environment on and off campus that permits freedom of speech and expression within a framework of respect for the rights of others. These are included in codes of practice, policies and procedures that students agree to comply with on commencement of their studies.’²⁴

²³ https://www.ucl.ac.uk/srs/sites/srs/files/ucl_code_of_practice_on_freedom_of_speech_v1.0.pdf

²⁴ Ibid.

Members of the WG have been mindful of these interconnected principles in our discussions. Our Report reflects this central element of UCL’s ethos, which we see as illustrative of the broad vision of the university articulated by Robert J. Zimmer, president of the University of Chicago:

The issues society faces are complex without simple answers. And in general, it is universities’ openness to ideas, to analytic debate, to rigor, and to questioning, and the provision of an umbrella, and in fact safe haven, for clashing thought and perspectives, that best illuminate societal, scientific, and humanistic issues. In a world that tries to overly simplify, universities should demand analysis of inherent complexity; in a world that has inevitable pressures to uniformity of views, we should embrace diversity of perspective; in a world that creates an ‘us-versus-them’ approach to argument, we should support comfort with divergent views.²⁵

D. Questions Arising

In light of Zimmer’s injunction for universities to ‘demand analysis of inherent complexity,’ we conclude section IV by attending to several questions that have surfaced in the application of UCL policies and procedures within the broader legal context set out above.

- A) With all the robust policies and procedures in place at UCL to combat racism and prejudice, why have incidents of antisemitism like those discussed in Section III – as well as parallel instances of racism and Islamophobia—not been sufficiently addressed? Why is there not a culture of reporting on these incidents? To what extent has the institution failed to respond to complaints, or enabled a culture of impunity around this behaviour? Why have members of both the Jewish Society and the Islamic Society, for example, felt that concerns were not seriously addressed or acted upon?

One major impediment conveyed to the Working Group was a lack of confidence in the institution’s ability to respond effectively, leading to significant under-reporting of incidents of racism and prejudice. There were stark parallels in discussions about racial harassment, antisemitism, and Islamophobia, and some hopeful signs that the culture of reporting and action may be changing for the better within UCL.²⁶

²⁵ Robert J. Zimmer, “What is academic freedom for?,” in *Who’s Afraid of Academic Freedom?*, eds. Akeel Bilgrami and Jonathan R. Cole (New York: Columbia University Press, 2015), 239-246, <https://president.uchicago.edu/page/address-delivered-columbia-university>. For further reflections on the meaning of academic freedom, from a variety of views, see e.g. Robert C. Post (2012) *Democracy, Expertise, and Academic Freedom: A First Amendment Jurisprudence for the Modern State*. New Haven, Yale University Press; Brian Leiter “Why Academic Freedom?,” in *The Value and Limits of Academic Speech: Philosophical, Political, and Legal Perspective*, eds. Donald Alexander Downs and Chris W. Surprenant (New York: Routledge, 2018), pp. 31–46; Robert Mark Simpson (2020) “The relation between academic freedom and free speech,” *Ethics* 130: 3, pp. 287-319; Keith E. Whittington (2018) *Speak Freely; Why Universities Must Defend Free Speech* (Princeton, Princeton University Press); Ben-Porath, S. (2017) *Free Speech on Campus* (Philadelphia; University of Pennsylvania Press).

²⁶ In our 3 July 2020 meeting with members of the Islamic Society (ISoc), the Working Group was informed that only 13% of Muslim students polled by ISoc felt comfortable reporting anti-Muslim harassment to UCL. Under-reporting of racism is a wider problem across the higher education sector in the UK. See, for example, Jason Murugesu, “Universities are Failing to Address Racism on Campus,” 1 October 2020, *Times Higher Education*, <https://www.timeshighereducation.com/features/universities-are-failing-address-racism-campus>.

A closely related problem was a lack of clarity about procedure. The route for reporting a racist incident was felt by members of the Working Group to be insufficiently clear and to some extent disguised by the range of resolution options available, such as the [Cultural Consultation Service](#), the Student Mediator, and the Students' Union UCL Hate Crime Reporting Centre, as well as Report and Support. Colleagues raised concerns about the clarity, robustness, and effectiveness of UCL's reporting system, and the perception that even cases that were rigorously reported and heard did not lead to timely or concrete actions, and that this may be discouraging people from reporting incidents of racism through this mechanism.

- B) UCL's Code of Practice on Freedom of Speech and Procedure for the Management of Events that Include External Speakers raise key questions about the application of UCL policies in the case of sensitive topics. With regards to politically sensitive debates evoking concerns about antisemitism, this has included a book panel at the Institute for Advanced Studies (IAS), and an exhibition on refugees and displacement held in the Octagon gallery. As will be made clear in appendix B, the handling of these events by UCL did not always meet the highest standard, and this suggests areas for improved application of policies and a clearer commitment to academic freedom.

The Code also states that permission for an event will be withheld only 'in exceptional circumstances where measures cannot be put in place to secure freedom of speech within the law', and 'wherever possible' after consultation with the organizer of the event. This judgment is at the 'sole discretion' of the Registrar, with a possible appeal in writing to the Provost, whose decision is final but who has a duty to report about the decision at the next meetings of Council and of Academic Board. However, the Procedure also contains a disquieting restriction that may render the right to appeal meaningless in practice: 'Appeals can only be made on the basis of new information not available at the time of the decision.' (para 43) In other words, the Procedure explicitly *forbids* appeals based on the contention that the Registrar has misapplied the Code of Practice and/or the Procedure with respect to the available information.²⁷

For UCL's own extensive efforts to improve reporting and publicize relevant findings, see the recent Equality, Diversity, and Inclusion (EDI) office publication, "Bullying, Harassment and Sexual Misconduct Annual Report 2019-20" as well as other findings at: <https://report-support.ucl.ac.uk/support/annual-reports-on-bullying-harassment-and-sexual-misconduct>.

See also EDI's recently launched 'Let's talk about race and racism' campaign: <https://report-support.ucl.ac.uk/campaigns/lets-talk-about-race>.

²⁷ Aside from new evidence, other standard grounds for appeal that could be made include:

- procedure - that the method by which evidence was gathered, considered and decided upon was in error (e.g. hearing from detractors but not putting allegations to those running the event)
- proportionality of decision - that the concerns raised did not justify the actions taken, e.g. to cancel an event rather than issue guidance to speakers or put in place additional security measures.

These grounds apply, for example, in the appeals procedure for the UCL Staff Grievance Policy. See: <https://www.ucl.ac.uk/human-resources/ucl-staff-grievance-policy-appendix-c-appeals-procedure>.

In discussions with Wendy Appleby, UCL's current Registrar, members of the Working Group asked the Registrar how she approached the broad discretion granted to her under the Code of Practice. She explained that UCL's starting point was always the position that the event would go ahead. She also observed that the limitations on freedom of speech – relating to direct incitement to violence or harassment and discrimination as defined in the Equality Act – are relatively narrow. It was more likely that an event would be cancelled where there was deemed to be a serious risk of protest becoming unmanageable, leading to concerns about safety.

But other risks pertaining to the event – such as its political context, media attention, history of the speaker, timing, location, risk of disruption to UCL activities, risk of damage to property, and risk of reputational damage to UCL – are also clearly taken into account by UCL officials, even if not all of them are mentioned in the Code of Practice and the Procedure. Should these judgements be made at the 'sole discretion' of the Registrar with possible appeal to the Provost, or might there usefully be a more active role played by representatives of the Academic Board? While the Provost has a duty to report about each appeal decision at the next meetings of Council and Academic Board, it is often the case that the rush to resolve these questions swiftly introduces restraints on speech that undermine the principles enunciated in the Code of Practice. Two pertinent examples of this are discussed in appendix B: notably, the initial introduction of restrictive guidelines for the IAS book launch event (which were ultimately dropped), and the initial request that the curators of the 'Moving Objects' exhibition install a revised text to introduce their exhibit.

- C) These incidents also highlight the fact that UCL's legal obligations and moral commitment to uphold freedom of expression are insufficiently understood by some members of staff and of the student community, leading to what can be described as unfounded accusations of harm, often as a result of claims made by activists on social media. When, for example, discomfort about the 'Moving Objects' exhibit on display in the Octagon gallery in 2019 was voiced to UCL administrators, a review was launched to determine whether the exhibit could be construed as antisemitic. In gathering information about the exhibit and in questioning the curatorial decisions of UCL academics, the review process lent credence (perhaps inadvertently) to defamatory accusations of antisemitic bias against these academics for presenting perspectives and objects by relevant interviewees that criticized or sidelined Israeli or Zionist narratives. The approach conflated the representation of challenging perspectives with prejudicial or discriminatory behaviour—going far beyond the definitions of discrimination and harassment contained in UK law and in UCL's written policies—and in so doing degrading the research of academic colleagues and stifling legitimate academic debate. Even the effort to address this issue internally empowered certain voices over others, allowing external pressure to bear on fundamental principles of academic freedom and replicating patterns of marginalization within the institution.

In examining these instances of institutional overreach or failure to uphold policies and procedures with clarity, the Working Group did not find a pattern or malice but rather insufficient awareness and sensitivity to the complex nature of particular debates in

areas that evoke acute social and political disagreement. This is often the case at universities, especially when it comes to topics like race, religion, gender, or sexuality. However, the ability to have uncomfortable conversations or feel challenged by clashing ideas lies at the heart of the mission of higher education. There are times when we need to clarify and illuminate these tensions, rather than rush to meet the demands of vocal critics who may misrepresent these instances as acts of discrimination, if we are to uphold the values of university life.

- D) Finally, it seems that there is a mismatch between student experiences of antisemitism at UCL and the issues around Israel and Palestine highlighted by the IHRA working definition of antisemitism (see Section V below). What is disturbing about the incidents of antisemitic harassment in the 2016-17 study by Dr Cathy Elliott and the 2019 JSoC survey is how these clear examples of legally actionable manifestations of antisemitism went unreported or unaddressed within our institution, despite the robust legal context and clear policies and procedures in place to combat these incidents. By pursuing adoption of the IHRA working definition, UCL as an institution may have absolved itself from its responsibility to enforce existing policies and procedures for combatting racism and prejudice, while simultaneously failing to safeguard academic freedom – a failure, in both directions, to maintain the delicate balance between the protection of freedom of discussion and the right to work and think in a safe environment that does not countenance harm to various groups and individuals.

The Working Group has found firstly that there is not enough awareness at UCL about what antisemitism is, how it currently tends to be manifested, and the impact felt by recipients. Secondly there is limited awareness of how to differentiate between clear hate speech and prejudice on the one hand, and the expression of views on religious and political questions (such as Israel and Palestine) on the other. There is an urgent and prior need for UCL to offer training and education on these underlying issues, concepts and distinctions. Whether Council's decision to adopt the IHRA working definition meets these institutional needs on both educational and proscriptive grounds is taken up in the following section.

V. The IHRA Definition of Antisemitism: An Appropriate Remedy?

Against the backdrop of the UK legal context and the existing UCL policies and procedures that offer recourse for different manifestations of racism and prejudice, is UCL's 2019 adoption of the IHRA working definition of antisemitism an appropriate remedy for addressing cases of antisemitic harassment at our institution?

The following section examines the IHRA definition in closer detail, engaging with both supporters and critics who have written extensively about its adoption around the globe, and in academic settings in particular. Rather than focus solely on the adoption of the IHRA definition at UCL, however, the report offers a more considered analysis of the parameters that the definition entails and specific concerns about its application within a university context. Mindful of the desire expressed for greater specification about contemporary antisemitism and how it functions, we offer some alternative definitions that could be more suitable for consideration by AB and Council.

Many of the points below are at the heart of an ongoing, robust and spirited public and scholarly debate about defining antisemitism in the 21st century and the related question of free speech around Israel and Palestine. We envision this section as a resource and an invitation for continued discussion of these issues at UCL and beyond.

A. The IHRA Working Definition of Antisemitism

The text of what is now referred to as the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism originated as a 'non-legally binding working definition' drafted by a group of academics and others at the request of the Vienna-based EU agency European Monitoring Center on Racism and Xenophobia (EUMC). Their draft, though never adopted by the EUMC's Management Board, was posted on the EUMC's website in 2005. The main drafter for this working definition was Kenneth Stern, an American defence attorney and (from 1989-2014) Director on Antisemitism, Hate Studies and Extremism for the American Jewish Committee. There are no substantive differences between the text of the original EUMC definition and the current IHRA definition. The working definition was removed from the EUMC website in 2013 and was presented in 2016 in a press release by the International Holocaust Remembrance Alliance, an organisation founded in 1998 with thirty-one member states.

The background to the adoption of this definition by the EUMC includes a documented rise in antisemitic incidents across Europe in the 1990s and the early 2000s. According to Kenneth Stern, the definition was created 'as a tool for data collectors in European countries to identify what to include and exclude from their reports about antisemitism, and to have a common frame of reference so that data might be compared across borders.'²⁸

²⁸ Stern, Kenneth (2015). 'Should a major university system have a particular definition of anti-semitism?' *Jewish Journal*, 22 June 2015, <https://jewishjournal.com/commentary/opinion/175207/>.

It may be worth noting, as Stern himself has emphasized,²⁹ that the task of identifying instances of events that might be collected and counted for the gathering of statistics—for which the EUMC/IHRA definition was designed – is not the same task as adjudicating on a specific instance. A complaint of harassment against a student, staff member or visitor would require a burden of proof at least as high as the civil standard of ‘a balance of probabilities’, and in some cases possibly a higher standard such as ‘clear and convincing evidence’. No such burden of proof applies to the gathering of statistics of probable or possible incidents of antisemitism.

One other motivation for the EUMC definition was increasing concern about ‘the new antisemitism,’ a highly debated concept first coined by academics in the 1960’s and 1970’s and defined by Irwin Cotler, Canadian professor of law, as follows:

‘In a word, classical anti-Semitism is the discrimination against, denial of, or assault upon the rights of Jews to live as equal members of whatever society they inhabit. The new anti-Semitism involves the discrimination against, denial of, or assault upon the right of the Jewish people to live as an equal member of the family of nations, with Israel as the targeted ‘collective Jew among the nations’.’³⁰

This concern underlies some of the examples of antisemitism included in the EUMC/IHRA working definition.

As of August 2020, 31 countries have adopted the IHRA definition; the UK government under Prime Minister Theresa May did so on 12 December 2016. In the UK, the definition has also been adopted by 130 local authorities and 29 universities. On 19 November 2019, UCL Council approved the adoption of the IHRA working definition of antisemitism and its examples in full as part of the framework for ‘Promoting Race Equality and Tackling Discrimination at UCL.’³¹ This adoption also included two ‘caveats’ recommended by the Home Affairs Select Committee in 2016, which are discussed below.

The IHRA definition consists of a ‘non-legally binding working definition of antisemitism,’ followed by a set of examples ‘to guide IHRA in its work.’ We now quote the definition and examples in full. The ‘non-legally binding working definition of antisemitism’ is as follows:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

The IHRA document then continues as follows:³²

²⁹ See Kenneth Stern (2017), Testimony Before the US House of Representatives, [HHRG-115-JU00-Wstate-SternK-20171107.pdf \(house.gov\)](https://www.house.gov/imo/media/doc/HHRG-115-JU00-Wstate-SternK-20171107.pdf).

³⁰ Cited in Antony Lerman, “The ‘new antisemitism’,” *Open Democracy*, 29 September 2015, <https://www.opendemocracy.net/en/new-antisemitism/>.

³¹ For UCL’s official announcement of the Council decision, see <https://www.ucl.ac.uk/news/2019/nov/ucl-announces-action-against-racism-antisemitism-and-islamophobia>.

³² https://www.holocaustremembrance.com/sites/default/files/press_release_document_antisemitism.pdf.

To guide IHRA in its work, the following examples may serve as illustrations:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for ‘why things go wrong.’ It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.

The above has been adopted by UCL with the following caveats, which were recommended by the [Home Affairs Select Committee in 2016](#):

- It is not antisemitic to criticise the government of Israel, without additional evidence to suggest antisemitic intent.
- It is not antisemitic to hold the Israeli government to the same standards as other liberal democracies, or to take a particular interest in the Israeli government’s policies or actions, without additional evidence to suggest antisemitic intent.³³

The IHRA working definition has strong advocates and sharp critics, reflecting an international debate about whether it should be adopted. Our Working Group studied a number of articles by scholars on both sides of the question and interviewed several experts as well as representatives of several relevant UCL student groups (the Jewish Society, the Friends of Palestine Society, and the Islamic Society). Below we discuss the implications of this adoption, presenting the views of advocates as well as critics, as well as our own analysis.

B. Implications of UCL’s Adoption of the IHRA Definition

A central question for this Working Group is whether UCL’s adoption of the IHRA working definition of antisemitism was necessary or justified as a means to address expressions of antisemitism on campus, given the existing legal and institutional protections that exist to protect ethnic and religious groups from abuse, discrimination, and harassment at UCL.

The legal and institutional protections outlined in Section IV of this report do not focus specifically on the issue of antisemitism. Instead, Jews as a group are protected because there are legal and institutional safeguards in place to prevent racism or religious hatred or discrimination against religious or ethnic groups generally. The Working Group has noted the rich complexities that attend to the interdependent characterizations of the religious, ethnic, and cultural components making up Jewish identities over time and place. It is particularly

³³ Home Affairs Select Committee, 2016 ‘Antisemitism in the UK’, <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/136/13605.htm>.

important to be attuned to these complexities when fashioning policies concerning antisemitism.

In contrast to the legal and institutional protections discussed in Section IV, the IHRA working definition is concerned specifically with defining antisemitism and particular forms that it takes – thus in principle making it easier to identify instances of racial hatred or prejudice against Jews. For an example to qualify as antisemitic under the IHRA, it must fit the underlying definition of antisemitism ‘as a certain perception of Jews’ when ‘taking into account the overall context’. So, for example, the IHRA states that an example of antisemitism could include:

Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective – such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.

Another example includes Holocaust denial:

Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).

These forms of abuse would already be caught by existing laws and UCL policies and are reflected in the EHRC Technical Guidance and Employment Code of Practice (see appendix). Nevertheless, specifically enumerating them might be useful as a guide to the kinds of things that count as hatred or prejudice towards Jews. On the other hand, it is a matter for debate whether some of the other examples from the IHRA working definition of antisemitism are always and unequivocally constitutive of antisemitism and therefore fit for purpose.³⁴ This will be discussed further in the subsections below.

A closely related question is whether the adoption of the IHRA working definition conflicts with UCL’s legal and institutional duty to uphold free speech. The difficulty arises because the definition, through the use of its appended examples, specifies that antisemitism may include ‘the targeting of the state of Israel, conceived as a Jewish collectivity’. Although the definition states that this is not meant to include ‘criticism of Israel similar to that levelled against any other country’, it would include for example ‘Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor’. This example raises free-speech concerns because it may prevent speakers, academics or students from speaking out or voicing concerns about Zionism as an ideology, and, connectedly, the legitimacy of the State of Israel, and its legal framework, as currently constituted. To deal with precisely this concern, UCL when adopting the IHRA definition, did so with the two caveats mentioned above:

It is not antisemitic to criticise the government of Israel, without additional evidence to suggest antisemitic intent.

³⁴ This is particularly relevant to examples dealing with Israel and Palestine.

It is not antisemitic to hold the Israeli government to the same standards as other liberal democracies, or to take a particular interest in the Israeli government's policies or actions, without additional evidence to suggest antisemitic intent.

Do these caveats go far enough to protect the freedom of speech of those who seek to criticise Israel or Zionism, without antisemitic intent?

To begin with, it should be observed that the IHRA working definition and examples, while starting by reference to 'a certain perception of Jews', otherwise make no reference to the intent of the speaker: certain ideas are declared antisemitic, and intent plays no role. The Parliamentary Select Committee caveats, by contrast, place intent front and center. How should this awkward combination be interpreted? And what are its likely effects in practice?

It is relevant to note, first of all, that there is a fundamental logical circularity in the caveats' reference to criticism of Israel 'without antisemitic intent.' Antisemitic *in which sense?* If 'antisemitic' in the caveat means 'antisemitic in the sense of the IHRA definition and examples,' then the caveat is vacuous: anyone who calls the state of Israel racist presumably *intends* to call the state of Israel racist, and such a person therefore has antisemitic intent according to the IHRA definition. If, by contrast, 'antisemitic' in the caveat means 'antisemitic in some [unspecified] noncontroversial sense,' then the IHRA definition with caveats is logically equivalent to that noncontroversial sense (whatever it may be), and adds nothing to it.

This fundamental ambiguity around the meaning of the IHRA definition-with-caveats – amounting to a profound lack of clarity about which ideas are stigmatized and which are not – creates the risk that the adoption of the definition, *even with the caveats*, may have a chilling effect on critics of Israel, or lead to risk-averse behaviour on the part of either individuals or the institution. Indeed, depending on how the caveats are interpreted, they may provide *no* protection for criticism of Israel beyond that already admitted by the IHRA working definition itself ('criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic').

What seems certain, especially in light of the two caveats that UCL has adopted, is that the definition does *not* say that any criticism of Israeli policy is necessarily antisemitic. For such criticism to be antisemitic under the definition, there has to be antisemitic *intent*.

A second difficulty is that perceptions and intent are extremely difficult to demonstrate. To be sure, there will be some cases of admitted open racism, and these will be trivial to adjudicate. But the contentious and difficult cases will be those where antisemitic intent is not admitted. A focus on intention – as required by the caveats – may end up rendering the IHRA definition ineffective in practice. Who within UCL will differentiate between perception/intent and reception?

Finally, the IHRA working definition functions by giving examples of what it considers to be antisemitism, e.g., calling the State of Israel a racist endeavor or denying the Holocaust. But the definition does not articulate a more abstract principle that would underpin these claimed examples of antisemitism; and it is far from clear whether these examples actually *fall within*

the ‘working definition of antisemitism’ set forth at the beginning of the IHRA document, or rather *enlarge* it. This ambiguity creates the risk that the adoption of the definition may have a chilling effect on critics of Israel or Zionism, or lead to self-censorship on the part of both individuals and the institution, with serious consequences for academic freedom.

Such concerns are evident when it comes to applying policies such as the UCL Procedure for the Management of Events that Include External Speakers or the UCLU External Speaker Information and Process. The Working Group has noted with concern what transpired with the IAS book launch event and the ‘Moving Objects’ exhibit discussed above and in the appendix: there is a danger that enforcing certain policies can creep inappropriately towards the silencing or the policing of knowledge production. There is ample evidence of how this chilling effect has functioned on UK and US university campuses in the wake of the IHRA adoption—including warnings by the original author of the definition, Kenneth Stern³⁵ (see also section V.E below) – but also the more insidious effect of self-censorship, which is inimical to academic freedom and to the educational mission of the university.³⁶

C. Questions for Academic Board to Consider

There are several questions that the Working Group has grappled with in light of Council’s decision to adopt the IHRA working definition. Does the adoption mean that scholars or students will now feel inhibited, for fear of disciplinary consequences, from speaking critically about Israel or Israeli policy? Does it mean that UCL as an institution will be less likely in future to host events involving such speakers? What are the implications for teaching? Will lecturers have to reconsider crafting module reading lists or syllabi that deal, for example, with the 1948 War, and that might probe how Israeli independence was intimately tied to Palestinian dispossession?

There may also be tensions that arise with the Equality Act. The Equality Act 2010 does not require a determination of intention, least of all perception, to apply to prohibited acts of harassment. Instead the legal test concerns whether an act would *have the effect* of creating a hostile environment or violate the recipient’s dignity. This fact raises questions about conflict with the Education Act. To what extent can one be made to feel uncomfortable over one’s political or cultural beliefs and attachments while attending university without it becoming a ‘hostile environment’? The advantage of the Equality Act is that such questions are ones that are based firmly on UK legislation and case law, where balancing considerations are applied (see Section III and appendix C).

³⁵ See Stern (2017), Testimony to US House of Representatives, [HHRG-115-JU00-Wstate-SternK-20171107.pdf](https://www.house.gov/imo/media/doc/HHRG-115-JU00-Wstate-SternK-20171107.pdf) ([house.gov](https://www.house.gov/)).

³⁶ This tension speaks to a debate about the IHRA and its usage concerning the distinction between a ‘working definition’ (which is how it is framed) and a ‘legal definition.’ The blurring of lines in this regard suggests that the definition takes on formal legal power in application and adoption. See Rebecca Gould, ‘Legal Form and Legal Legitimacy: The IHRA Definition of Antisemitism as a Case Study in Censored Speech’ (May 14, 2018), *Law Culture and the Humanities*, available at SSRN: <https://ssrn.com/abstract=3178109>. For comparative US examples, see the backgrounder prepared by the US based NGO Palestine Legal, <https://palestinelegal.org/redefinition-efforts>.

For instance, the IHRA working definition says that antisemitic intent may be adduced from e.g. ‘denying the Jewish people their right to self-determination’ or by ‘claiming that the existence of a State of Israel is a racist endeavor’. But this is not an uncontested claim. On the contrary, there exist in the academic literature anti-colonial and anti-nationalist positions that argue that some modern states are necessarily ‘racist endeavors’. Arguably, such positions would not constitute antisemitism because they are protected by the second caveat to the definition adopted by UCL, which states that it is not antisemitic to hold Israel to the same standards as other liberal democracies, e.g. South Africa, Australia or the USA – or Britain. But the lack of certainty about what constitutes ‘the same standards’ poses a serious threat to academic freedom, and to freedom of speech more generally, on campus. Given the manner in which accusations of discrimination are dealt with, often in a rush to respond to external pressure, it is likely that these complexities will not be given their due or explored sufficiently and will rather be lost in the fear of facing the serious charge of antisemitism.

A deeper concern arising from the IHRA working definition is whether *any* questioning of the existence of the State of Israel or its legitimacy is sufficient to constitute antisemitism. For example, let’s say that a scholar argues not that Israel is a racist endeavor, but rather that it should never have come into being because its creation has led to insoluble political conflict in the Middle East. Or the scholar might point to historical and contemporary examples of religious or secular Jewish anti-Zionists who once believed or still believe that the State of Israel itself is illegitimate.³⁷ Are they antisemitic? What about advocates who call for the right of return of Palestinian refugees and the reconstitution of the Israeli state as a democratic, bi-national state with equal rights for Jewish and non-Jewish citizens?³⁸ Cotler’s ‘new antisemitism’ is not without its critics.

It is important to note in this context that Israel plays a ‘central’ or ‘important’ role in British Jewish identity, according to the 2010 Institute for Jewish Policy Research report.³⁹ There is also a clear diversity of opinion amongst British Jews on Israel and Zionism. Research published in 2015 by City University found that 90% of British Jewish people support Israel’s right to exist as a Jewish state and 93% say that it forms some part of their identity as Jews, with 59% considering themselves to be Zionists.⁴⁰ Many of these respondents would find assertions

³⁷ On the history of internal disagreements among Jewish thinkers and denominations regarding Zionism and the state of Israel, see Aviezer Ravitzky, *Messianism, Zionism, and Jewish Religious Radicalism* (University of Chicago Press, 1996); Adam Shatz, ed., *Prophets Outcast: A Century of Dissident Jewish Writing about Zionism and Israel* (New York: Nation Books, 2004); Noam Pinako, *Zionism and the Roads Not Taken: Rawidowicz, Kaplan, Kohn* (Bloomington: Indiana University Press, 2010); Raz-Karkotzkin, Amnon (2011) “Jewish Peoplehood, ‘Jewish Politics’, and Political Responsibility: Arendt on Zionism and Partitions,” *College Literature* 38, no. 1: 57–74; and Daniel Mahla, *Orthodox Judaism and the Politics of Religion: From Prewar Europe to the State of Israel* (Cambridge: Cambridge University Press, 2020).

³⁸ On advocating the right of return, see [BADIL](#); Resource Center for Palestinian Residency and Refugee Rights; on civic equality, see Tony Judt, “Israel: The Alternative,” *The New York Review of Books* 50/16, Oct. 23, 2003; Meron Benvenisti, “Founding a Binational State,” *Haaretz*, April 22, 2004; and Peter Beinart, “Yavne: A Jewish Case for Equality in Israel-Palestine,” *Jewish Currents*, 7 July 2020, <https://jewishcurrents.org/yavne-a-jewish-case-for-equality-in-israel-palestine/>.

³⁹ David Graham and Jonathan Boyd, ‘Committed, concerned and conciliatory: The attitudes of Jews in Britain towards Israel,’ Institute for Jewish Policy Research, July 2010, pg. 9 (<https://www.jpr.org.uk/publication?id=94>).

⁴⁰ Miller et al., (2015) ‘The Attitudes of British Jews Towards Israel,’ City University, London, <https://www.city.ac.uk/news/2015/november/the-attitudes-of-british-jews-towards-israel>.

about Israel's existence as a 'racist endeavour' deeply offensive and disquieting. Others might argue very differently about the state, its policies, or its history, questioning Zionism or the idea of maintaining a Jewish majority, for example.

Would some or all of the foregoing views constitute antisemitism according to the IHRA working definition? At the very least, it seems probable that many people would interpret the IHRA working definition in this way; in particular, many of the advocates of the IHRA definition unambiguously adopt such an interpretation (see the next subsection). If that interpretation is correct, then the definition imposes an unacceptable constraint on academic freedom or free speech at UCL on a matter about which there is legitimate scholarly and public debate, irrespective of the views of the Working Group or members of Academic Board on the merits of these various positions.

There are several additional questions discussed in the Working Group which Academic Board should also consider:

- A) Are group-specific definitions of racism and prejudice desirable or useful at UCL? Given that UK law and UCL policies already provide reasonably precise definitions of discrimination, harassment and victimisation, and that the protections against these behaviours apply without limitation to groups defined by religion and/or ethnicity (both of which are 'protected characteristics'), what are the advantages and disadvantages of supplementing these general definitions with group-specific details? Under what circumstances do the advantages (if any) outweigh the disadvantages (if any)?

The answer to these questions might well differ from group to group (depending, for instance, on the current level of community understanding about that specific type of prejudice). On the other hand, if it is decided that some groups will receive group-specific definitions and others not, then this raises unavoidable issues of fairness and consistency.

- B) It is also important to distinguish between the various purposes that a group-specific definition of prejudice – such as a definition of antisemitism – can serve. On the one hand, the purpose can be educational: to enlighten the UCL community about the nature of anti-Jewish prejudice, how to recognize it, and how to combat it. This can be very important if (as we have contended in Section III) anti-Jewish prejudice is widely underestimated by the UCL community and even classic antisemitic tropes are frequently not recognised as such.

On the other hand, the purpose of a definition can be proscriptive: to specify forms of conduct or speech that will be prohibited and/or punished. One serious danger is that these two purposes will be conflated: for instance, definitions adopted initially for educational reasons may later be treated, without further discussion or debate, as proscriptive.⁴¹

⁴¹ Indeed, a slippage of this type may already have occurred, even prior to UCL's official adoption of the IHRA definition, in the run-up to the "Responsibility of Intellectuals" book launch: see Appendix B.

- C) Furthermore, if the definition is intended to be proscriptive, one has to inquire about its relation to, and compatibility with, UK law and other UCL policies. For instance, if UCL decides to stigmatize certain behaviours or ideas as antisemitic and to prohibit them in one way or another (e.g. by vetoing proposed events or speakers), the question arises: Do these behaviours constitute discrimination or harassment as already defined by UK law? If yes, then what is gained by prohibiting them explicitly, given that they are already prohibited by law and by UCL policy? And if no, then is it wise for UCL to impose prohibitions on the expression of ideas that go beyond those required by law?
- D) Indeed, this raises the further question of whether such an extended prohibition would even be lawful, given UCL's duty under the Education Act (No. 2) 1986 to 'take such steps as are reasonably practicable to ensure that freedom of speech *within the law* is secured for members, students and employees of the establishment and for visiting speakers.' It also raises the question of compatibility with UCL's Code of Practice on Freedom of Speech, which states unequivocally that 'the only constraints on the duty to secure freedom of speech are those imposed by the law. It is therefore for the law, not for institutions, to set limitations.'
- E) Finally, let us suppose that in some particular case it is decided that a group-specific definition would be, on balance, desirable; and let us further suppose that it has been decided whether the definition should be understood as educational, proscriptive, or some specific combination of the two. Then (and only then) the question arises: What is the most appropriate definition of that particular type of prejudice? More specifically, in the case at hand: What are the advantages and disadvantages of the IHRA working definition of antisemitism, compared to other available definitions?

The remainder of this section addresses these issues from the perspective of advocates and critics of the IHRA definition.

D. Advocates of the IHRA Working Definition

In 2016, the parliamentary Home Affairs Select Committee recommended that the IHRA working definition 'should be formally adopted by the UK Government, law enforcement agencies and all political parties, to assist them in determining whether or not an incident or discourse can be regarded as antisemitic'.⁴² It included the two caveats discussed above. Ever since then, the UK government under the Conservative party has been a strong advocate for adopting the IHRA definition of antisemitism, most recently in a letter by Secretary of State Gavin Williamson to leaders of UK universities.⁴³

There have also been scholarly articles by advocates of the IHRA. For instance, Bernard Harrison, Professor Emeritus of Philosophy at the University of Sussex, has argued that there

⁴² <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/136/13602.htm>.

⁴³ <https://www.theguardian.com/education/2020/oct/09/williamson-accuses-english-universities-of-ignoring-antisemitism>. See also Appendix F.

are at least two different types of antisemitism that need to be recognised and distinguished.⁴⁴ One is ‘an emotional disposition ... consisting in hostility to individual Jews as Jews’. Harrison terms this *social antisemitism*. But, he continues, there is another type of antisemitism, namely a body of pseudo-explanatory theory concerning the Jewish community considered as a supposedly coherently organized and unified political force, ‘The Jews,’ and the supposedly crucial role holders of the theory imagine this force to play in the direction of world affairs (Harrison, 2019, p. 20). He calls this body of theory *political antisemitism*, and observes that

Political antisemitism has an emotional tone of its own, but it is a different emotional tone from that of social antisemitism. Social antisemitism feeds on personal dislike and contempt for individual Jews, but seldom involves *fear* of Jews as a group. Natural self-regard, after all, disinclines us to *fear* those we regard as grossly inferior to ourselves. Political antisemitism, on the other hand feeds precisely on fear, not to say panic: fear of the hidden threat constituted by the arcane financial and conspiratorial power wielded by “The Jews” considered not as a mere collection of unpleasant and contemptible individuals, but as a supposedly collectively organized force in world affairs.

Harrison criticises accounts of antisemitism that focus solely on social antisemitism,⁴⁵ and he stresses the role that political antisemitism played in bringing about the Nazis’ mass murder of European Jewry:

One does not go to the expense and trouble of liquidating very large numbers of people because one happens to dislike and despise them. One does it because one fears them. The growth of political antisemitism in Europe from the late nineteenth century onwards gradually fixed in many simple people’s minds the insane idea that their Jewish neighbors belonged secretly to a worldwide conspiracy whose activities threatened everything that they, the simple people, believed in. Without the spread of such mass delusions, not solely the work of the Nazis but industriously encouraged by them, it is difficult to see how the Holocaust could have taken place.

To be sure,

It has become conventional to assume that political antisemitism, as sketched above, was a delusion confined to the Nazi party: one that for that reason became briefly significant in the thirties and forties of the last century, but that has since ceased to play any important role in world affairs. That comforting illusion can be dispelled in many ways: for example, by close attention to the speeches of Mahmoud Ahmadinejad, President of Iran from 2005 to 2013. But it is more or less true that until quite recently political antisemitism, with the exception of certain tiny groups on the extreme right and left of

⁴⁴ Harrison, Bernard (2019) “Israel and antisemitism,” *Journal of Contemporary Antisemitism* 2(1), 19-28.

⁴⁵ It is not clear how this is an argument *in favour* of the IHRA, given that the IHRA’s ‘non-legally binding working definition’ refers only to *hatred* of Jews as the defining criterion for antisemitism. Indeed, Harrison himself observes that ‘we delude ourselves if we suppose that the nature of antisemitism is fully or exhaustively captured, either by the opening statement of the IHRA document, or by Sir Stephen Sedley’s thumbnail definition [‘hostility towards Jews as Jews’], both of which make it out to be a mental disposition, state of mind, *and only that*.’ (ibid, p. 26). For Sedley’s view, see “Defining Anti-Semitism,” *London Review of Books* 39(9), 4 May 2017, <https://www.lrb.co.uk/the-paper/v39/n09/stephen-sedley/defining-anti-semitism>.

politics, and a certain number of writers and intellectuals, played very little part in British life. For the most part British antisemitism has generally taken the form of social antisemitism: hostility to Jews as Jews.

But, Harrison argues,

Of late years that has changed. Since 1967 and the Six Day War that left in Israeli hands what was then Jordanian territory but has since been known as the Occupied Territories, or the West Bank, hostility to Israel has become a defining characteristic of left-wing opinion across the West.

He then continues, more controversially:

Given the nature of left-wing politics, any issue important to the Left tends to take on the status of a moral crusade. A further incentive to moralize the question of Israel stems from the wide appeal, to many, perhaps most, sections of the Western Left, of the proposition that Israel is in some sense an “illegitimate” state, one which should never have been allowed to come into existence. Much evidence suggests that those who favor that view would not find any difficulty in welcoming the existence of a state within the same borders as Israel, provided it were one possessing an Arab-majority, and presumably also Muslim-majority, population and government. What is supposedly “illegitimate” about Israel comes down, therefore, to the fact that it is a Jewish-majority state.

On this basis Harrison argues that the IHRA ‘examples’ that refer to Israel do indeed constitute antisemitism:

[Because of] the extreme generality of these charges, together with their incompatibility with evident matters of fact concerning Israel, I suggest that what we confront in these “criticisms” is not ... valid political debate concerning the rights and wrongs of Middle Eastern politics, but rather the collective defamation and demonization of the Jewish community, by its being represented, in effect, as a community united in support of Nazism, racism, colonialism, and war, and as a potentially traitorous Israeli fifth column. These are exactly the kind of charges that fueled, in pre-War Europe, the widespread climate of hostility to Jews that culminated in the Holocaust; and many Jews, having understandably long memories, see no reason why they should not do so again.

Although the Working Group is not ultimately persuaded by Harrison's arguments, for reasons that we will explain in the next subsection, it is important that the questions he raises be debated openly and forthrightly.⁴⁶

Another scholarly defense of the IHRA definition of antisemitism is provided by Lesley Klaff, Senior Lecturer in Law at Sheffield Hallam University and a member of UK Lawyers for

⁴⁶ It seems that Harrison considers only extreme versions of anti-Zionist views, which he criticizes for ‘incompatibility with evident matters of fact’, while failing to engage more nuanced critiques of Israeli policy or of Zionism that can also fall afoul of the IHRA examples.

Israel.⁴⁷ Klaff concentrates on the situation at UK university campuses, and argues – clearly alluding to the UK law on harassment – that

Although student supporters of Palestine may not *intend* to be antisemitic, and vehemently deny their antisemitism, the *effect* of their rhetoric is to harass those students who support Israel, the overwhelming majority of whom are Jewish, and some of whom are Israeli. The creation and maintenance of a hostile campus environment for Jewish and Israeli students inevitably harms the quality of their student experience and jeopardizes their educational opportunities, not least because it causes them to suffer emotional distress and anxiety, and puts them in fear of physical harm.

She recounts in detail the antisemitism complaint brought by a Jewish student against an unnamed UK university, ‘the University’s response, and the appeal decision by the Office of the Independent Adjudicator [for Higher Education] as a case study in order to discuss campus antisemitism in Britain and to put it in the context of the relevant law and the wider political issues.’⁴⁸ The OIA found that the student’s complaint was Partly Justified, and ‘recommended that the University compensate [the student] to the tune of £3,000 ... and required the University to remedy the failings identified in its review.’

The student’s complaint

alleged that the University tolerated anti-Israel activity on campus that crossed the line from legitimate criticism of Israel into antisemitism and harassment. It listed appalling Facebook posts by the University’s Palestine Society that went way beyond the right to free speech and created a hostile environment for him. These posts and tweets, *inter alia*, accused Israel and Israelis of genocide, deliberately killing Palestinian children, deliberately killing other Palestinian civilians, war crimes, atrocities, using chemical weapons, ethnic cleansing, inhumanity, cruelty, behaving like Nazis, sexual and other abuse of Palestinian children (including abduction and human trafficking), stealing Palestinian organs, being racists and fascists, and rejoicing in Palestinian deaths.

(Klaff does not clarify whether these were official posts of the Palestine Society, or posts by individual commenters).⁴⁹ The student argued in his complaint that

these posts contributed to “an intimidating campus climate” and that he felt “intimidated and afraid to mention Israel on campus or to wear my Star of David or my skull cap for fear of being picked on.” He said that “they are based on lies and half-truths about Jews,

⁴⁷ Klaff, L. (2017) ‘Contemporary antisemitism on the UK university campus: a case study and context,’ <https://shura.shu.ac.uk/18854/1/Klaff%20Contemporary%20Antisemitism%20on%20the%20UK%20University%20Campus%202.pdf> An abridged version was published in *Justice Magazine* 59, 19-25 (2017).

⁴⁸ Klaff states that she “worked on the case along with a retired former solicitor named David Lewis who, like me, was affiliated with UKLFI [UK Lawyers for Israel] at the time the antisemitism complaint was brought.”

⁴⁹ It can be contended that some of these items are factually true when properly qualified – war crimes in some instances; ethnic cleansing during the 1948 war; a small number of Israelis rejoicing in Palestinian deaths (for example, the BBC has reported on celebratory anniversary gatherings held at the site of the 1994 massacre of nine Palestinians by Baruch Goldstein in Hebron, see: http://news.bbc.co.uk/1/hi/world/middle_east/685792.stm) Others are gross exaggerations (e.g. implying that *most* Israelis rejoice in Palestinian deaths), or outright falsehoods.

invoking blood libel motifs, stereotypes and defamations on campus and online, creating a threatening mob mentality.”

The student furthermore

explained the EUMC [later IHRA] Working Definition of Antisemitism and invited the University to formally adopt it in order to identify all forms of antisemitic expression on campus and to identify clear protocols for addressing it.

However,

the University refused to formally adopt the EUMC Working Definition of Antisemitism as [the student] requested, even in order to help it decide the outcome of his complaint, preferring instead to conclude that the formal adoption of the EUMC Definition was a “policy matter” that was beyond the scope of the student complaints procedure. This allowed the University’s decision to be based on the subjective views of the administrator who decided [the student’s] case.

Accordingly, despite an evidence file spanning 154 pages, the University found that evidence of antisemitism from [the student’s] complaint was “not conclusive” and suggested that [the student] was conflating criticism of Israel with anti-Jewish prejudice.

The University’s Complaint Response stated that:

[the student’s] complaint reflects a tendency to think that those who oppose the policies and actions of Israel as a state or government are antisemitic and prejudiced against Jews. ... The complaint appears to conflate being anti-Israel with being anti-Jewish and opposition to Israel on political or moral grounds with hatred on religious and racial grounds.

According to Klaff,

This separation of hatred of Israel from hatred of Jews is a typical mode of denial of antisemitism for someone on the anti-Zionist left.

Klaff also points out that in the absence of a precise working definition of antisemitism,

UK universities ... have nothing to guide them in identifying or addressing antisemitism on their campuses. ... [T]he student complainant has to rely on the personal understanding, awareness and knowledge of antisemitism of the university administrator who happens to decide the outcome of the complaint.

She continues, more controversially, that

This is a risky business, however, as inevitably some university administrators are anti-Zionist and will share the same antisemitic and/or anti-Zionist assumptions and attitudes that form the basis of the student complaint.

Klaff contends that

Unless and until the IHRA Working Definition of Antisemitism ... is properly implemented by UK universities to decide the outcome of campus antisemitism complaints, any decision is likely to be influenced by the ideological perspective and unconscious bias of the university administrator who makes it.

However, she does not offer in her article any specific arguments in favour of the IHRA definition as opposed to other possible definitions. She notes that the IHRA ‘provides explicit examples of how antisemitism can be manifested, when context is taken fully into account, with respect to the State of Israel’ while also ‘mak[ing] it clear that criticism of Israel similar to that levelled against any other state is not a form of antisemitism;’ but she does not defend the specific examples given by the IHRA or explain why in her view they constitute proof of antisemitism.⁵⁰

For this reason, we do not find Klaff's contentions in favour of the IHRA working definition convincing. Nevertheless, we are troubled by the issue she has raised: Under what conditions (if ever) can political debates on a university campus become so vicious as to constitute harassment in the sense of UK law, i.e. creating an intimidating, hostile, degrading, humiliating or offensive environment for some subgroup of students? Or is this a slippery slope that inevitably leads to infringements of the freedom of expression and the truncation of legitimate political and academic debate?⁵¹

These issues formed the backdrop for the Working Group's discussion with the leaders of the UCL Jewish Society (JSoc). Jewish student leaders evinced a great deal of frustration with existing procedures of enforcement against discrimination. Members of the Jewish Society had been of the view that although antisemitism was a real issue on campus, the institution either did not have, or did not effectively use, the tools necessary to address the situation.

In discussions with the Working Group, the outgoing and incoming head of JSoc appreciated that the IHRA working definition was not perfect, but asserted that Jewish students did report feeling safer on campus following its adoption.⁵² Those who had supported it did not have an issue with criticism of the state of Israel, but with calling into question the right of that state to exist, a matter discussed in more detail above. The students felt that antisemitism had a history

⁵⁰ Later in the article, however, she *assumes* the validity of the IHRA working definition to conclude that Israeli Apartheid Week events are of necessity antisemitic: “These terms [“apartheid” and “settler-colonialism”] amount to an allegation that Israel is a racist endeavor, and that it has been since its very inception, and for that reason, they fall within the IHRA Definition.” Both Harrison and Klaff have jointly defended the use of the IHRA working definition in a 2020 article that is also notable in its attempt to construe the examples as a second definition. See Bernard Harrison and Lesley Klaff, “In Defence of the IHRA Definition,” *Fathom*, January 2020, <https://fathomjournal.org/in-defence-of-the-ihra-definition/>.

⁵¹ In the case recounted by Klaff, the student's harassment complaint was not directed against the Palestine Society, but rather against the university. Klaff is contending that the University administration's *toleration* (i.e. non-censorship) of the Palestine Society constitutes harassment *on the part of the university*. We find this line of argument extremely troubling and potentially dangerous.

⁵² This resonates with the view held by representatives of the UCL Islamic Society who expected that the adoption of a definition of Islamophobia at UCL will improve a subjective feeling of greater protection from harassment.

of evolving to reflect the historical circumstances and it was important to remain vigilant against the possibility of its adopting and finding expression in new forms.

The Working Group enquired whether the aims behind adopting the definition might more effectively be achieved through methods more appropriate to a university's mission – for example, an educational campaign about the history of antisemitic tropes, including images and textual constructions. JSoc leaders said they would welcome both approaches but felt that the definition had its own power because it was developed by an organization (the IHRA) that they regarded as legitimately representing communal Jewish interests.⁵³ Its adoption by UCL, JSoc leaders contended, represented a strong statement that the institution accepted the right of any minority to define its own oppression. This assertion was made in various forums during the UCL debate over the IHRA and should not go unchallenged given the logic behind it.⁵⁴

A procedural point was also raised regarding the efficacy of JSoc's course of action towards adoption in the light of how divisive the IHRA working definition has been among many staff and students at UCL.⁵⁵ The Working Group enquired whether the Jewish Society had considered approaching academic staff – for example, staff in the Department of Hebrew and Jewish studies – about these difficult questions. The academic staff union, UCU, had been concerned not to have been consulted on a matter potentially impacting the rights of staff to practice their academic work and that might lead staff to be disciplined. As explained by the outgoing President of the Jewish Society, the group had taken the matter directly to the Provost as a matter of course and through lack of familiarity with UCL structures. JSoc leaders conceded it might have been more constructive to first discuss the matter with staff who would be affected by the definition as well.

E. Critics of the IHRA Working Definition

It should be noted from the outset that there is a vast scholarly literature exploring the very concept of a viable definition of antisemitism, and the challenges that attend to any definition.⁵⁶

⁵³ It should be clarified that according to its own mission and history, the IHRA does not represent Jewish communal interests, but rather “unites governments and experts to strengthen, advance and promote Holocaust education, research and remembrance.” See <https://www.holocaustremembrance.com/about-us>. The Board of Deputies of British Jews and the Jewish Leadership Council do endorse adoption of the IHRA.

⁵⁴ At the Student Union meeting on 21 January 2019 to debate the IHRA, one representative of JSoc expressed the view that “Jewish students alone” can define antisemitism, echoed by the view of JSoc's outgoing president in his conversation with the WG on 19 June 2020, that “oppressed social groups alone can define their oppression.” This seems a highly problematic approach and understanding of public, reasoned debate. Listening to the targets of antisemitic (and sexist, racist, ageist, ableist etc) abuse and harassment is essential and necessary, but it cannot be the sole criterion for defining such abuse. The notion that only directly affected minorities have a right to define their own oppression is often based on a misinterpretation of the Macpherson Report. It risks taking away any ground for minorities to show solidarity and can also invite those who claim to represent white majorities to define “their own oppression.” Of course what minorities think is important, but it cannot be decisive.

⁵⁵ Recall, for example, the heated debate over this issue at the Student Union and the Academic Board; see letters to Council from AB and UCU as well as Arab and Palestinian members of UCL to AB, included in Appendix D.

⁵⁶ See, for example, the 2018 roundtable on “Rethinking Anti-Semitism,” in *The American Historical Review*, Volume 123, Issue 4, October 2018, Pages 1122–1245; Gavin Langmuir, *Towards a Definition of Antisemitism*, Berkeley, 1990; and David Engel, ‘Away from a definition of antisemitism: an essay in the semantics of historical description’ in Jeremy Cohen and Moshe Rosman, *Rethinking European Jewish History*, Oxford, 2009, pp.30-53.

When it comes to the IHRA working definition, a number of prominent legal experts and scholars on antisemitism have argued that it is highly problematic and lacks clarity, undermining its effectiveness as a tool for addressing antisemitic harassment. Thus, the key passage within the primary definition, that ‘Antisemitism is a certain perception of Jews, which may be expressed as hatred towards Jews,’ has been described by the Director of Birkbeck’s Pears Institute for the Study of Antisemitism as ‘bewilderingly imprecise.’⁵⁷

Moreover, the primary author of the IHRA definition, the US lawyer and expert on antisemitism Kenneth Stern, has himself argued that it should not be deployed in university settings. For over twenty-five years, Stern was the lead expert on antisemitism at the American Jewish Committee, and he has trained over 200 university presidents on how to respond to campus bigotry. As he explained by e-mail to the chair of the Working Group, ‘I believe this use of the definition not only harms academic freedom but will also harm the interests of Jewish students and faculty. There are other things campuses can and should do that would be much more effective to deal with antisemitism.’⁵⁸ Stern has set forth the details of his reasoning in testimony to the US Congress at a November 2017 hearing on ‘Examining Anti-Semitism on College Campuses’ – where he argued *against* proposed legislation that would enshrine the IHRA working definition in US antidiscrimination law.⁵⁹

The scholarly criticisms of the IHRA definition unfold along two principal lines:

- (a) the vagueness and narrowness of the basic ‘working definition’ of antisemitism, and
- (b) the problematic nature of several of the ‘examples,’ most notably those referring to the State of Israel.

Both of these aspects were elaborated in a critique of the IHRA working definition signed by 44 members of Academic Board, including several historians of antisemitism and related fields as well as prominent legal scholars, in February 2019.⁶⁰ Their open letter to UCL Council in opposition to the proposed adoption of the IHRA definition (reproduced in full in Appendix D) began as follows:

We write as members of the Academic Board (AB) to oppose UCL’s adoption of the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism. We are deeply concerned about patterns of antisemitism on the right and the left in the United Kingdom and across Europe, as well as internationally, and strongly repudiate antisemitism in all forms. For this reason, we want UCL to pursue such incidents

⁵⁷ See David Feldman, “Will Britain’s New Definition of Antisemitism help Jewish People?” *The Guardian*, 28 December 2016, <https://www.theguardian.com/commentisfree/2016/dec/28/britain-definition-antisemitism-british-jews-jewish-people>.

⁵⁸ E-mail, Kenneth Stern to Dr. Seth Anziska, Department of Hebrew and Jewish Studies, 22 February 2019. For the US context, see Kenneth S. Stern, “Will Campus Criticism of Israel Violate Federal Law?” *The New York Times*, 12 December 2016, <https://www.nytimes.com/2016/12/12/opinion/will-campus-criticism-of-israel-violate-federal-law.html>.

⁵⁹ See: <http://kenneths Stern.com/wp-content/uploads/2019/02/Kenneth-Stern-Testimony-House-Judiciary-Committee-110717.pdf>.

⁶⁰ See 27 February 2019 open letter to Council from AB members, and 27 February 2019 letter from UCL UCU, available in Appendix D.

seriously, rather than opt for a symbolic measure that can do more harm than good. Alongside the real risk to academic freedom at UCL, the IHRA definition does not provide sufficient protection against hateful speech nor does it ensure institutional action to address antisemitism on campus.

It is our view that adoption of this language by Council will actually undermine – rather than advance – efforts to tackle antisemitism in a substantive and meaningful way at UCL. Such an outcome would exacerbate the troubling climate around this issue at the university, not least for UCL’s Jewish students and staff. ...

In the detailed memo that follows, we lay out expert opinions and examples to underscore the incoherence of the definition, the danger it poses to free speech and academic freedom, and the institutional abnegation of responsibility that its adoption will signal for UCL’s broader efforts to address antisemitism and other forms of racism.⁶¹ Among our primary concerns:

1. The definition is deeply flawed and problematic from both a practical and scholarly point of view. It has been challenged by leading experts on antisemitism, including the primary author of the definition itself, Kenneth S. Stern, who strongly opposes its use in university settings and is on record opposing the proposal in front of UCL’s Council.
2. Adopting the IHRA definition would be a clear threat to academic freedom within UCL’s classrooms and student societies. It undermines free speech, mingling antisemitism with legitimate criticism of Israel and advocacy of Palestinian rights. Several examples from the UK and US are included to demonstrate the risk of its use in academic settings.
3. There is no evidence to show that the IHRA definition ‘works.’ Although there are many examples of performative ‘adoptions’ of IHRA, it does not guarantee that antisemitism will be tackled in substantive terms. We do not believe that the adoption of this definition will help to improve the atmosphere at UCL, but rather it will exacerbate the situation.
4. The definition shifts attention from UCL’s responsibility to foster an inclusive environment to a disciplinary process against ‘hate speech.’ This is a reductive approach that frames racism as an individual action or trait rather than a systemic issue. By exempting institutional racism, the IHRA adoption would make it harder, not easier, to challenge UCL on institutional failings.

⁶¹ These included the opinion of Hugh Tomlinson, QC: <https://freespeechonisrael.org.uk/ihra-opinion/#sthash.LvU36E7LAVSU1243.dpbs>; and Geoffrey Robertson, QC: <https://freespeechonisrael.org.uk/wp-content/uploads/2018/08/Geoffrey-Robinson-QC-opinion-on-IHRA.pdf>; as well as Yair Wallach, “How to Protect British Jews,” *Haaretz*, 26 July 2018, <https://www.haaretz.com/world-news/.premium-how-to-protect-british-jews-from-labour-s-institutional-anti-semitism-1.6315672>; and Rebecca Gould, “The IHRA Definition’s Imprecision,” *Prospect*, 7 September 2018, <https://www.prospectmagazine.co.uk/politics/the-ihra-definitions-imprecision-makes-it-a-threat-to-free-speech>.

An extremely detailed and balanced scholarly examination of the IHRA working definition and examples was published last year by the German sociologist Peter Ullrich.⁶² The main points of his analysis can be summarized very briefly as follows:

- 1) The core definition (“a certain perception of Jews”) “is characterized by immense vagueness. ... The explanation that follows in the second part of the sentence merely offers an indirect clarification by mentioning one way in which antisemitism ‘may’ but need not be expressed (‘hatred toward Jews’).” The purported “definition” is thus extremely far from meeting either scholarly or legal standards for precision.
- 2) The limitation to “hatred” covers one type of antisemitism but excludes many others that should non-controversially be regarded as antisemitic. This critique was made also by advocates of IHRA such as Bernard Harrison (see Section V.D).
- 3) “The vagueness of the core definition increases the significance of the explanatory notes and examples to elucidate the content of the definition. ... However, due to their linguistic style, in particular several formulations with modal verbs indicating a possibility, they suffer from the same problems as the core definition.”
- 4) “[T]he aspects referenced in the explanatory notes and examples are not merely illustrations of the conceptual scope delimited (albeit vaguely) by the definition, but rather expand it.” Some of these expansions describe phenomena that are indisputably antisemitic but nevertheless lie outside the core definition based on “hatred” (for instance, conspiracy theories about Jews). Others - notably those referring to Israel - are more problematic.
- 5) The IHRA is correct to highlight the fact that contemporary antisemitism is often expressed in virulent criticism of the state of Israel. But the IHRA fails to give adequate criteria for distinguishing, among such virulent criticisms, those that are antisemitic from those that are not.

After analyzing several of the IHRA ‘examples,’ Ullrich concludes that

none of the examples problematized here are wrong. However, in view of their ambiguity, classifying the described types of occurrences as antisemitic requires additional information or, as the explanatory note in the ‘Working Definition’ rightly but too tersely puts it: ‘taking into account the overall context’.

Below we examine the IHRA ‘examples’ in greater detail.

Some of the IHRA examples are noncontroversial, and refer to ideas that would be considered antisemitic under any reasonable definition, such as:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the

⁶² Peter Ullrich, “Expert opinion on the “Working Definition of Antisemitism” of the International Holocaust Remembrance Alliance,” Rosa Luxemburg Stiftung, October 2019, <https://www.rosalux.de/en/publication/id/41168/expert-opinion-on-the-international-holocaust-remembrance-alliances-working-definition-of-antisemi/>.

myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.

- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Holding Jews collectively responsible for actions of the state of Israel.

Indeed, it seems to us that any claim about ‘Jews’ (or any other group) collectively is misguided; and if the claim is derogatory, then it is antisemitic.

On the other hand, three of the other examples are arguably not concerned with Jews qua Jews, but rather with the State of Israel:

- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.

There is a great deal of disagreement on the first of these examples. Critics have pointed to the fact that Palestinians, as a stateless people, have been routinely denied self-determination. While the State of Israel is a self-declared Jewish state, and approximately 74% of its population is Jewish by ethnicity or religion, not all citizens identify as such or accept the validity of the relevant nation-state law passed in the summer of 2018, which states that self-determination in Israel is exclusive for Jews.⁶³ Moreover, most Jews in the world are not citizens of Israel; in particular, only about 6% of UK Jews are sole or dual Israeli citizens.⁶⁴ As the most recent data on Jewish attachments to Israel in Great Britain have made clear, many Jews see Israel as a central part of their Jewish identity, have visited frequently, may have family members living there, and often have close emotional ties to the country. Others do not feel any attachment to the Israeli state. Irrespective of these personal connections, many Jews have often been vocally opposed to various state policies regarding the Palestinians.⁶⁵ As the Working Group discerned from the work of critics, not all Jews felt that they were represented

⁶³ The Israeli Law of Return (1950) grants all Jews the right to immigrate to Israel and to gain Israeli citizenship. This law was amended in 1970 to include people with one Jewish grandparent, and any person married to a Jew, whether or not he or she is considered Jewish under Orthodox definitions. The “Basic Law: Israel - The Nation State of the Jewish People,” [adopted](#) by the Knesset in 2018, defines the State of Israel as the nation-state of the Jewish people, emphasizing that “The exercise of the right to national self-determination in the State of Israel is unique to the Jewish People.” It has recently been used to justify a municipal policy in the city of Karmiel that blocks access to schools for Arab children. See Noa Shpigel, “‘It’s a Jewish City’: Court Rejects Lawsuit by Arab Students, Citing Israel’s Nation-state law,” *Ha’aretz*, 30 November 2020, <https://www.haaretz.com/israel-news/premium-it-s-a-jewish-city-court-rejects-lawsuit-by-arab-students-1.9337764>; and *Adalah*: The Legal Center for Arab Minority Rights in Israel, 30 November 2020, <https://www.adalah.org/en/content/view/10191>.

⁶⁴ David Graham, “Britain’s Israeli diaspora: A demographic portrait” (Institute for Jewish Policy Research, London, 2015), https://www.jpr.org.uk/documents/JPR.2015.Britains_Israeli_diaspora.pdf, pages 4 and 6.

⁶⁵ See Graham and Boyd (2010) ‘Committed, concerned and conciliatory: the attitudes of Jews in Britain towards Israel’. Institute for Jewish Policy Research, July 2010; and Miller et al (2015) “The attitudes of British Jews towards Israel”, City University, London.

by the IHRA working definition, and particularly those who were uncomfortable with any automatic conflation of antisemitism with anti-Zionism. This conflation stems from the intertwining of questions of race, religion and politics, particularly when it comes to the history of Judaism, Zionism, and diasporic identities. There is also an open debate between proponents of the view that a particular state might be racist and the suggestion that the establishment of that state was in itself a racist endeavour.

Furthermore, as critics of these examples have pointed out, not everyone accepts that the ‘Jewish people’ (however that might be defined) have a right to self-determination in the form of a nation-state, any more than the Kurdish people or the Basque people do. Reasonable people can agree or disagree with that proposition, without being antisemitic. In addition, reasonable people can contend that it was a mistake to create the State of Israel as an ethnocentric Jewish state in 1948; and they can also contend that this mistake was motivated in part by racism, i.e. by treating the interests of the Arab residents of Palestine as less worthy or less important than the interests of the Jewish residents of Palestine. Finally, reasonable people can contend that the legal framework of the State of Israel is or always has been intrinsically racist, in the sense that some citizens of the country (the Jewish ones) are legally privileged above other citizens (the non-Jewish ones).⁶⁶

Of course, some of the people advocating these positions might indeed be antisemitic. But that would have to be proven by other aspects of their statements or behaviour (such as the noncontroversial examples of antisemitism cited above), not merely by their opposition to Zionism. As it would apply within a university, if a student or staff member felt a critical statement about Israel was racist or antisemitic, should they be able to report this on the basis of the IHRA working definition? Can university administrators distinguish between anti-Zionism and ‘racist or antisemitic anti-Zionism’? And why should anti-Zionists, many of whom are themselves Jews, be singled out for examination in this way? These are difficult questions that confronted the Working Group and have not been answered by Council’s decision to adopt the IHRA working definition.

There is also criticism with regards to the second of the above examples, ‘Applying double standards by requiring of it [i.e. Israel] a behavior not expected or demanded of any other democratic nation.’ As Lara Friedman, the President of the Washington-based Foundation for Middle East Peace has argued, this wording has ‘paved the way for attacking virtually all criticism of Israel as *prima facie* anti-Semitic, based on the simplistic argument that focusing criticism on Israel, when other nations are guilty of similarly bad behavior, can only reflect animus against Jews. According to this logic, it is anti-Semitic to challenge Israel’s occupation of Palestinian lands—unless one is equally challenging occupation anywhere. Likewise, boycotting or calling to boycott Israel or settlements to protest violations of Palestinian rights is considered anti-Semitic—unless one is similarly boycotting every country guilty of violating

⁶⁶ On the question of Israel’s legal framework, the website of the civil society organization *Adalah*: The Legal Center for Arab Minority Rights in Israel, lists over sixty laws as discriminatory, including eg. the Absentees’ Property Law 1950, the main legal instrument used by Israel to take the property of the Palestinian refugees. See: <https://www.adalah.org/en/law/index>.

the rights of any people, anywhere.’⁶⁷ In practice – critics of the IHRA have argued – it can be used to stigmatize criticisms of Israeli policy as ‘antisemitic’ on the basis of statements that *supporters* of Israeli policy judge to be based on a ‘double standard.’

In fact, several prominent advocacy organizations supporting adoption of the IHRA working definition have been explicit in arguing that all the examples are *necessarily* antisemitic. Friedman points to the consequences in the US, focusing on the State Department’s targeting of humanitarian and civil society groups like Amnesty International, Human Rights Watch, and Oxfam, which may be labeled antisemitic by relying in part on the IHRA working definition.⁶⁸ This pivots on an increasingly prevalent interpretation of the IHRA that would deem supporters of the Boycott, Divestment, and Sanctions Movement (BDS) against Israel as antisemitic. As Friedman argues, this development ‘Is not an isolated outrage, as it is being treated by some longtime [backers](#) of the IHRA definition who appear shocked to see the definition used this way, like the [Anti-Defamation League](#). Rather, it is an inevitable consequence, intended or not, of the effort to enforce the IHRA’s politicized definition of anti-Semitism, and the dangerous implications of this effort cannot be overstated.’⁶⁹

Such concerns are not limited to the US. As critics have pointed out, this is also the case among advocates for the IHRA working definition in the UK. The Antisemitism Policy Trust, for example, recently issued a guide to the IHRA where it states, concerning ‘double standards’, that

‘This form of antisemitism can include the Boycotts, Divestment and Sanctions (BDS) Campaign. On a surface level, this form of political pressure is not antisemitic. However the campaign has been argued to violate [Natan] Sharansky’s 3D test⁷⁰ in respect of Double Standards. The All Party Parliamentary Inquiry into Antisemitism of 2015 noted that whilst BDS campaigns might be legitimate the organisers of such campaigns had to prove that there would be no antisemitic impact from them.’⁷¹

⁶⁷ Lara Friedman, “Weaponizing Anti-Semitism, State Department Delegitimizes Human Rights Groups,” *The American Prospect*, 12 November 2020, <https://prospect.org/politics/weaponizing-anti-semitism-state-department-delegitimizes-human-rights-groups/>.

⁶⁸ <https://www.politico.com/news/2020/11/11/pompeo-us-label-groups-anti-semitic-436081>.

⁶⁹ <https://prospect.org/politics/weaponizing-anti-semitism-state-department-delegitimizes-human-rights-groups/>.

For the most recent example of highly politicized interventions along these lines, see the recent 19 November 2020 [assertion](#) by the US State Department that “Anti-Zionism *is* Anti-Semitism” in the wake of Secretary of State Mike Pompeo’s press conference with Israeli Prime Minister Benjamin Netanyahu at which Pompeo stated that “we will regard the global anti-Israel BDS campaign as anti-Semitic.” See “Remarks to the Press,” 19 November 2020, <https://www.state.gov/secretary-michael-r-pompeo-and-israeli-prime-minister-benjamin-netanyahu/>.

⁷⁰ Israeli politician Natan Sharansky formulated this rule in 2003, arguing that what distinguishes antisemitic criticism from legitimate criticism of Israel consists of Demonization [of Israel]; Double Standards [in criticism of Israel], and Delegitimization [of Israel]. See Sharansky’s forward in the *Jewish Political Studies Review* 16:3-4 (Fall 2004), <https://www.jcpa.org/phas/phas-sharansky-f04.htm>.

⁷¹ Antisemitism Policy Trust, “A guide to the International Holocaust Remembrance Alliance working definition of antisemitism”, <https://antisemitism.org.uk/research-reports/>, pg 12. However, this is not what the 2015 report of the All-Party Parliamentary Inquiry into Antisemitism actually says (<https://antisemitism.org.uk/wp-content/uploads/2020/06/Report-of-the-All-Party-Parliamentary-Inquiry-into-Antisemitism-1.pdf>). Paragraph 140 states that: “Pro-Palestinian campaign organisers and activists have the right to protest against Israel but they must be pro-active in ensuring that in doing so they are not targeting kosher goods and distance themselves fully and vocally from any and all violence. Should they wish to boycott Israeli goods they are well within their right to do

Such an interpretation places the onus on BDS activists to prove themselves innocent, and one can see a direct parallel with accusations against lecturers at universities who may likewise be accused of antisemitism for political views that fall afoul of the IHRA.

While it is outside the scope of our Working Group to examine all these questions and several others that have been raised by critics, it is clear that opinions remain highly divided on the efficacy of the examples included with the IHRA working definition. Furthermore, in the view of critics, the fatal flaws in these examples are not mitigated by the one-sentence concession, elsewhere in the document, that ‘criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.’ The trouble, once again, is that the notion of ‘similar’ – like the notion of ‘double standard’ – is too vague and subjective to be useful as a *neutral* criterion for judging which criticisms of Israeli policy are antisemitic and which are not. The same defect applies, unfortunately, also to the Home Affairs Select Committee caveat that permits criticism of the Israeli government provided that it applies ‘the same standards’ as in criticism of other liberal democracies.

Indeed, as noted above, UCL’s adoption of the IHRA working definition included the caveats recommended by the Home Affairs Select Committee precisely in an effort to mitigate the potential chilling effects of that definition (and more specifically of its ‘examples’) on debate around Israel and Palestine. We now address the question of ‘chilling effects’ more explicitly.

F. The IHRA Working Definition: Its Effect on Academic Freedom and Free Speech

In several studies of the IHRA working definition, and in prominent debates over its adoption by national governments and social media platforms like Facebook, concerns over ‘chilling

so but they must be careful not to interfere with legitimate trading operations which are protected within the law and not to target shop owners based on their national origin which may fall foul of the Equality Act.”

Similarly, paragraph 236 states that: “People have a legitimate right to protest against Israel through boycott or other peaceful means. However, such protest becomes entirely illegitimate when constituting an attack on or intimidation of British Jews. We have set out that cultural boycotts, implemented in the way they were during the summer, were unacceptable. The boycott movement faces a challenge of how to put their tactics into effect while not slipping into antisemitism, unlawful discrimination or assaulting valued freedoms.”

Thus, the All-Party report's 2015 statement that boycott movements “face a challenge” of not slipping into antisemitism has become, in the Antisemitism Policy Trust's paper of 2020, an obligation upon the organisers of boycott campaigns “to *prove* that there would be no antisemitic *impact* from them.” This illustrates how the IHRA working definition, which in principle is “non-legally binding,” can be used as a quasi-legal document and create new legal demands (this is Rebecca Gould’s point in ‘Legal Form and Legal Legitimacy’, *op. cit.*).

On the other hand, in another briefing paper by the Antisemitism Policy Trust (“The IHRA working definition of antisemitism”, March 2020, (<https://antisemitism.org.uk/wp-content/uploads/2020/06/Web-IHRA-2020.pdf>), there is a categorical statement on pg. 6 that “boycotts are not covered by IHRA.”

At the very least, these divergent documents published by a single organisation within a single year suggest that universities (and others) do not know for certain what they are being asked to adopt when they consider adopting the IHRA working definition. More likely, they are being asked to adopt an ambiguous document which is the subject of a campaign to establish a more restrictive interpretation of its meaning. There are several other cases of alarming slippage in the characterisation of the IHRA working definition that the Working Group examined, which point to a proscriptive function that goes well beyond an educational role that would be appropriate for a university.

effects’ have been clearly expressed.⁷² The distinctions between antisemitism and legitimate political views (e.g. about the Arab-Israeli conflict or the promotion of Palestinian rights) are often blurred in public discourse, which in turn can silence legitimate criticism and have a potent chilling effect. A number of pertinent cases in the UK and beyond have highlighted this concern, from the cancellation of a charity event in aid of Palestinian children because of a London council’s fear of breaching the IHRA guidelines to event cancellations at universities, a notable trend that has affected US universities as well.⁷³

As our report underscores, these concerns are not merely theoretical even within our own institution. In the lead-up to Council’s adoption of the definition, two exemplary incidents during 2019 highlighted the potential violations of academic freedom and the troubling precedent for diluting free speech, especially around Israel and Palestine. This included the ‘Moving Objects’ exhibit on refugees in the Octagon gallery and the IAS book launch for *The Responsibilities of Intellectuals*.⁷⁴

In addition to the many academic colleagues and students who challenged the restrictions initially imposed on these events and in their aftermath, our discussions with the leadership of the Friends of Palestine Society (FoP) and the Islamic Society (ISoc) raised similar concerns about the IHRA working definition. The outgoing and incoming Presidents of the Friends of Palestine Society set out their misgivings about the IHRA definition’s examples, focused in large part on the State of Israel, arguing that the definition was at least in part designed to curtail protest around a political question. Even prior to the adoption of the definition, the FoP Society had experienced restrictions in organising events at UCL. Although permission to invite a speaker had never been denied, there was a significant administrative burden associated with bringing in certain speakers. This had included questioning on how the events were to be run, and requests for information on what speakers might say.

In discussions with the Working Group, the Islamic Society also noted that it had received a challenge from the student union about a speaker who was due to address a Palestinian topic even though this was not political in nature. This had followed an anonymous and unfounded complaint suggesting that the speaker in question had advocated for the terrorist attacks at London Bridge in November 2019. Such incidents made it more difficult to invite these speakers again. Student group leaders expressed concerns that speaking out on Palestine carried a risk to a students’ future at the university, or of being targeted under the Prevent strategy.

⁷² See, for example, Amos Goldberg, “Dear Facebook: Please don’t adopt the IHRA definition of antisemitism,” *The Forward*, 13 September 2020, <https://forward.com/opinion/454124/dear-facebook-please-dont-adopt-the-ihra-definition-of-antisemitism/>; and Jasmine Zine, Greg Bird and Sara Matthews, “Criticizing Israel is not antisemitic—it’s academic freedom,” *The Conversationist* 15 November 2020, <https://theconversation.com/criticizing-israel-is-not-antisemitic-its-academic-freedom-148864>.

⁷³ D. Gayle, ‘UK council refused to host Palestinian event over antisemitism fears’, *The Guardian*, 3 August 2019; <https://www.theguardian.com/uk-news/2019/aug/03/uk-council-refused-to-host-palestinian-event-over-antisemitism-fears>; Free Speech on Israel, ‘Selected cases of interference with free expression, 2017’, 11 December 2017; <https://freespeechonisrael.org.uk/interference2017/#sthash.LJvnkT5Q.LJKU85dK.dpbs>; and Palestine Legal, ‘Backgrounder on efforts to redefine antisemitism as a means of censoring criticism of Israel’, 13 October 2019, updated January 2020; <https://palestinelegal.org/redefinition-efforts>.

⁷⁴ <https://www.ucl.ac.uk/institute-of-advanced-studies/events/2019/oct/ias-book-launch-responsibility-intellectuals>, and see Appendix B.

Students from FoP appreciated that the two Select Committee caveats had been included in the text adopted by UCL, but feared that those caveats would not be reflected in practice. As a result, they said, many students avoid discussion of Palestine altogether, for fear of misrepresentation of what they might say. Free-speech advocates outside of UCL have amplified these concerns in prominent scholarly and public venues as well.⁷⁵

Both the precedent of particular instances that have transpired on UCL's campus and the objections raised by a wide range of critics suggest to our Working Group that the IHRA working definition may indeed pose a serious risk to academic freedom at UCL, one that has not been sufficiently addressed by Council, nor sufficiently safeguarded through procedural mechanisms to ensure the application of UCL's Code of Practice on Freedom of Speech.

G. The Equality Act and Antisemitism

One further concern surfaced in the Working Group's discussions with Sir Geoffrey Bindman QC, Visiting Professor in Laws at UCL. Bindman has specialised in anti-discrimination law, and has taken a particular interest in the IHRA working definition. He did not believe that the adoption of the definition by Council afforded any tangible additional protection to Jewish staff or students. Bindman argued that a legal framework already exists which provides protection against antisemitism on the grounds of ethnicity or religion, in the form of the Equality Act 2010 and the laws on incitement to racial hatred.

It is therefore valuable to explore briefly how the Equality Act bears on antisemitism and how it compares to the IHRA definition.

1. Under the Equality Act, antisemitism is construed broadly as discrimination or harassment against Jews, whether identified as an ethnic group ('race') or as members of a religion. Discrimination and harassment may apply not only to Jews as individuals and as a group, but also to people *perceived* to be Jewish by perpetrators.
2. The Equality Act prohibits harassment, defined as unwanted conduct directed towards a recipient that has the intention or effect of creating a hostile environment for them or violating their dignity, when that unwanted conduct is connected to a 'protected characteristic': for example, that the recipient is Jewish by descent or religion or is perceived to be Jewish. This is a broader definition than the IHRA, as it covers not only statements but also *acts*, which furthermore need not be motivated by 'hatred'; moreover, it does not require intent to be demonstrated.

⁷⁵ See the recent open letter by 122 Palestinian and Arab academics, journalists and intellectuals, "Palestinian rights and the IHRA definition of antisemitism," *The Guardian*, 29 November 2020, <https://www.theguardian.com/news/2020/nov/29/palestinian-rights-and-the-ihra-definition-of-antisemitism>; Rebecca Ruth Gould, "The IHRA Definition of Antisemitism: Defining Antisemitism by Erasing Palestinians," *The Political Quarterly*, 28 July 2020, <https://onlinelibrary.wiley.com/doi/full/10.1111/1467-923X.12883>; and the testimony of PEN America CEO Suzanne Nossel in front of the US House Judiciary Committee on 7 November 2017, discussed here by PEN America <https://pen.org/press-release/antisemitism-act-language-bill-misguided-approach-fighting-hate-campus/> and available in full on the House committee's website: <https://docs.house.gov/meetings/JU/JU00/20171107/106610/HHRG-115-JU00-Wstate-NosselS-20171107.pdf>.

3. Examples of harassment could include, in certain contexts, reference to stereotypes about Jews, conspiracies, blood libel, Holocaust denial, etc. Whereas in some circumstances criticism of the state of Israel could fall into this definition by reference to these stereotypes, conspiracies, etc., the identification of antisemitic acts would rest on those references, not on the reference to Israel. The Equality Act does not prohibit criticisms of a person's political beliefs – such as beliefs in favour of or against any state – even if those beliefs are linked in some way to a 'protected characteristic.'
4. Among its many provisions, the Equality Act prohibits all forms of direct discrimination against Jews. It prohibits segregation absolutely. It also requires steps to be taken to address indirect discrimination, such as the unintended consequences of ostensibly neutral policies. For example, it may be called upon to require UCL to adapt its procedures or timings to permit religious and cultural practice as far as is practicable.
5. The Equality Act is legally well-founded, with a large body of case law and legal precedent, and is legally enforceable, in that it can lead to prosecutions and civil action through the courts. Judgments are based on concrete circumstances, and often require balancing competing principles, such as freedom of expression, academic freedom, and equality considerations.
6. The Equality Act prohibits retaliation against complainants, termed 'victimisation', unless those complaints can be shown to be malicious.
7. The Equality Act includes a Public Sector Duty that places obligations on public bodies, including universities, to actively address issues of discrimination and community cohesion.
8. The same principles that apply to antisemitism apply to all forms of discrimination and harassment based on race (including ethnicity) or religion, such as Islamophobia.

By way of illustrative example, it might be useful to explore the following scenario:

During a class on the foundation of the state of Israel, a lecturer said that the expulsion of Palestinians by the Irgun militia was racist, and this made the foundation of the state of Israel a colonial and racist endeavour.

While the pedagogical style of this lecturer might productively be criticized were they to assert a singular view without discussing attendant debates among historians or inviting disagreements from students, this statement is arguably not antisemitic, and is therefore protected by academic freedom. However if the lecturer claimed, for example, that such acts were typical of Jews, or that Israel was racist because of its Jewish history, then those statements would manifestly be antisemitic. There is thereby a clear line between legitimate criticism of the actions of a state and ascribing those actions to an ethnic group.

While the application of the Equality Act to these two scenarios is not entirely unambiguous – since the meaning of the phrase 'intimidating, hostile, degrading, humiliating or offensive environment' stands as a subjective element, even using a 'reasonable person' standard – it is extremely likely that a court would uphold the first scenario as a legitimate exercise of academic freedom, while considering the second scenario to be harassment of Jewish (and even non-

Jewish) students. Under the IHRA, by contrast, both scenarios would very likely be labeled antisemitic ('claiming that the existence of a State of Israel is a racist endeavor'): that, at least, is the view of advocates of the IHRA such as Harrison and Klaff (op. cit.), and it is also the fear of critics of the IHRA.⁷⁶ Klaff's call for universities to 'properly implement' the IHRA working definition by enshrining it in its disciplinary codes is very clear about its implications: all such discussion is to be prohibited.

This contrast creates an unavoidable tension between the Equality Act and the IHRA, if the IHRA working definition (including examples and caveats) were to remain in force at UCL.⁷⁷ In situations such as the first scenario, the IHRA would clearly encourage, and seem to validate, allegations of antisemitism – which might indeed be prosecuted through university channels, taking significant time and energy from all parties – even though those allegations would ultimately be destined to fail (if taken to court) in the absence of evidence of antisemitic acts as defined by the Equality Act. This type of outcome is not helpful either to the students bringing the complaint, who are seduced by false hopes and distracted from more fruitful channels of intellectual disagreement with the lecturer, or to the lecturer, who is forced to demonstrate time and again that he or she is not motivated by antisemitic intent. Beyond the possible reputation and professional damage that would ensue, this dynamic creates an obvious chilling effect, which will inhibit research and teaching on issues connected to Israel and Palestine, and it has been cited in existing cases as an area of acute concern.⁷⁸

Finally, there is a strong case to be made that adopting the IHRA working definition as the final word on antisemitism makes incidents of antisemitic expression more difficult to confront. However much care a lecturer may make in their presentations to students, a classroom is a

⁷⁶ There is, however, a subtlety here, since what the IHRA stigmatizes is the claim that the existence of 'a' – not 'the' – State of Israel is a racist endeavor. It is not clear to us why the drafters of the IHRA working definition chose to use the indefinite article here rather than the definite article. *Conceivably* this could be interpreted to mean that it is permissible to claim that the *actually existing* State of Israel is a racist endeavour, while it is antisemitic only to claim that the existence of *any* State of Israel – that is, any effort by Jews as a group to establish their own state – would of necessity be a racist endeavour. This interpretation has in fact been defended by some commentators, notably Jonathan Freedland, who argues (Guardian, 27 July, 2018): "You can, if you want, say everything *the* state of Israel has done since its birth has been racist", [...] "All it prohibits is branding as a racist endeavour 'a state of Israel' — the principle that Jews, like every other people on Earth, should have a home and refuge of their own." But our point is that the meaning of this part of the IHRA definition is ambiguous; and this ambiguity risks creating a chilling effect on debate around Israel and Palestine.

⁷⁷ In October 2020, the European Human Rights Commission (EHRC) published a report "Investigation into Antisemitism in the Labour Party" which found that breaches of the Equality Act had occurred in documented instances of antisemitic behaviour. As noted in the EHRC annex, the basis of the investigation was the Equality Act 2010 rather than the IHRA working definition. "We are satisfied that the unwanted conduct we identify ... meets the definition of harassment without reference to the IHRA definition and examples. But we are also satisfied that it would meet the IHRA definition and its examples of antisemitism." See <https://www.equalityhumanrights.com/sites/default/files/investigation-into-antisemitism-in-the-labour-party.pdf>, pg. 116; and Yair Wallach, 'The EHRC report shows that anti-racist solidarity, not special protection, is the way forward,' *Jew Think*, 6 November 2020, <https://www.jewthink.org/2020/11/06/the-ehrc-report-shows-that-anti-racist-solidarity-not-special-protection-is-the-way-forward/>.

⁷⁸ See the respective letters by the British Society for Middle Eastern Studies, 24 January 2019, <https://www.brismes.ac.uk/advocacy/committee-on-academic-freedom/193-letter-to-professor-dame-janet-beer>; and the Middle East Studies Association of North America, 12 December 2019, <https://mesana.org/advocacy/committee-on-academic-freedom/2019/12/12/letter-criticizing-president-trumps-executive-order-on-combating-anti-semitism>.

space of dialogue. A lecturer who discussed the state of Israel with nuance and care could still find themselves having to address student contributions where explicit antisemitic tropes were referenced, such as citations from websites trading in Holocaust denial or conspiracy theories. In this setting, challenging antisemitism requires robust definition and argument; educating students in the critical examination of sources; and challenging historical relativism. Argument by authority, namely that students “must not” make antisemitic statements, is bound to fail.

H. Defining Islamophobia

In its November 2019 submission to Council proposing the adoption of the IHRA working definition of antisemitism, the SMT also proposed the simultaneous adoption of a definition on Islamophobia.⁷⁹

Representatives of the UCL Islamic Society (ISoc) were invited to participate in the meeting at which Council considered adopting the definition proposed by the All-Party Parliamentary Group (APPG) on British Muslims.⁸⁰ ISoc was not in favour of adopting that definition and wanted to find something better suited to the situation at UCL. Discussions on developing such a definition commenced after the Council meeting, and included Professor Ijeoma Uchegbu as the Provost’s Envoy for Race Equality and the interfaith forum at UCL, as well as drawing on staff members with an appropriate academic background. A number of existing definitions had been considered but many had been found to be over-reliant on references to race. Students envisaged that they would in due course take a definition back to Council for approval.

On an abstract level, ISoc members agreed with the view expressed by members of the Jewish Society that each oppressed group has the right to define its own oppression. They considered, however, that this right could not be unlimited, as such a definition could not unreasonably impinge upon the rights of others.

A focus on the needs of a particular group was appreciated for the demonstration by UCL that student voices would be heard. ISoc leaders felt that while definitions were clearly not sufficient in themselves, they played a useful role in giving the affected community a certain sense of confidence in UCL’s commitment to address relevant issues facing particular groups. It was noted that the issue of prayer spaces had taken up a significant amount of time in recent months. While space had been made available in the new Student Centre, this was not open to non-students, such as Muslim staff. During the discussions on this issue students had felt that they lacked a firm basis on which to complain, but thought that a definition could be of value to them in seeking to protect religious practices of Muslims at UCL.

ISoc organised a survey of UCL students and staff on their experiences of Islamophobia at UCL. The responses have revealed that the problem is more extensive than members had

⁷⁹ Council Paper 2-23, 21 Nov 2019, Paper B, “Definitions of antisemitism and Islamophobia,” Appendix D. This paper—and the addition of a definition on Islamophobia—was never reviewed or debated by Academic Board.

⁸⁰ ‘Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.’ <https://appgbritishmuslims.org>. On a definition of Islamophobia, see also Rebecca Gould, “The Limits of Liberal Inclusivity: How Defining Islamophobia Normalizes Anti-Muslim Racism,” *Journal of Law and Religion*, 35, 2 (2020), 250-269.

realised. In assessing the prevalence of Islamophobia, the Working Group pointed to the needs of practicing and non-practicing Muslims and how these may differ, noting that the APPG definition focused on the former. Like Jewish staff and students, not all those who identify as Muslims are necessarily religious or practicing, but may identify along cultural or ethnic lines. There were issues faced by all Muslims; the example of prejudice based on someone's name was cited. Also, for some, religious dress or access to the prayer space might be an area of concern. ISoc has attempted to capture all such experience in their questionnaire.

While outside the scope of this report, the Working Group believes that the open-ended inquiry into a possible definition of Islamophobia and attendant focus on the experience of Muslim staff and students at UCL can benefit from the lessons of the IHRA adoption and whether or not it has achieved what Council and SMT envisioned. Given the legal standing of the Equality Act, it may be the case that a group-specific framework is extraneous from a proscriptive point of view. Particular groups are already protected from harassment and discrimination under existing UK law and UCL policies. From an educational perspective, there may be an argument for greater understanding of the circumstances that shape the experience of Muslim students and staff at UCL, but the adoption of a group-specific definition would have to cohere with existing policies, procedures and the UK legal context, without posing a threat to academic freedom.

I. Alternative Definitions

In the light of the intense disagreements generated by the IHRA working definition, it may be helpful to note the development of alternative definitions of antisemitism that can productively inform AB's discussion of this issue and wider UCL policy. The working group is aware of several initiatives to find more suitable language that can inform a contemporary understanding of antisemitism. While by no means exhaustive, these efforts are attuned to the shifting political and cultural contexts in which antisemitism is manifested and can serve an educational purpose without chilling free speech or falling afoul of existing equalities legislation.

Additionally, in thinking *educationally* rather than proscripively about racism and prejudice at UCL, we can reframe our effort to improve understanding of how group prejudice functions within our community and how to address discrimination. As an institution, UCL may not need to define antisemitism with the precision that would be required of a criminal law or even a university regulation — but we do need to educate staff and students about what antisemitism is, how to recognize it, and how to combat it. This would give protected groups confidence that specific forms of discrimination and prejudice are recognized, while reaffirming the wider basis of equality law already in place to offer protection.

One informed discussion of the merits of alternative definitions can be found in Deborah Lipstadt's recent book, *Antisemitism, Here and Now*, including that by Holocaust and genocide expert Helen Fein, who defines antisemitism in terms of: 'A persisting latent structure of hostile beliefs towards *Jews as a collectivity* manifested in *individuals* as attitudes, and in *culture* as myth, ideology, folklore, and imagery, and in *actions* – social or legal discrimination, political

mobilization against Jews, and collective or state violence – which results in and/or is designed to distance, displace or destroy Jews as Jews.’⁸¹

The Community Security Trust (CST), a British charity that “protects British Jews from antisemitism and related threats,” has a brief and concise description of antisemitism on its website:

Antisemitism is hatred, bigotry, prejudice or discrimination against Jews. The word “Antisemitism” came into use in the late nineteenth century to describe pseudo-scientific racial discrimination against Jews, but is now used more generally to describe all forms of discrimination, prejudice or hostility towards Jews throughout history. It is sometimes described as “the Longest Hatred”.⁸²

The CST provides a wealth of resources for understanding how antisemitism functions and its annual reporting on antisemitic discourse and incidents includes a nuanced discussion of anti-Zionism and Israel that provides greater context and detail than the IHRA working definition (although the CST does support the IHRA working definition as well).⁸³

A recent effort to provide an alternative to the IHRA working definition can be found on the website of Independent Jewish Voices Canada (IJV), a progressive “grassroots organization grounded in Jewish tradition that opposes all forms of racism and advocates for justice and peace for all in Israel-Palestine.”⁸⁴ IJV’s “Working Definition of Antisemitism” is as follows:

Antisemitism is racism, hostility, prejudice, vilification, discrimination or violence, including hate crimes, directed against Jews, as individuals, groups or as a collective – because they are Jews. Its expression includes attributing to Jews, as a group, characteristics or behaviours that are perceived as dangerous, harmful, frightening or threatening to non-Jews.

• • •

Antisemitism is a type of racism, bigotry and xenophobia and as such is closely related to, and often driven by similar motivations and forces as other forms of bigotry.

In the 20th and 21st centuries, antisemitism has most often been associated with white supremacy and theories of Aryan or White European racial superiority. Antisemites sometimes see Jews as undermining the “white” or the “white Christian” race, either on their own or by “masterminding” an “invasion” of racialized people. Antisemites often characterize Jews as secretly conspiring to control the world through their alleged control of money and/or the media. These, of course, are only a few ways antisemitic

⁸¹ Helen Fein, quoted in Deborah Lipstadt, *Antisemitism, Here and Now* (London: Scribe, 2019), pp. 15-16.

⁸² <https://cst.org.uk/antisemitism>.

⁸³ See <https://cst.org.uk/public/data/file/e/2/Antisemitic-Discourse-Report-2013.pdf>; <https://cst.org.uk/data/file/4/f/Facebook-AntiSemitism-Brochure-03-DIGITAL-SINGLEPAGE.1571310281.pdf>; and <https://cst.org.uk/antisemitism/definitions>.

⁸⁴ <https://www.ijvcanada.org/about-ijv/>

stereotypes have manifested themselves in the past century.

It is essential to recognize that antisemitism is not an exceptional form of bigotry. People who hate, discriminate and/or attack Jews, will also hate, discriminate and/or attack other protected groups – including racialized people, Muslims, LGBTQ2+, women, Indigenous peoples.

In addition, privileging the efforts to combat discrimination against one of these groups, risks further marginalizing the other targeted groups, and undermines solidarity and cooperation among them in fighting their common enemies. Fighting and educating against antisemitism must therefore be part of a larger struggle against all group hatred and discrimination.

Finally, it should be noted that the State of Israel is a political entity like any other state. Its policies, actions and history can be judged and criticized, even harshly. Such criticism is not, by itself, antisemitic.⁸⁵

As the IJV initiative will no doubt underscore, alternative efforts to craft a working definition are shaped by diverse cultural and political discourse, and are in themselves fruitful sites of critical study and debate to understand how antisemitism is changing in the 21st century.

One forthcoming document, tentatively known as “The Jerusalem Definition of Antisemitism,” draws on extensive scholarly consultation and drafting by over twenty leading international academic experts on antisemitism, Jewish history and Israel/Palestine studies under the auspices of the Van Leer Institute Jerusalem. In light of its scholarly orientation and the wide range of international experts who have consulted on its drafting, this alternative is especially promising for universities. The Working Group would encourage AB to consider this definition as a viable alternative to the IHRA working definition when it is published in late 2020/early 2021.

Finally, it would also be helpful to educate staff and students about the Equality Act definitions of harassment and discrimination, focusing not only on definitions but *examples* and *testimony* of victims. It is worth noting that the examples in the EHRC Employment Code of Practice or Technical Guidance are intended to be illustrative of where conduct strays over a line, i.e. they are intended to illuminate the core definition by practical example.

Likewise, offering Jewish and Muslim students and staff an opportunity to provide testimony of their own experiences of racism is not about re-definition, but giving voice to the oppressed and challenging other students and staff to consider the impact of their own behaviour. The Working Group appreciated the testimony of JSoc and ISoc members alike, and believes this approach is a constructive way forward, independent from any other attempt at a definition.

⁸⁵ <https://www.noihra.ca/our-definition>.

J. The Efficacy of Adopting Definitions

The Working Group has a final point to consider in closing this section: How effective has the actual adoption of the IHRA working definition by Council been in addressing antisemitism at UCL? Beyond the official UCL press release on the adoption, how has the IHRA working definition been incorporated into existing policies, and how will it be enforced? Is the definition intended as educational, proscriptive, or both? What is the nature of its implementation within the institution? How will it substantively mitigate against existing instances of antisemitism at UCL? Will it improve reporting of these incidents among students and staff? Will it improve understanding of antisemitism among UCL students and staff? More broadly, is there evidence to show that the IHRA definition substantively ‘works’ where it has been adopted in other institutions or by national governments? How might it compare, for example, to university statements on race and other forms of prejudice?

As the discussion of the proposal at Council first indicated in March 2019,

It was important that concrete action was taken to address anti-Semitism as the definition by itself was likely not to be effective should it be adopted; it was critical that the time gap between the final decision of Council and implementation of the decision was as short as possible; it would therefore be necessary that Council considered a detailed proposal for action. There was a risk that, should the definition be adopted, individuals would have different expectations about what it would achieve unless an action programme was specified.⁸⁶

These concerns were amplified by the Provost in his report to Council on the debate over the IHRA at the Academic Board meeting in February 2019:

The Provost provided an overview of the AB meeting where the discussion on this subject was particularly heated. A diverse range of opinions had been expressed on the definition and AB had agreed to establish a working group. It was important that the working group tried to identify solutions to address the problem as a whole rather than only developing a new definition. A possible approach to mitigate concerns on the application of the IHRA definition of anti-Semitism inhibiting freedom of speech and academic freedom would be to produce an annual report on the operation of the Freedom of Speech Policy and its associated procedure.⁸⁷

This astute framing of a gap between the symbolic adoption of a policy and effective change to the culture around racism and prejudice has informed the Working Group’s recommendations in the final section of this report.

⁸⁶ Council minute 13 March 2019, Appendix D.

⁸⁷ Ibid.

VI: Conclusions and Working Group Recommendations

As members of Academic Board and the wider UCL community will be able to discern from this report, the Working Group believes there is a clear need to foster a more effective environment for combatting racism and prejudice in our institution, and for putting an end to unreported and unaddressed antisemitism. This is not an easy prospect given the entrenched nature of discriminatory ideas and attitudes against individuals and groups in modern society as well as the significant barriers to reporting, and yet it has a particular urgency in our current moment and within our institution, whose history is rooted in a struggle for radical pluralism. Given this legacy, evidence of antisemitism is profoundly disturbing at UCL, as is any form of harassment or discrimination on the basis of race, religion, ethnicity, sexuality or other protected characteristics.

In our extensive examination of the issues that surround the adoption of special definitions to address particular instances of racism — specifically the adoption of the IHRA working definition of antisemitism — we have worked to delineate existing legal frameworks, UCL policies and procedures, the efficacy of reporting and addressing prejudice as a university community, and the centrality of the principles of academic freedom for the consistent functioning of our institution. With all these frameworks in mind, it is both eminently possible and necessary to address incidents of antisemitism that continue to occur at UCL, as it must be in any institution across the United Kingdom and beyond.

We are also mindful of the core mission of a university as a space of learning and intellectual growth that often generates difficult conversations on a host of topics and across multiple fields. There is a real risk that members of the UCL community will be anxious about crossing a line when discussing topics like Israel and Palestine, engendering an environment that conflicts with a university's role in expanding public knowledge, challenging received wisdom, and fostering discussions which might at times make some people feel uncomfortable. While tensions between critical ideas and racist or prejudicial thinking and actions can be acute, these differences remain distinguishable and decipherable when approached with sensitivity and analytical rigor.

It is always useful to be reminded of our collective communal responsibility to colleagues and students who comprise our university community, many of whom will come from vastly different cultures and geographic locations, including people of faith and non-believers, as well as students and staff with diverse economic circumstances, sexual orientations, genders, and racial and ethnic backgrounds. The effort to maintain a robust community of learners with an ability to sharply disagree is at the heart of our mission and the 'disruptive thinking' that has shaped UCL since its founding in 1826.

Even as we attend to the complicated questions raised throughout this report — which will no doubt elicit a range of views from Academic Board and the wider UCL community — we are confident that proactive and constructive recommendations can be enacted that will ensure educational and institutional advancements in addressing antisemitism within our community, while ensuring that policy decisions preserve the principles of a vibrant academic life, adhere to

relevant legal duties, and protect academic freedom. We therefore recommend the following steps for AB and Council's consideration:

Educational and Institutional Recommendations

1. UCL needs a more rigorous and informed collective understanding of how racism and group prejudice functions at our institution, as well as a commitment to implementing the tools for taking action against harassment that we already have at our disposal. Some of this is already happening with developments on a statement regarding race equality and the clear efforts of the EDI office. **In the specific case of antisemitism, we need further resources to educate the UCL community about its history and its present-day manifestations.** Given the expertise on this topic within our institution, we might productively start by turning to our own experts across several fields and departments (ie: Hebrew and Jewish Studies, the IoE, the IoE Centre for Holocaust Education, SELCS, Laws, History of Art) for effective ways to broaden understanding of antisemitism historically and the forms it now takes. This effort should also include the Jewish Society and outreach to Jewish students and staff who have been affected by antisemitism. A focus on education, teaching, and research around discrimination can broaden our understanding of topics like Judaism, Zionism, Israeli identity and culture, as well as Islam, the Middle East and North Africa, and Palestinian culture and identity.

This educational effort could include informative and positive engagement with, for example, Jewish culture and the long history of the Jewish community in Britain, rather than focusing solely on the prevalence of and mechanisms of prejudice against Jews, Muslims, and Palestinians. An action plan is needed to consider proactive initiatives for improving the situation around antisemitism in particular, and other forms of racism and prejudice more broadly. Some of these initiatives could bring together departments (Hebrew and Jewish Studies and the Sarah Parker Remond Centre for the Study of Racism and Racialisation, for example) while others can link institutes (the Middle East Research Centre within the Institute for Advanced Studies and the Institute for Jewish Studies, for example). **We recommend establishing a steering committee with representatives of these constituencies to develop such an educational action plan as a matter of urgency.**

2. UCL's obligations under the Public Sector Equality Duty means that the university should seek to be a model of dialogue and integration. **Closer collaboration between staff, students, and collective bodies (student union and campus trade unions) on antisemitism and related issues of equality, diversity and inclusion is therefore necessary.** Rather than feeling pressed to make a case directly to the Provost and Council without engaging academic or professional staff, student groups should see the student union and interfacing with Academic Board as key forums for engagement on questions of persistent discrimination. This includes JSoc, ISoc, Friends of Israel, and Friends of Palestine Societies, for example. Whereas there is a need for specialist knowledge and expertise to address specific issues, a commitment to inclusion is

expected of all staff and students at UCL, and it is in fostering that spirit that victims of racism, including antisemitism and Islamophobia, will be most able to receive a hearing.

3. Particular academic specialists and those with administrative and pastoral roles relevant to this issue also have a crucial role to play. This may include greater visibility of the University Chaplain for interfaith work. The Provost might also address the status of UCL's 'interfaith forum' for hosting discussions, and more efficiently pool the unique expertise extant at UCL on the historical, philosophical, legal, and cultural ramifications in the interdependence of religious (dis-) affiliation, state, and society. These initiatives would not be limited to religious groups but also student societies with political differences, increasing awareness within the UCL community of the diversity of views concerning social and political as well as religious questions, and the importance of discussing contentious issues within a framework of intellectual rigor and mutual respect, thereby creating a healthier and more open and robust campus climate. **More broadly, there needs to be a regular interface between academic and student life that links the student union with relevant faculty members and deans at UCL, thereby improving communication and links between academic staff and student societies, increasing communal cohesion and a sense of community beyond Vice Deans and Student Mediators alone.** Academic Board can be proactive in setting up and running such forums and ensuring their visibility throughout various physical and online programmes of events. Genuine engagement with student voices on these questions – while also attending to academic and staff concerns – remains necessary for UCL's mission.
4. Representatives of UCL's Jewish Society (JSoc) communicated the view that some Jewish students on campus reported feeling safer after the announcement of the adoption of the IHRA working definition. We suspect that this is indicative of the very real sense, on the part of Jewish students, that their experiences of antisemitism were not hitherto recognized by UCL, and they gave examples where complaints had been brushed aside. Irrespective of whether one believes the adoption of the IHRA working definition is part of the solution or not, the renewed focus on this issue must be welcomed. **Complaints procedures must be followed through when incidents are reported.** But as we have shown, existing Equality Act provisions are legally robust and would be used by UCL in the determination of complaints, whereas the IHRA working definition would be difficult to use in this way.
5. The Provost should therefore address the *institutional* culture in which antisemitic behaviour occurs, and how it might be reversed. Despite robust procedures and policies for reporting incidents of racism and prejudice, the current reporting system seems to deter some members of the UCL community from pursuing institutional action. To address the structural and procedural failures around reporting racism and group prejudice, the office of the Provost should undertake a clearer mapping with the aim of simplifying complaint processes for both staff and students. This would include updating web pages to reflect the existing range of policies and procedures. As it stands, there are numerous avenues for registering complaints, and these are not always clear or effective. **The Working Group recommends creating the office of an independent**

ombudsperson with a more visible and expert complaints team with sufficient resources to coordinate complaint processes at UCL. This office could help clarify how policies on racism and prejudice are being coordinated and implemented, and by whom, across the institution, ensuring timely follow up to complaints and bolstering the culture of reporting.

6. **The Working Group recommends the appointment of a standing academic committee on freedom of speech, reporting to AB, to which the Registrar would have recourse in contentious cases.** This standing committee, comprised of legal experts and relevant subject specialists, would assist the Registrar and Provost with particularly sensitive questions that might encroach on statutory principles of academic freedom when applying the Code of Practice. Under the current procedure, crucial decisions are entirely in the hands of the Registrar. This approach should be reviewed and altered, placing these decisions in the hands of an agile committee (which would still include the Registrar), able to respond promptly to events as they occur.

As the Provost himself has noted in his February 2019 report to Council on the IHRA debate at AB, ‘A possible approach to mitigate concerns on the application of the IHRA definition on anti-Semitism inhibiting freedom of speech and academic freedom would be to produce an annual report on the operation of the Freedom of Speech Policy and its associated procedure.’ In light of the particular examples regarding sensitive events and academic freedom at UCL cited in this report, it is clear we need to approach planning with deeper knowledge of the issues at hand and sharper understanding of appropriate procedure.

The Working Group is aware that the office of the Provost has established a group to investigate the handling of sensitive events and this may be one natural outlet for strengthening the application of UCL policies. In particular, we recommend that such a group should look at the Code of Practice on Freedom of Speech and Procedure for the Management of Events that Include External Speakers, and their equitable implementation. **It is, however, imperative that the Academic Board or its chosen representatives be directly involved both in the determination of policy and in the resolution of specific cases.**

IHRA Recommendations

7. **With regards to UCL Council’s 2019 adoption of the IHRA working definition of antisemitism, the Working Group recommends that AB advise Council to retract the definition and offer a clarification of existing legal duties with relation to antisemitism.** The reasons for this recommendation have been outlined at length in the report, but notably the IHRA working definition is not appropriate for adjudicating complaints of antisemitism in a proscriptive manner. As we have examined in detail, the working definition potentially conflates statements critical of the State of Israel with antisemitism. By blurring these boundaries, the IHRA working definition risks undermining academic freedom at UCL. In its uneven application as a basis for

complaints, it is liable to lead to allegations that UCL is targeting vocal advocates of particular positions on debates related to Israel and Palestine and placing undue burdens of proof on those accused of antisemitism. As a proscriptive tool, the IHRA working definition creates a rift between various groups on campus that is not helpful for communal cohesion at UCL. Without legal force it will remain a distraction from its stated educational purpose, namely to challenge antisemitism however expressed.

We are fully mindful of the fact that many people who advocated for the adoption of the IHRA working definition will feel acutely disappointed if that adoption is retracted. We do not wish to ignore or minimize such feelings. It is nevertheless our considered judgement that the IHRA working definition of antisemitism is not fit for purpose in a university setting, and that UCL's symbolic adoption of this confusing and ambiguous document will be of little help in addressing the serious problem of antisemitism in our community; indeed, it may in some ways complicate and undermine it. We firmly believe that a better strategy is to pursue concrete efforts to educate the UCL community about antisemitism, its history, as well as its current manifestations (which includes consideration of alternative definitions that would be appropriate within an academic context), and to ensure robust enforcement of existing laws and policies concerning harassment and discrimination.

8. This report has distinguished the educational and proscriptive functions of group definitions, illustrating some of the severe drawbacks of proscriptive approaches while affirming and appreciating the value of educational definitions. To that end, the Working Group has enumerated some alternative definitions for consideration in Section V above. **We would welcome the opportunity to help facilitate an alternative definition for AB and Council's consideration, undertaking to supply one that is more fit for purpose in a university context.** As with a statement on racism or ongoing discussions around Islamophobia, such a statement on antisemitism would seek to (a) achieve something that the existing laws do not do and (b) not impinge on academic freedom.
9. **If Council does not retract its adoption of the working definition, Council should be advised to confirm that the IHRA working definition has no legal force and does not supersede existing law and policy in UCL.** This confirmation should be visibly stated on the UCL webpage announcing the adoption and noted internally where relevant.
10. **Provost and Council should also be encouraged to underscore UCL's commitment to the Public Sector Equality Duty.** This seems especially important when evidence suggests that racism is part of the everyday experience of Jews, people of colour and Muslims. Members of the UCL community may have differing views about where the boundary of acceptable discourse lies on certain topics, but it is clear that there are real cases of racism and of religious and cultural hatred, including antisemitism. The 2010 Equality Act seeks to identify such discrimination by using objective criteria and by defining protected groups, discrimination and harassment precisely.

11. The decision to adopt the IHRA working definition without sufficient consultation and proper academic scrutiny and in the face of external pressure from government raises deeper concerns about UCL governance and the role of AB and Council. Many of these concerns have been raised in other forums and papers, and are not the focus of this report, but this issue highlights the acute risks to UCL’s autonomy and commitment to its Charter and Statutes in a wider context of challenges facing UK universities. The recent letter from the Rt Hon Gavin Williamson MP urging universities to adopt the IHRA working definition—with the threat of withholding funding if they do not—demonstrates how university autonomy is under threat.⁸⁸ If universities are not permitted to use evidence, scholarship, research and logic to rebut Ministers’ political demands, then our autonomy and independence are seriously in peril.

⁸⁸ For more on universities legal and moral obligations, and the threat of suspending funding streams if adoption is not completed by Christmas 2020, see the advice of Smita Jamdar, Partner and Head of Education for the law firm Shakespeare Martineau: “There are obvious reasons why alarm bells should ring when politicians seek to enforce what they see as moral obligations through indirect legal routes,” Jamdar writes of the recent intervention by Gavin Williamson, concluding that “in the face of deliberate and determined political interference, the safeguards of institutional autonomy and regulatory independence now appear fragile.’ Smita Jamdar, “Gavin Williamson’s letter to Vice Chancellors on the IHRA definition of antisemitism,” 13 October 2020, <https://www.shma.co.uk/our-thoughts/gavin-williamsons-letter-to-vice-chancellors-on-the-ihra-definition-of-antisemitism/>.

One member of the Working Group, while endorsing the substance of the report, wished to express his dissent on one of the recommendations:

Professor Prince Saprai, Faculty of Laws, Dissenting View on IHRA Recommendations⁸⁹

I have worked as the Faculty of Laws nominated member of the Working Group between March and November 2020. I broadly support the educational and institutional recommendations in the Report (pp 61-63). However, I am unable to support the recommendations relating to the retraction of the IHRA. I do not believe the arguments contained in the Report justify so drastic a measure which is highly likely to cause significant distress and concern to many members of the Jewish community at UCL and beyond.

The IHRA was adopted by Council against a backdrop of rising antisemitic incidents at UCL and real concerns being voiced by the Jewish community about whether UCL was becoming an unsafe place for Jewish students (see pp 11-14). As the Report notes, Jewish students report feeling safer on campus now that the definition has been adopted (p 42). The IHRA definition also has huge symbolic significance for many members of the Jewish community and has now been officially adopted by the UK Government. In my view, against this background, retraction of the IHRA should only be considered as a last resort: to be taken if there are no viable alternative ways of addressing the concerns relating to academic freedom and freedom of expression raised in the Report.

Throughout the process I have found myself in disagreement with the majority of the members of the Working Group about the extent of the threat to academic freedom and freedom of expression that the adoption of the IHRA poses at UCL. I agree with the other members of the Group that the abstract ‘working definition of antisemitism’ contained in the IHRA is imprecise. According to the definition ‘Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews’. However, I disagree with the other members that the illustrative examples of antisemitism contained in the IHRA add to the confusion. Rather I believe that they serve their function by elucidating the types of words or conduct that might constitute forms of antisemitism. Each case involves derogatory remarks or harmful conduct directed at Jews, and in each case the speech or acts are motivated by a hatred of Jews as a group.

The fact that antisemitic intent is a requirement of antisemitism seems clear both from the abstract definition and the fact that the IHRA makes clear that the illustrative examples ‘could’ amount to forms of antisemitism ‘taking into account the overall context’. It is only if the examples are read *without* this proviso that the risk arises that the IHRA poses an unacceptable risk to academic freedom or freedom of expression.

So, for example, the Report says that certain anti-colonial or anti-nationalist positions toward Israel which reflect legitimate exercises of academic freedom are ‘very likely’ (p 53) to be labelled antisemitic under the IHRA. This is because, according to the Report, the IHRA uses the following as an illustrative example of antisemitism: ‘Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist

⁸⁹ Chair’s note: This dissenting view has not been reviewed by the report’s external readers.

endeavor'. However, this reading ignores the preceding proviso that these examples 'could' amount to forms of antisemitism and that whether they do depends on the 'overall context'. In other words, it is only where the expression of such views is animated by antisemitic intent or a hatred of Jews that antisemitism exists. Academic freedom does not and surely should not protect these forms of speech. Given, as the Report acknowledges, that forms of 'political antisemitism' undoubtedly exist (p 48), there seems nothing problematic about the example when it is read in light of the aforementioned proviso.

The two caveats adopted by the Home Affairs Select Committee in 2016 and which UCL has itself also adopted remove any doubt about the essential role played by antisemitic intent:

- It is not antisemitic to criticise the government of Israel, without additional evidence to suggest antisemitic intent.
- It is not antisemitic to hold the Israeli government to the same standards as other liberal democracies, or to take a particular interest in the Israeli government's policies or actions, without additional evidence to suggest antisemitic intent.

Therefore, if there was a worry about the conflation of anti-Zionism with antisemitism under the IHRA that seems to have been dealt with by the introduction of these two caveats by the Home Affairs Select Committee in 2016 and the fact that UCL has also incorporated them as part of its adoption of the IHRA definition.

Therefore, concerns such as those expressed in the Report that the IHRA may be used as a way to prevent boycotts or disinvestment movements against Israel (pp 47-50) seem misplaced as the second caveat here makes clear that in the absence of antisemitic intent, it is *not* antisemitic 'to take a particular interest in the Israeli government's policies or actions'.

In my view, the IHRA as adopted by UCL does not in and of itself represent a threat to academic freedom or freedom of speech and nor do I agree with the other members of the Group that there is necessarily any tension between UCL's adoption of the IHRA and the legal framework outlined in the Report including the Equality Act. Adopting group specific definitions of racism or prejudice like the IHRA seems compatible with UCL's obligations under the Public Sector Equality Duty. The Education Act 1986 protects freedom of speech on University campuses 'within the law' (just as UCL's Statute 18 protects academic freedom 'within the law'), and the prevention of antisemitism is not only compatible with UCL's obligations under the Equality Act, but also consistent with legislation preventing racial and religious hatred (see Public Order Act 1986 as amended by the Religious and Racial Hatred Act 2006).

However, I agree with the other members of the Group that in practice the adoption of the IHRA by a University may have a serious 'chilling effect' on academic freedom and free speech (pp 50-51). This is because, as noted in the Report, lecturers, external speakers and students may find themselves having to deal with accusations of antisemitism where they are required to 'prove themselves innocent' (p 50), and deal with 'undue burdens of proof' (p 64). The burden

being undue because the lecturer or speaker would have to show an *absence* of antisemitic intent in what they said, wrote or did.

The relevant question though is whether this risk warrants retraction of the IHRA definition? I believe that there are reasonable alternatives to taking this drastic course of action which would cause less harm than retraction and yet uphold academic freedom. So, for example, the Report helpfully distinguishes between the proscriptive and educative functions of the IHRA definition. To deal with this concern about the definition's potential chilling effect, Academic Board could advise Council that UCL should make clear that the definition has no legal force and should not be used in disciplinary proceedings. This should be coupled with UCL confirming its duty to uphold the Public Sector Equality Duty.

Alternatively, the adoption of the definition by UCL could be supplemented with the clarification that the onus of proof for proving antisemitic intent is on the accuser. It could also be made clear that antisemitic intent would have to be shown by the accuser at the very least on the 'balance of probabilities', i.e., using the civil standard of proof. This would deal with the risk that lecturers would be left with the undue burden of having to prove themselves innocent.

In my view, it would be proper for Academic Board to debate whether these options might deal with the legitimate concern raised in the Report about the potential chilling effect of the adoption of the IHRA on academic freedom and freedom of speech *before* considering whether retraction is justified. To go straight to retraction in light of the concerns raised about academic freedom would be a potentially disproportionate response that causes unnecessary distress and alarm to members of the Jewish community at UCL and beyond. Furthermore, I believe that UCL should only countenance retracting the IHRA if it can be replaced by a suitable alternative such as those discussed in the Report (pp 55-58).

I have set out these alternative recommendations, because I think it is important that before UCL takes a decision of this magnitude, it should do so with a clear appreciation of the precise nature of the issues at stake. In my view, these do not primarily relate to any substantive lack of clarity with the IHRA definition as adopted at UCL, nor to incompatibility that adoption may have with the legal framework governing racial or religious hatred, discrimination and harassment, but rather with regards to the chilling effect on speech that the adoption of the definition may have by placing the burden of proving lack of antisemitic intent on the speaker or lecturer in a University context. I believe retraction is a disproportionate response to curing this mischief, and that there are better alternatives.

Appendices

- A) Timeline: The Road to IHRA Adoption at UCL
- B) Case Studies
- C) Additional Legal Context and UCL Policies
- D) Academic Board and Council Documents
- E) UCLU Jewish Society Survey Information
- F) Letters from UK Government Ministers on the IHRA

Appendix A: The Road to IHRA Adoption at UCL

This section of the appendix lays out the background to the adoption of the IHRA working definition of antisemitism at UCL. It includes a timeline of key events and decision-making within the institution as well as broader context relating to UK government views on this matter. The timeline refers to specific meetings where this issue was discussed as well as background to the adoption. Sources are cited as hyperlinks within the text or referred to in footnotes and compiled in the report appendices.

13 February 2017

- [Letter](#) by Universities' Minister Jo Johnson to Nicola Dandridge, Chief Executive UUK, recommending the adoption of the IHRA working definition of antisemitism by UK universities. The Working Group has not seen evidence of a discussion of this letter through UCL management or academic bodies.

October 2018

- UCL's Senior Management Team agrees to pursue the adoption of the IHRA working definition of antisemitism. No evidence of consultations with stakeholders within UCL beyond the SMT in the context of the IHRA working definition is available.⁹⁰

January 2019

- UCL Jewish Society (JSoc) carries out a survey among Jewish students, receiving 78 responses about encountering antisemitism on campus (a considerable majority of responses indicated that students encountered antisemitic harassment).⁹¹ The results of this survey were an important component of the case for adopting the IHRA working definition that was made by UCL's Vice-Provost Advancement (and Interfaith Champion) Lori Houlihan to Academic Board on 6 Feb 2019, and in the Council meeting to adopt the definition on 21 November 2019.

21 January 2019

- At a meeting of the UCL Student Union, a motion to adopt the IHRA definition (proposed by JSoc representatives Tiger Solomons-Tibi and Max Traeger) was defeated by a wide margin. As Solomons-Tibi noted at the time, "the lack of a codified definition of anti-Semitism left Jewish students without adequate protection," adding that "It

⁹⁰ Council paper 2-23, 21 Nov 2019, p.4, and Council paper 4-68, 'Overview and background' in Appendix D.

⁹¹ The survey replies are available in Appendix E.

should be Jewish students and Jewish students alone that define what it means to be anti-Semitic.” Max Traegar also noted that “Non-Jews cannot define anti-Semitism.”⁹²

An effort to produce a compromise definition of antisemitism at the meeting failed due to procedural concerns of the chair. The President of JSoc later told the WG that this failure to adopt the definition at the Union triggered a move to pursue such an outcome directly with the Provost and Council.

6 February 2019

- Meeting of Academic Board discussed a proposal to adopt the IHRA working definition of antisemitism, introduced by VP (Advancement) and UCL Interfaith Champion Lori Houlihan with reference to reports from Jewish students and staff about antisemitic incidents on campus. Houlihan expressed the hope that the IHRA working definition “would provide a practical tool which would provide clarity on what constitutes anti-Semitic behaviour.”⁹³ Ahead of the AB meeting, the UCL Governance Committee of Academic Board (GCAB) in its paper 4-03 on the “Adoption by UCL of the IHRA definition of antisemitism” warned that this definition “is notoriously problematic and politically controversial (...), blurs antisemitism with anti-Zionism (...) and would lead to the unreasonable suppression of legitimate political views,” and recommended to discuss whether UCL needs a definition of antisemitism, whether the proposed definition serves the intended purpose of combating antisemitism on campus, and recommends the establishment of a Working Group, outlining its possible membership.⁹⁴ This AB meeting featured a heated and inconclusive debate, without a clear mandate for Council action and a desire for this matter to be examined further. The Provost assured AB he would report on the strength of feeling by both sides of the debate to Council, and “indicated that the proposed working group did not have sufficiently broad membership as currently proposed and would need to be expanded.”⁹⁵

27 February 2019

- Open letter of 44 members of AB to UCL Council warning of inherent flaws of the IHRA definition, and that its adoption by UCL would threaten academic freedom and “actually undermine – rather than advance – efforts to tackle antisemitism in a substantive and meaningful way at UCL.” In an appendix, the letter lists cases where the definition had been used to limit the freedom of speech.⁹⁶

⁹² <https://uclpimedia.com/online/ucl-students-reject-ihra-definition-of-antisemitism>; and <https://cheesegratermagazine.org/2019/01/28/students-union-ihra/>.

⁹³ Minutes of the meeting of AB on 6 February 2019, 6.2, available in Appendix D.

⁹⁴ The full GCAB paper 4-03 is available in Appendix D.

⁹⁵ Minutes of the meeting of AB 6 February 2019, 6.4, available in Appendix D.

⁹⁶ Letter from AB to Council, 27 February 2019, available in Appendix D.

- Letter from the UCL Branch of University and College Union (UCU) to Prof Michael Arthur, President and Provost of UCL, Dame DeAnne Julius, Chair, and members of UCL Council, raising concerns about UCL Council considering the adoption of the IHRA working definition, emphasising that it “does not enable any additional action that UCL cannot already take against anti-Jewish racism, but does introduce confusions about its own application” and stresses that “UCU nationally fundamentally rejects its adoption.”⁹⁷

13 March 2019

- UCL Council discusses the concerns raised at UCL AB meeting of 6 February 2019. The SMT posits that the IHRA definition has “emerged as the gold standard tool for defining and recognising antisemitism” (Council paper 4-68, ‘Overview and background’).⁹⁸ “It is within this context that UCL’s Senior Management Team evaluated the definition and, in October 2018, unanimously agreed that UCL should adopt it” (ibid.). The need to ensure an appropriate response to antisemitism was exacerbated by the debates around antisemitism in the Labour party, and within UCL, by the disruption of an event organised by the UCL Friends of Israel in Oct 2016 (ibid., ‘Antisemitism at UCL’). It was reported to Council that Jewish students at UCL perceived the Student Union as not supportive. Although “sabbatical officers believe that adopting a definition of antisemitism would be useful and are working with the Jewish Society to find a compromise,” they “oppose the IHRA definition because they believe several of the examples would prevent them from criticising Israel” (ibid.). SMT also expressed its “unanimous view, supported by some academic staff in the Academic Board meeting and subsequent representations to the President & Provost, that there is no evidence that the definition will inhibit freedom of speech or academic endeavour at UCL” belief (ibid., ‘Freedom of speech and freedom of expression’). This view was corroborated through examples from the Universities of Bristol, Central Lancashire, and Manchester, where the definition had been used but in which the SMT believes that “academic freedom of speech was asserted” (ibid.).

With regards to the question of prior discussion with qualified academic experts on antisemitism at UCL, Council justified the lack of consultation with UCL’s Department of Hebrew and Jewish Studies (HJS): “Senior UCL academics have pointed out, at the meeting and subsequently to the President & Provost, that this is an issue affecting Jewish staff and students beyond one department. They add that, while DHJS is home to a range of international academic expertise, expertise on antisemitism and the experience of antisemitism by UCL students and staff is not confined to that department alone” and “have asked that Council bears in mind that this important issue requires wide-ranging input without unduly privileging DHJS.” (ibid.).

In the discussion, the President & Provost referred to the decision of AB to establish a

⁹⁷ Letter by UCL UCU branch of 27 Feb 2019, available in Appendix D.

⁹⁸ Council paper 4-68, available in Appendix D.

working group. “It was important that the working group tried to identify solutions to address the problem as a whole rather than only developing a new definition.”⁹⁹ In conclusion, Council requested that Lori Houlihan “return to Council later in this academic year to present proposals for approval”.¹⁰⁰

April 2019

- Minister of State for Universities, Science, Research and Innovation, Chris Skidmore MP (Conservative) meets with representatives of the Union of Jewish Students (UJS) recommending the adoption of the IHRA working definition (Press release Minister of State for Universities, Science, Research and Innovation, Chris Skidmore, 17 May 2019 (see below).

16 May 2019

- Letter by Minister of State for Universities, Science, Research and Innovation, Chris Skidmore MP. Refers back to first letter by Jo Johnson (13 February 2017, see above and appendix F) which already defined the IHRA working definition as “a tool intended to help front-line services better understand and recognise instances of antisemitism.” The letter refers to recent meetings with “Jewish representative groups” such as the Community Security Trust (CST), the Union of Jewish Students (UJS) and the Jewish Leadership Council (JLC) worried that Jewish Student Societies have been requested at (unnamed) British universities to provide funding for security requirements of their campus events, and appreciates the recent adoption of IHRA working definition through National Union of Students (NUS) and OfS (Office of Students), and calls on British universities to adopt the IHRA working definition.¹⁰¹ A [press release](#) about these meetings is widely reported in the media.

June - August 2019

- UCL SMT conducts an online consultation of UCL staff and students to understand attitudes towards the adoption of definitions of attitudes such as Islamophobia or antisemitism. A slim majority among the 133 responses is in favour of such an adoption, with concerns about freedom of speech raised by others.¹⁰² The details of this consultation are not available due to confidentiality concerns.

⁹⁹ Council minutes 13 March 2019, 81.3, p. 6, available in Appendix D.

¹⁰⁰ Council paper 4-68, available in Appendix D.

¹⁰¹ The letter is available in Appendix F.

¹⁰² Council paper 2-23, p.5, available in Appendix D.

July 2019

- In [written question](#) to the government, [Wes Streeting MP](#) (Labour) inquires how many UK Higher Education providers have adopted the IHRA definition. According to the reply by Secretary of State Skidmore, this information is not held centrally because of the autonomous status of universities.¹⁰³

September 2019

- Antisemitism training delivered by the UJS was trialed with UCL's new student sabbatical officers in September 2019.¹⁰⁴ The training that was provided incorporated use of the IHRA working definition.

15 October 2019

- Letter by Secretary of State for Housing, Communities and Local Government, [Robert Jenrick MP](#) (Conservative) to Vice Chancellors of English Higher Education Institutions.

Refers to letter by Chris Skidmore of 16 May 2019 (see above), cites general increase in antisemitic incidents compiled by CST, and describes the IHRA definition as “invaluable tool for public bodies to understand how antisemitism manifests itself.”

Quotes a [report by the UN Rapporteur on freedom of Religion](#) on the potential usefulness of the IHRA definition, omitting however the warning of potential danger to freedom of speech (Report A/74/358, section 54).

The letter significantly increases the pressure on addressees: “I would be grateful if you would inform me when you have adopted the definition, or the steps you are taking to adopt it, or otherwise explain your reluctance to do so, so that I can discuss the matter with you directly.”¹⁰⁵

29 October 2019

- Book launch of the *Responsibility of Intellectuals* (UCL Press, 2019) at UCL's Institute of Advanced Studies generates controversy over guidelines for discussion imposed and later retracted by the Office of the Provost. These guidelines were drawn from the IHRA examples and included restrictions that threatened to overstep the UCL Charter protecting Freedom of Speech. Restrictions were lifted before the event, which was

¹⁰³ Written Question for Department of Education, UIN 272895, tabled on 3 July 2019.

¹⁰⁴ Council paper 2-23, p.6, available in Appendix D.

¹⁰⁵ The letter is available in Appendix F.

successfully chaired by Professor Tamar Garb, IAS Director.¹⁰⁶

4 November 2019

- The House of Lords [debates](#) the adoption of the IHRA working definition. Lord Leigh of Hurley (Conservative, Vice-President Jewish Leadership Council, President of the Institute of Jewish Policy Research) inquires how many universities have adopted the IHRA definition. According to the response by [Baroness Williams of Trafford](#): “I can confirm that five providers have informed the government that they have adopted the definition. But as autonomous institutions the decision rests with individual providers but the government will continue to urge and encourage them to adopt this important definition.”

19 November 2019

- Letter requisitioning a Special Meeting of Academic Board under Statute 7(6) to pause Council’s consideration of the IHRA working definition and clarify the establishment of the AB Working Group is sent to Council after the IHRA definition and a definition of Islamophobia are included in the agenda for the Council meeting of 21 November 2019.¹⁰⁷

21 November 2019

- UCL Council adopts the IHRA working definition (Council minutes and paper 2-23) in the Framework of “Promoting Race Equality and Tackling Discrimination at UCL.” The adoption included two ‘caveats’ recommended by the Home Affairs Select Committee in 2016. Two representatives of the UCL Islamic Society welcome the idea to “developing a definition of Islamophobia that was self-defined” and that would “send the message that UCL was focused on a solution that was pertinent to the Islamic community at UCL (31.4).

The Provost emphasizes the need to tackle Islamophobia and antisemitism on campus, and the “external pressures to adopt the IHRA working definition of antisemitism” (31.1).

Oliver Kingsley, president of UCL JSoc, introduced the IHRA definition.

Various concerns raised in discussion include the question of the AB Working Group not having been established (31.5.i) and this question not being fully discussed. Council did agree to consider the option of an alternative definition proposed by AB (and its

¹⁰⁶ For an account of the event see Appendix B.

¹⁰⁷ Letter of 19 November 2019 to AB, initially signed by 30 members of AB, available in Appendix D.

Working Group) in the future (31.5.j).

Council votes with overwhelming majority to adopt the IHRA working definition on antisemitism without establishing a working group, while also approving “the establishment of a working group to examine Islamophobia and Muslim student and staff experience and recommend actions and activities, including bringing forward a statement on Islamophobia that is supported by UCL’s Muslim community” (31.6.c).¹⁰⁸

11 December 2019

- US President Donald Trump announces an executive order ‘threatening to withhold federal money from educational institutions that fail to combat [antisemitic] discrimination’ as defined in the IHRA working definition of antisemitism.¹⁰⁹

12 December 2019

- Special meeting of AB discusses the IHRA definition and a motion mandating the establishment of the Working Group on Racism and Prejudice passes overwhelmingly. In the lead up to this meeting, GCAB issues its own memo of concerns about procedure and Arab and Palestinian members of UCL issue an open letter to AB about the IHRA definition.¹¹⁰

January 2020

- University of Warwick Vice-Chancellor, Stuart Croft, writes to the Jewish Society that the university will not adopt the IHRA definition, as reported in the [Jewish Chronicle](#), a decision supported by 80 (academic) members of staff of that university. This is later reversed in October 2020.¹¹¹

16 January 2020

- An [article](#) in the *Jerusalem Post* reports on an interview with UK Minister Robert Jenrick, who is quoted saying that “government will consider withholding funding from universities not adopting the IHRA definition.” The minister also announces significant government funding for Holocaust education through charities such as the Holocaust

¹⁰⁸ Council minute, 21 November 2019 and Council paper 2-23, both available in Appendix D.

¹⁰⁹ *New York Times*, 11 December 2019, <https://www.nytimes.com/2019/12/10/us/politics/trump-antisemitism-executive-order.html>.

¹¹⁰ See Special Meeting minutes; GCAB memo on sequence of events leading to requisition; IHRA definition and statutory role of AB, 11 Dec 2019; Arab and Palestinian open letter to AB of 11 Dec 2019, all in Appendix D.

¹¹¹ <https://www.thejc.com/news/uk/warwick-university-adopts-ihra-after-being-accused-of-intransigence-over-definition-1.507949>.

Education Trust.

February 2020

- Baroness Deech [inquires](#) in the House of Lords “what assessment [the government has] made of the decision by the Vice-Chancellor of the University of Warwick not to adopt the IHRA definition following reports of antisemitic incidents at that University and the call by the Secretary of State [Jenrick] for cuts to funding of those universities that fail to adopt the definition. In its answer (10 February 2020) the government does not expand on the case of the University of Warwick but ensures that “will continue to work with universities to ensure we stamp out antisemitism in all its forms. That is why we will be providing an additional £ 500,000 of government funding to allow 200 university students each year to visit Auschwitz-Birkenau, to hear from the last Holocaust survivors and to help educate students on the importance of continuing to tackle antisemitism on campuses.”¹¹²

March 2020

- Baroness Deech inquires on 5 March 2020 what assessment they have made of SOAS University of London’s compliance with the (1) public sector equality duty, and (2) International Holocaust Remembrance Alliance’s working definition of antisemitism, further to the decision to host a student workshop on advocacy for Palestine on campus on 7 March sponsored by EuroPal Forum; and what assessment they have made of (a) EuroPal Forum’s, and (b) EuroPal Forum’s senior leadership’s, relationship with Hamas.¹¹³
- Baroness Deech inquires on 11 March 2020 in a written question “whether 1) universities have breached the public sector equalities duty, and 2) are compliant with the IHRA definition of antisemitism” when they allow ‘Israel Apartheid Week’ to go ahead. Answer: Universities need to ensure campus rules and standards are safeguarded. “The government strongly encourages HE providers to adopt the IHRA definition of antisemitism. It is ... an important tool... and a strong signal...that providers take this seriously.”¹¹⁴
- The UCL Working Group on Prejudice and Racism established by AB at its meeting of 12 December 2019 holds its first meeting on 16 March 2020 and holds seven meetings in the spring and summer of 2020.

¹¹² UUK Political Digest PD-1920-16, p 11, <https://www.universitiesuk.ac.uk/our-work-in-parliament/Documents/PD-1920-16.pdf>.

¹¹³ <https://questions-statements.parliament.uk/written-questions/detail/2020-03-05/h12260>.

¹¹⁴ <https://questions-statements.parliament.uk/written-questions/detail/2020-03-11/h12491>.

9 October 2020

- Secretary of State for Education Gavin Williamson writes to HEI urging them to adopt the IHRA working definition of antisemitism, referring to earlier letters by University Ministers and Secretary for Housing, Communities and Local Government, Robert Jenrick, encouraging them to do so, citing his “disappointment that the majority of higher education providers have not yet adopted the IHRA definition,” emphasising it is the “morally right thing to do so.” The Secretary of State identifies “tackling antisemitism” with “adopting the definition” and warns that he has “asked my officials to consider options that include directing the OfS to impose a new regulatory condition of registration and suspending funding streams for universities at which antisemitic incidents occur and which have not signed up to the definition.” The Secretary of State concludes that “if I have not seen the overwhelming majority of institutions adopting the definition by Christmas then I will act.”¹¹⁵

¹¹⁵ Letter included in Appendix F.

Appendix B: Case Studies

Moving Objects: Stories of Displacement (UCL Octagon Gallery, February-October 2019)

In February 2019, the exhibit *Moving Objects: Stories of Displacement* opened at UCL's Octagon Gallery. It was presented by UCL Culture and funded through the Centre for Critical Heritage Studies, UCL Grand Challenges, and the Department of Geography, drawing upon two UCL-based research projects which examined different facets of displacement in Lebanon, Jordan and the UK, supported by the Economic and Social Research Council and Arts and Humanities Research Council through the Global Challenges Research Fund. The project was jointly led by several academics at UCL. In terms of the wider recognition of this work, components of the exhibit have gone on to be displayed at the Imperial War Museum as part of the Refugees season (2020-2021).

As explained in the official UCL press release, the exhibit “explores the relationship between, and journeys of, objects, humans and animals ‘in exile’ and traces what it means to be displaced. The exhibition draws together material objects, poems, visual pieces and archival materials selected, co-created, and analysed by people with refugee backgrounds. Many of these materials emerged through object handling, craft, writing and photography workshops in cities and camps including Beirut and Baddawi camp (Lebanon); London (UK); and Jerash, Talbieh camp and Zarqaa (Jordan). The exhibition builds upon interdisciplinary, collaborative and participatory research projects that are working closely with communities who are simultaneously experiencing and responding to displacement.”¹¹⁶

A series of vitrines in the gallery contained objects co-curated with refugees and forced migrants living in London and the Middle East. Among the objects on display were several items from communities of Palestinian refugees in Jordan, including an embroidered (traditional *tatreez*) map of historic Palestine. As an object that reflected their longing for home from the vantage point of the displaced, it had a Palestinian flag and did not make reference to Israel. In July 2019, one of the curators of the exhibition received an email from a summer student at UCL who was deeply unhappy with the display on political grounds. This was soon framed as a complaint about “hidden antisemitism” in the exhibition, lodged via the UCL Equality, Diversity, and Inclusion team and forwarded to the relevant Dean of the Faculty, who then met with the student. Unsatisfied with the response, the student escalated their complaint to the Provost and alerted external activists to the exhibition.

In August 2019, a petition appeared on change.org entitled “Correct the anti-Israel propaganda in UCL’s refugees exhibition.”¹¹⁷ It was directed to Fiona Ryland, UCL’s Chief Operating Officer, and organized by Jonathan Hoffman, a blogger and pro-Israel advocate who was the former Vice President of the Zionist Federation in the UK. In June 2019, Hoffman was convicted for “aggressive, bullying behaviour” during a 2018 demonstration in central London

¹¹⁶ <https://www.ucl.ac.uk/news/2019/feb/new-exhibition-explores-objects-humans-and-animals-exile>.

¹¹⁷ <https://www.change.org/p/fiona-ryland-chief-operating-officer-ucl-correct-the-anti-israel-propaganda-in-ucl-s-refugees-exhibition>.

for hectoring a pro-Palestinian activist.¹¹⁸ In the petition, which was signed by over 700 people, Hoffman contended that the *Moving Objects* exhibit was “full of anti-Israel propaganda,” pointing primarily to “a map of Israel with a Palestinian flag on top and all signs of Jewish habitation erased.” As Hoffman elaborated on his blog at the time, he was informed of the exhibition by David Collier, an antisemitism campaigner, who was alerted by the aforementioned student enrolled on a summer course at UCL.¹¹⁹

In his online discussion of the exhibition, Hoffman publicly attacked one of the curators and criticized the university for promoting “anti-Israel propaganda in the guise of an exhibition to publicise issues around refugees,” adding the phrase “UCL Donors Please Note.” The petition and criticism raised by Hoffman reached the highest levels of the SMT at UCL, eliciting a response from Fiona Ryland: “The stated purpose of the ‘Moving Objects’ exhibition was to provide a series of personal perspectives on the perception of displacement, and it was not intended or presented as an objective analysis of any issue. However, in response to concerns about the content, we have set up an investigation. This will involve academics with relevant expertise and include a mix of those involved in the original curation as well as those beyond. As soon as this has concluded, I will update you with the recommendations.”¹²⁰ Hoffman also published his reply to Ryland, noting, “No this is not good enough. All you have done is set up a Committee. It is obviously playing the clock out, the thing finishes on 7 October. Who is on this investigation? When does it have to report? Who is the academic who knows about the history that led to the establishment of the State of Israel? UCL is a public taxpayer-funded institution. It has an obligation to show the truth. Nearly 700 have signed the petition. Please confirm BY RETURN that all the Palestinian flags are removed from the exhibits and that exhibit 31 is removed...”¹²¹

Such an act of bullying by a convicted offender should have given UCL’s SMT ample reason to avoid engaging seriously with this critic. It should also have led to a fulsome defense of the academics being publicly attacked, in adherence with UCL’s Duty of Care guidance and Dignity at Work policy. Before any public response was issued by UCL, Hoffman published a private internal email on his blog from the relevant dean to a UCL colleague which was shared with the student who had complained about the exhibit. The dean noted that “It’s a very tricky instance where academic freedom/ interpretation/ research on a contentious issue comes into conflict with deeply held beliefs and alternative versions of history/ truth... Here we have a presentation of some Palestinian people’s own objects and experience, and a set of objects curated by UCL academics around this theme. One might say, perhaps, that there should have been some kind of counter narrative offered, given this, but on the other hand, it is, surely, legitimate to present the stories of Palestinian people, without having to present the stories of

¹¹⁸ <https://www.thejc.com/news/uk/jonathan-hoffman-damon-lanszner-convicted-public-order-act-israel-palestine-puma-protest-1.485573>. Hoffman pleaded guilty to offences under the Public Order Act in Hendon Magistrates’ Court, where he was subject to a restraining order for his actions.

¹¹⁹ <https://onthedarkside410122300.wordpress.com/2019/08/19/anti-israel-propaganda-in-ucls-refugees-exhibition/>.

¹²⁰ <https://www.change.org/p/fiona-ryland-chief-operating-officer-ucl-correct-the-anti-israel-propaganda-in-ucl-s-refugees-exhibition/u/25000373>.

¹²¹ <https://www.change.org/p/fiona-ryland-chief-operating-officer-ucl-correct-the-anti-israel-propaganda-in-ucl-s-refugees-exhibition/u/25000373>.

Jewish-Israelis... (just as it would be the other way round). So, it is very tricky.”¹²² There was no proactive effort to reach out to the curators or consult with them directly about the exhibit.

In the midst of these online exchanges and complaints, UCL did in fact launch a review of the exhibition, led by Vice Provost (Education) Anthony Smith. As explained to one colleague asked to join this review, “We are responding to several complaints (and a petition on change.org) about the content of the exhibition, including calls for it to be taken down on the grounds of anti-semitism. The stated purpose of this exhibition was to provide a series of personal perspectives on the perception of displacement, and it was not intended nor presented as an objective analysis of any issue. However, it features a significant number of items from communities of Palestinian refugees, and there have been objections to the display of those items prominently within the UCL campus. We would therefore like to draw on academic expertise from across the university to ensure that we review these complaints in full, and with appropriate guidance.” Members of the review were asked to offer expert views “Whether the content of the exhibition, or any aspect of its presentation, can reasonably be considered offensive; Whether the removal of the exhibition, or any aspect of it is warranted; The safeguards that UCL might put in place to ensure that we can continue to uphold academic freedom without giving offence to specific groups.”

There was also a request by coordinators of the review to publicize the names of those involved in the review as part of UCL’s media response to these accusations, which was criticized by one academic approached in that it created an atmosphere of placating critics rather than judiciously examining the exhibition and defending the scholarly integrity of the curators. It was clear that the maintenance of a public skirmish would enable the accusation to stand and the maligning of individual academics to continue unabated. Moreover, in attempting to respond to Mr. Hoffman with an update of the review, UCL’s approach in part legitimated this external pressure and the politicization of scholarly work as well as attack on academic freedom. If a serious academic review was to be conducted in response to a student or staff complaint, it is not clear why an outside critic was driving these efforts or indeed shaping the selection of expert colleagues to conduct the review. As was pointed out to the review organizers at the time, any such examination would have to include a broad range of perspectives, including Arab and Palestinian voices, given the subject matter, the nature of the charges being leveled at the exhibit, and the serious imputation of the academic integrity of the curators.

Several members of staff and leading experts on Jewish history, Palestinian history, Israeli history, antisemitism and art history viewed the exhibition and found no basis to the claims that it should be taken down “on the grounds of anti-semitism” or that it was inappropriate in other ways. In fact, one colleague from the Department of Hebrew and Jewish Studies identified this exhibit as an important intervention and had taken their students to see it before a complaint had even been registered. These supportive views were conveyed to those conducting a review and it was initially decided that a further explanatory text would be placed alongside the exhibition, and that the academics involved in the curation would be sought out for input and amendments.

There was considerable push back against the suggested text, which was seen as damaging the integrity of the work, mistakenly questioning the scholarship behind it, and raising more

¹²² <https://onthedarkside410122300.wordpress.com/2019/08/19/anti-israel-propaganda-in-ucls-refugees-exhibition/>.

concerns about the possible threat to academic freedom at UCL. The initial text conveyed the message that the curators did not do a good job setting up the exhibition and in the future UCL would not allow “tricky” subjects to be exhibited in the Octagon gallery. After the curators were hastily approached for approval of a revised text, a meeting was set up between the Provost’s office, Fiona Ryland, and the academics involved, as well as relevant Heads of Department, to discuss the procedural concerns raised by the review and its impact on academic freedom.

In light of consultation with the organizers of the exhibition, who further revised the statement, a final response was prepared by UCL that defended the exhibition and the principals of academic freedom, dropping the idea of a further explanatory exhibit text. This was sent by Fiona Ryland to Jonathan Hoffman on 26 September 2019, and posted on his blog as follows:

‘Dear Mr Hoffman, I am responding to make you aware that we have undertaken a review of the Moving Objects exhibition, in consultation with academic colleagues with relevant expertise. This is an exhibition that draws on ethnographic work and was co-curated with refugees and asylum seekers. The exhibition explores the perspectives of people who have experienced displacement. UCL is committed to principles of academic freedom, and it is the right and responsibility of scholars in a university to draw on their research expertise to represent how peoples, societies and cultures see themselves. This exhibition will continue as planned. Kind Regards, Fiona’¹²³

While the entire episode ultimately ended with an appropriate defense of academic freedom and the defense of curatorial practices by the organizers, the way it unfolded highlighted serious mismanagement of an institutional response, harming the pursuit of legitimate research at UCL and the reputation of the scholars involved.

This included the initial premise to legitimate the accusations of the student and Mr Hoffman in responding without consulting the academics involved; conducting a review that initially failed to encompass the diverse range of experts from various backgrounds but responded to the exigencies of the accusers; promoting a corrective text to the exhibition that would have undermined its scholarly integrity and pressuring the curators to accept it; and failing to distinguish between challenging or uncomfortable forms of knowledge production that may come into conflict with deeply held beliefs of a student or member of the public. In the wake of the review and the meetings over the exhibit, some private apologies were made but there was never a public apology issued by UCL to the curators, whereas the convicted critic was given an official response.

As a university, UCL prides itself on its scholarly reputation and cutting-edge research. Critics—as uncomfortable as certain topics may be, especially around Israel and Palestine—should not be given space to discredit the scholarship, methodology or academic freedom of highly regarded and expert researchers, or to handicap the modes of knowledge production and display. That should be a bedrock principal of academic freedom within the institution.

¹²³ <https://onthedarkside410122300.wordpress.com/2019/08/19/anti-israel-propaganda-in-ucls-refugees-exhibition/>.

The Responsibility of Intellectuals, UCL Press 2019

A book launch held at the IAS, 29th October 2019

The book launch was proposed by UCL Press in August 2019. The book contains the proceedings of a conference held at UCL in 2017 to celebrate the legacy of Noam Chomsky's formative essay 'The Responsibility of Intellectuals' (1967). The conference marked 50 years since publication.

Lara Speicher (UCL Press) proposed the event with one of its editors Chris Knight (UCL Anthropology) speaking alongside other contributors (not specified).

The IAS was happy to support this event and to offer its facilities for this.

Closer to the event, Chris Knight supplied the names of other participants Milan Rai and Jackie Walker and they were duly advertised on the IAS website.

The IAS received notification that the Jewish Chronicle had noticed that Jackie Walker was being given a platform and that there were individuals at UCL, including representatives from the UCL Jewish Society who asked that the IAS disinvite her. After consultation with the Dean of Social and Historical Sciences, UCL Press and UCL Comms, the IAS decided that this would be inappropriate and that, in the interests of Freedom of Speech, Jackie Walker should be allowed to participate.

Complaints were made to the Provost's office, who then issued a list of guidelines that they required the speakers to sign up to if the event was to go ahead. They also asked for an independent Chair to make sure that the event went off smoothly, that all views were equally heard and that there was no evidence of Anti-Semitism in the public debate. Tamar Garb, Director of the IAS, was asked to assume this role, to which she agreed.

When the speakers/editors received the guidelines they objected, publicised their objections in the press, and garnered the support from Noam Chomsky himself to resist them.

Tamar Garb met with the editors, discussed their concerns and represented these to Wendy Appleby and Claire Goudy in the Provost's Office. She persuaded them to lift the restrictions in the interests of Freedom of Speech, and agreed to chair the event in a fair and open manner. In the event all speakers were simply required to sign up to UCL's Charter protecting Freedom of Speech.

The event went ahead in the IAS, with UCL security present, to ensure that there was no conflict or abuse. It was very well attended – approximately 120 people. It was heated and passionate at times but in the end was an exemplary instance of free and open discussion without hate or harm to anyone.

The panelists drew attention to UCL's initial restrictions despite the fact that they had been lifted. The whole event caused some reputational damage to UCL as it was covered in the press

but the fact that the event was allowed to continue without implementation of the guidelines did much to contain the damage and diffuse the situation.

The guidelines initially issued are copied for information below:

Guidelines for *The Responsibility Of Intellectuals* book launch panel

Events at UCL are conducted according to the university's Code of Practice on Freedom of Speech, which states that:

“Freedom of expression also has to be set in the context of the university's values, and the values of a civilised, democratic, inclusive society. UCL expects speakers and those taking part in protest activities to respect those values, to be sensitive to the diversity of its inclusive community, and to show respect to all sections of that community.”

In the context of antisemitism, tropes that UCL would find unacceptable to be repeated on its campus include but are not limited to:

- Suggestions (overt or implied) that Jews as a group or particular sections of the British Jewish community invent, exaggerate or “weaponise” incidents of antisemitism for political or other benefit
- Suggestions (overt or implied) that Jews as a group or particular sections of the British Jewish community exploit or exaggerate the Holocaust for political or other benefit
- Use (overt or implied) of “dual loyalty” tropes relating to Jews as a group or particular sections of the British Jewish community and the State of Israel – for example that they are “controlled” by Israel or are working on behalf of Israel to the detriment of Britain
- Suggestions (overt or implied) that antisemitism is a less toxic form of racism than any other and/or that Jews are less vulnerable to discrimination than other minority groups
- Repetition (overt or implied) of antisemitic tropes relating to Jews and money and/or Jewish financial involvement in historical events or injustices – for example that Jews financed wars, slavery, etc

UCL is clear that it is not antisemitic to:

- Make criticisms of Israel, relating to its founding, policies, actions, governments or any other aspects, that do not draw on antisemitic tropes or on the specifically Jewish nature of Israel

Appendix C: Additional Legal Context and UCL Policies

Discrimination, Harassment and Victimisation under the Equality Act

Under the Equality Act, discrimination, harassment and victimisation in most areas of social activity is unlawful, subject to certain exceptions. These areas of activity include, for example: employment and other areas of work; education; housing; the provision of services, the exercise of public functions and membership of associations. Both Parts 5 and 6 are relevant to UCL. Part 5 of the Act covers discrimination, harassment and victimisation in employment and work-related activities. Part 6 of the Act covers the provision of education.

Complaints can be made to the courts against individuals and organisations under the Equality Act.

The Equalities and Human Rights Commission (EHRC) have statutory powers and provide advice in relation to the Equality Act. The EHRC publishes a number of Guides and Codes to the Equality Act and surrounding legislation. Particularly relevant are the [Employment Statutory Code of Practice](#) and the [Technical Guidance on Further and Higher Education](#).

The EHRC Technical Guidance explains by way of introduction:

Chapter 2 of Part 6 is based on the principle that people should not be discriminated against in further or higher education provision on the basis of any of the protected characteristics set out in the Act, when seeking admission to further or higher education, in the education and benefits provided, or by being excluded from further or higher education. This does not necessarily mean that education providers should treat everybody in exactly the same way; in some circumstances an education provider will need to provide education in a different way to meet the needs of people so that they can receive the same standard of education as far as this is possible. (p 10)

The EHRC Employment Code says that: ‘The Act defines “race” as including colour, nationality and ethnic or national origins. A person has the protected characteristic of race if they fall within a particular racial group’ (p 37). The definition notes further that: ‘The courts have confirmed that the following are protected ethnic groups: Sikhs, Jews, Romany Gypsies, Irish Travellers, Scottish Gypsies, and Scottish Travellers’ (p 38).

Jews also may be discriminated against or harassed by reference to their religion (or non-religion in the case of atheist Jews). ‘The meaning of religion and belief in the Act is broad and is consistent with Article 9 of the European Convention on Human Rights (which guarantees freedom of thought, conscience and religion)’ (p 40).

Finally, the Equality Act makes unlawful discrimination against holders of philosophical beliefs (systems of belief equivalent to a religion that would not define itself as a religion, such as humanism or atheism). However, this definition is not extended to those with belief systems that conflict with human dignity or the fundamental rights of others, such as white supremacism.

Thus, for example, UCL is entitled to ask staff to agree to Equality, Diversity and Inclusion policies as part of their contract of employment.

It is important to note that members of groups adhering to systems of belief (religious or otherwise) are protected under the Equality Act from discrimination and harassment as defined by the law (see below), but not from criticism and debate (which is a Convention right). Indeed, even ‘expressions of antipathy, dislike, ridicule, insult or abuse’ are explicitly protected by the law, provided that those expressions are directed at the religion or at ‘the beliefs or practices of their adherents’ and not at the adherents themselves. (If directed at individuals, such expressions could in some cases constitute harassment, as explained below.) The Racial and Religious Hatred Act 2006 and the Equality Act 2010 are not blasphemy laws.

The Employment Code notes that the right to *manifestation* of religion or belief (e.g. engaging in religious practices, proselytising one’s beliefs) is not the same as the fundamental right to *not be discriminated* for possessing that religion or belief:

While people have an absolute right to hold a particular religion or belief under Article 9 of the European Convention on Human Rights, manifestation of that religion or belief is a qualified right which may in certain circumstances be limited. Also, it may need to be balanced against other Convention rights such as the right to respect for private and family life (Article 8) and the right to freedom of expression (Article 10)...

Manifestations of a religion or belief could include treating certain days as days for worship or rest; following a certain dress code; following a particular diet; or carrying out or avoiding certain practices. There is not always a clear line between holding a religion or belief and the manifestation of that religion or belief. Placing limitations on a person’s right to manifest their religion or belief may amount to unlawful discrimination (p 28).

The categories of offence under the Equality Act include discrimination, harassment and victimisation.

(a) Discrimination

Discrimination is conduct where a member of a group with protected characteristics is treated less favourably than a member of a group which does not have those protected characteristics (termed a ‘comparator’). Discrimination may be *direct* and foreseeable, or *indirect*, such as when discrimination arises as a consequence of a policy.

Most types of discrimination require a comparator, but there are exceptions. These include the segregation of individuals on grounds of race that was deliberate (the result of either a deliberate act or policy).

In order to demonstrate that discrimination has occurred because of the protected characteristic, it is necessary to show a relationship between the possession of that characteristic and the less

favourable treatment. The characteristic needs to be a cause of the less favourable treatment but it need not be the only one.

Direct discrimination is always unlawful, irrespective of the intention of the protagonist, or whether it is conscious. Discrimination on the basis of a stereotype, or because a person is *associated with* a particular characteristic, or *wrongly perceived to have* that characteristic are all covered by the definition.

Indirect discrimination is consequential discrimination, and it occurs when a provision, criterion or practice that is apparently neutral (a) has an indirect negative impact on members of a particular group and (b) cannot be shown to be a proportionate means of achieving a legitimate aim. An example might be where a Jewish student was asked to participate in an assessment during the Sabbath. It is not enough to argue that the practice was a timetabling accident and not intended to cause detriment; provided that it would not have been unreasonably onerous for UCL to reschedule the assessment, this is liable to be seen as indirect discrimination against practising Jews. Indirect discrimination would also apply even if no Jews were in the particular class, if they could show that they were put off enrolling in that course because of this timetabling issue.

The Employment Code puts it like this (for workers; the same principle applies to students):

It is a requirement of the Act that the provision, criterion or practice puts or would put people who share the worker's protected characteristic at a particular disadvantage when compared with people who do not have that characteristic. The Act also requires that it puts or would put the particular worker at that disadvantage. This allows challenges to provisions, criteria or practices which have not yet been applied but which would have a discriminatory effect if they were (p 61).

The case-by-case approach to the Equality Act is illustrated by the foregoing example. First one would attempt to reschedule the assessment. Only if this were not possible (e.g. it was required to coincide with some 'live' external event, or if it could only be achieved by moving another class where the same issue would apply), then alternative provisions must be considered and should be made if feasible. Those alternative provisions should not, however, amount to segregation.

A similar logic applies where a class required a student to conduct a practice (such as dissection) that caused an affront to their religious beliefs. This does not mean that the education process must be censored, but that due consideration, evaluation of alternatives and, if unavoidable, warnings and alternative options may be required.

(b) Harassment

Harassment involves unwanted conduct relating to a relevant protected characteristic that has the purpose or effect of creating for the victim an intimidating, hostile, degrading, humiliating or offensive environment or violates their dignity (section 26).

Whereas discrimination usually requires a comparator, a harassment complaint does not. There are three types of harassment: harassment related to a protected characteristic, sexual harassment, and harassment because the student or worker submitted to or refused to submit to unwanted sexual behaviour or behaviour related to sex or gender reassignment.

Acts of antisemitic behaviour, including the uttering of antisemitic statements, would correspond to harassment related to a protected characteristic.

It is not necessary to demonstrate that the protagonist intended harm by their conduct. The conduct would simply need to be judged of *having the effect* of creating an intimidating, hostile, etc., environment or violating a recipient's dignity.

As with discrimination, harassment allegations should be evaluated on a case-by-case basis, as follows:

The first step is the 'unwanted conduct' test: is the conduct unwanted by the recipient? This has three parts. Either:

- a) the conduct is expressly unwanted because the recipient asked the protagonist to stop, but they continued; or
- b) the conduct is such that no reasonable person would believe that the recipient would want such conduct; or
- c) the conduct is such that no reasonable person would believe that the recipient would want such conduct in the context in which it arose.

If the conduct is unwanted, it must be judged against whether it had the purpose or effect of creating an intimidating, hostile, etc., environment or violated the dignity of the recipient. Both (b) and (c), in their 'reasonable person' clauses, overlap with this evaluation. In other words, if the conduct was judged to violate a recipient's dignity because (as a standalone act), it was likely to create an intimidating environment for the recipient or violate their dignity, or because the act and the context in which the act took place was such that it would, then it would likely also pass the unwanted conduct test.

Therefore, the second step is to determine the seriousness of the offence and whether or not a reasonable person would believe that the conduct would violate the dignity of the recipient.

In borderline cases, a key factor is the *social 'power' relationship* between the protagonist and the recipient. Where discussions in a tutorial between a student and lecturer turn to jokey conduct ('banter') that one or other party may be uncomfortable with, the lecturer is assumed to be in a different position than the student in the power relationship. Examples of harassment by lecturers of students and of harassment by students of lecturers both exist, but the threshold of unwanted conduct for the former is liable to be considerably lower than the latter due to the power (and educational) relationship between the parties. In brief, it is assumed to be easier for the lecturer to ask that the conduct cease.

The types of behaviour covered by the harassment definition is wide. The Technical Guide says: 'Unwanted conduct covers a very wide range of behaviour, including spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a student's surroundings or other physical behaviour'. (p 120)

The term 'related to' a protected characteristic also protects people who are not members of the group. The student may be *associated with* someone with a protected characteristic, such as a Muslim student friendly with Jewish students. If they are targeted for that association that would also be deemed harassment under the Equality Act definition. The student may also be *wrongly perceived* to be a member of the group, such as a person who is not a Jew but has a typically Jewish name being subject to antisemitic comments.

In particular it is worth noting that even cases where the recipient of the conduct is not a member of the group with the protected characteristic, has no association with that group and is not perceived to be a member of it, they can nonetheless argue that they are harassed due to the conduct. The Technical Guide offers the following examples, which are directly relevant to the question of antisemitic harassment.

Example: A student born in the Czech Republic who is on a plumbing course is faced with continual taunts from his tutor about Polish plumbers and derogatory comments about Polish people. The tutor knows the student is from the Czech Republic, and he regards his comments as just a joke. The student has told him to stop, and is considering asking to move classes to avoid being insulted and verbally abused for a characteristic he does not possess. This may be racial harassment.

Example: A lecturer racially abuses a black student. As a result of the racial abuse, a white student is offended and could bring a claim of racial harassment (p 123).

In both cases there is a connection to the protected characteristic of race because the conduct is connected *to that characteristic*, not to the recipient.

There are two other salient points from the EHRC Technical Guidance that bear specifically on higher education and issues of academic freedom, and should be noted here as well:

8.20. It may also be relevant in cases of alleged harassment whether the alleged perpetrator was exercising any of her/his Convention rights protected under the Human Rights Act 1998. For example, the right to freedom of thought, conscience and religion or freedom of speech of the alleged harasser will need to be taken into account when considering all relevant circumstances of the case. This will be of particular relevance in relation to academic freedom, when controversial ideas are being explored and debated in an educational context.

Example: If a politics lecturer presented views held by members of far right groups in a seminar in order to explain a position that some people hold, then it is likely that this

would not be harassment even if some of the students were offended or found the topic uncomfortable.

Content of the Curriculum

8.22. Nothing in the Act applies to the content of the curriculum in higher or further education. This means that education bodies are free to expose students to a full range of materials, ideas and arguments whether or not they might be regarded as offensive by some people. A harassment claim cannot be brought based on anything which is included in the curriculum.

Example: A male student registers on a course in gender studies but finds he is outraged by the extent to which the set books and the issues addressed focus on feminist arguments which he feels are outdated and demeaning to him as a man. He will not be able to bring a claim of sex-related harassment based on the course content.

(c) Victimisation

If there is an attempt to interfere with or prevent a complaint from being made under the Equality Act (including, but not limited to, complaints of harassment and discrimination) such that the complainant suffers unfavourable treatment, then this is likely to be victimisation. Section 27 prohibits victimisation which exists where victim treated unfavourably because they assert their legal rights under the Act or help someone else to, or are suspected of doing so or intending to.

This is important because it provides specific legal protection for complaints of harassment and discrimination defined by the Act. It is not necessary to prove the original complaint for a complaint of victimisation to be upheld. It is only necessary to show that the original complaint was genuinely believed by the victim and was not malicious.

Managing Events and Speakers at UCL

Alongside UCL's Code of Practice on Freedom of Speech, UCL has a [Procedure for the Management of Events that Include External Speakers](#). This procedure governs room bookings on campus by UCL staff and students. It is governed by the principles contained in the Code of Practice on Freedom of Speech, the Code of Conduct for Students and the Code of Conduct for Visitors (see all three above). The Students' Union has its own procedure for events by affiliated Clubs and Societies (see below).

The Procedure attempts to balance a commitment to freedom of speech whilst upholding the law and protecting the health and safety of staff, students and visitors to UCL. In particular it seeks to ensure that speakers and attendees are protected 'from hate crimes, harassment, defamation, breach of human rights, unfair treatment, breach of the peace and terrorism' [para 2].

Paragraph 33 of the Procedure states that as a general principle so far as practicable requests for events with external speakers will not be declined on the grounds of an individual's or group's beliefs, views or policy objectives (which is in line with the Education Act (No 2) 1986, see above). However, para 37 states that this principle does not apply where the speaker is a member of a Proscribed Organisation as defined by the UK Home Office. Para 38 states that UCL in an effort to ensure balanced debate encourages 'organisers to consider holding events in which topics have speakers for and against'.

A proposed event with an external speaker must have a Principal Contact (PC) who has overall responsibility for the event. The PC must provide event details of the event including names of external speakers and subject matter to UCL Estates and Facilities 10 days before the event is scheduled to take place. An initial risk assessment will be undertaken by the Head of Room Bookings. If it is deemed that there is a risk, the matter will be referred to the Security Manager and (if necessary) the UCL Prevent Lead. If it is judged that the risks cannot be mitigated, the matter is referred for final decision to the Registrar. If the Registrar declines the event request, the PC may appeal to the Provost.

The UCL Student's Union (UCLU) has three important policy documents on freedom of speech. The first is its [Free Speech Notice](#). It states that the Union is committed to free speech within the legal framework. It will facilitate events with speakers holding 'differing, challenging and antithetical views' but will protect members from discrimination, harassment and victimisation; threatening, abusive or insulting communication; communication that targets a person or group based on protected characteristics; and communication which incites criminality.

It states that the Union has not adopted the [NUS No Platform Policy](#) but does have a [Fight Racism Fight Fascism Policy](#) which may affect which external speakers may be hosted. The latter policy includes the following resolution: 'To permit no use of UCLU spaces, platforms or resources by fascists or fascist organisations, including but not limited to the British National Party and English Defence League'.

The second relevant policy document is the [UCLU External Speaker Information and Process](#). It states that external speakers must be approved by the Union (normally 10 working day approval procedure). In considering whether to approve an external speaker the Union will take account of potential risks including student wellbeing, health and safety, reputational risks, UK law, preventing crime and disorder, and preventing any breach of UCL's Code of Practice on Freedom of Speech (see above). If such risks are present, the Union will take all reasonable steps to mitigate these risks and to support the event. Where the risk of an event is low, the event may be approved with or without conditions by the UCLU Societies and Media manager or a member of the Activities team. For high risk events, the decision is taken by senior UCLU and UCL Staff including the Vice Provost (Operations).

Breach of this policy or procedure may lead to an event being curtailed and a referral made for disciplinary or legal action.

The third important document is the [Briefing for External Speakers at Students' Union UCL Events](#). All external speakers must agree in writing to this policy ahead of an event. It states that external speakers are welcome at UCL provided that they act within the law and comply with UCL regulations including the UCLU Free Speech Notice (see above) and the UCL Code of Practice on Freedom of Speech (see above).

If concerns are raised in the lead up to an event, the UCLU will consult with the event organiser(s) and relevant parties and impose conditions to manage risk(s) or if this is not possible the event will be cancelled.

If these policies are breached the matter may be referred for disciplinary or legal action.

Equality of Opportunity and Religion and Belief

UCL has an [Equal Opportunities Policy Statement](#), which commits the institution to ensuring fairness and absence of discrimination, harassment and bullying in the recruitment and treatment of staff and students. It states that policies adopted to achieve these objectives will be regularly monitored.

Specific policies are in place to protect religious freedom or freedom of belief on campus. The first is the [Religion and Belief Equality Policy](#). The policy is aimed at students, with implementation by staff or other individuals fulfilling UCL functions. Students need to bring complaints of discrimination contrary to the policy provisions to the Head of Equalities and Diversity. The policy addresses important issues but is not meant to be comprehensive. It emphasises UCL's history and tradition as an institution without religious affiliation that is committed to tolerance of all recognised faith groups and non-believers. The policy seeks to respect people's religious beliefs and practices, as part of its aim to provide 'an inclusive learning and working environment', but balance these against 'the needs and freedoms of others'. The policy prohibits harassment or discrimination on the grounds of religious belief.

The policy states that it recognises people's 'right to freedom of thought, conscience and religion', but that the *manifestation* of these beliefs may be qualified by the need to promote academic freedom or 'open and reasoned debate' or 'to show respect for differing worldviews, lifestyles and identities of others'. In particular religious belief does not justify discrimination or harassment (these restrictions on the manifestation of religious belief are consistent with the requirements of the Equality Act 2010, see above).

The rest of the policy attempts to balance these concerns in the context of policies dealing with religious dress; recruitment and selection; teaching, learning and assessment (for example, in setting the exam timetable UCL aims to avoid clashes with certain religious festivals where work is prohibited); extended leave (religious festivals not usually taken into account but consideration given in individual cases); work placements; and facilities and services (a quiet contemplation room exists on campus where students may go to pray or reflect).

The policy is reviewed on a three-yearly basis by the Equalities and Diversity Committee. The Education Committee is also responsible for monitoring.

The second important policy document is the [Religion and Belief: Guidance for UCL Managers](#) document. This provides guidance to managers to ensure the inclusive treatment of staff from religious and non-religious backgrounds. It gives an overview of how to deal fairly and inclusively with most common requests from religious staff in accordance with the Equality Act 2010 provisions (see above) preventing direct discrimination (less favourable treatment than others on grounds of faith) and indirect discrimination (applying criterion which disadvantages certain faiths without proportionate justification), discrimination by association (less favourable treatment because someone associated with another from a particular faith) and perception (less favourable treatment because someone perceived to be of a certain faith), harassment (unwanted conduct that violates dignity or creates hostile environment) and victimisation (someone treated unfavourably because of a protected act, e.g., a formal complaint of religious discrimination). The policy states that beliefs protected under the Equality Act include philosophical beliefs, such as humanism, but not political beliefs.

It states that managers are not required to treat everyone the same, but must attempt where practical to take into account religious differences in decision-making. Managers should attempt to find out more about the faith concerned from the person making a request for religious accommodation.

Various common requests are considered and managers are asked to give due consideration, be flexible and be open to making adjustments to accommodate religious beliefs and practices provided that they are not unduly disruptive. So, for example, in the context of religious festivals, the guidance is that managers should consider giving annual leave, time off in lieu ('TOIL'), and so forth, so that they can be observed by staff. To accommodate prayers, managers should consider whether a quiet room might be provided and should be flexible regarding breaks.



ACADEMIC BOARD

Wednesday 14th November 2018

MINUTES

PRESENT¹:

President and Provost (*Chair*)

Ms Mumtaz Abdul-Ghafoor, Dr Seth Anziska, Ms Raphaela Armbruster, Mr Malcolm Bailey, Dr Michael Baron, Professor Kathryn Batchelor, Dr Beatrice Baudet, Professor Stephanie Bird, Ms Yebeen Boo, Professor Wendy Bracewell, Dame Nicola Brewer, Dr Geraldine Brodie, Dr Jamie Brown, Ms Cathy Brown, Professor Eric Brunner, Professor Neil Burgess, Ms Elizabeth Carter, Dr Celia Caulcott, Dr Sungano Chigogora, Dr Evangelia Chryssikou, Ms Amy Clemens, Dr Alun Coker, Ms Sonja Curtis, Professor Izzat Darwazeh, Dr Jason Davies, Dr Martin Davies, Professor Snezana Djordjevic, Dr Johanna Donovan, Ms Dominique Drai, Dr Carlotta Ferrara degli Uberti, Dr Richard Freeman, Professor Nick Freemantle, Dr Martin Fry, Professor Alison Fuller, Dr Andrew Gardner, Dr Hugh Goodacre, Ms Emma Grant, Ms Amanda Greene, Professor Francis Green, Dr François Guesnet, Professor Mordechai Haklay, Mr Martin Hall, Professor Michael Hoare, Professor Daniel Hochhauser, Dr Arne Hofmann, Ms Lori Houlihan, Mr Nikolai Juraschko, Dr Thomas Kador, Dr Lily Kahn, Ms Leigh Kilphert, Professor Robert Kleta, Professor Susanne Kord, Dr Sandra Leaton Gray, Dr Jennifer Hazelton, Dr Borja Legarra Herrero, Dr Vicky Hilborne, Dr Franz Kiraly, Ms Katherine Koulle, Professor Albert Leung, Professor David Lomas, Ms Collette Lux, Professor Annemaree Lloyd-Zantiotis, Mr Simon Mahony, Ms Bella Malins, Dr Nephtali Marina-Gonzalez, Professor John Martin, Dr Margaret Mayston, Dr Claire McAndrew, Professor Robb McDonald, Dr Saladin Meckled-Garcia, Professor Sara Mole, Professor Moses Oketch, Professor Enrico Palandri, Dr Lucia Patrizio Gunning, Dr Anne Peasey, Professor Alan Penn, Professor Hynek Pikhart, Professor Kholoud Porter, Dr Mike Porter, Dr Stephen Potts, Professor Sarah Price, Professor Geraint Rees, Professor Helen Roberts, Professor Ralf Schoepfer, Professor Robert Sheil, Dr Benet Salway, Professor Vieri Samek-Lodovici, Professor Joanne Santini, Professor Anthony Segal, Dr Lion Shahab, Professor Elizabeth Shepherd, Professor Sonu Shamdasani, Dr Beatrice Sica, Professor Bill Sillar, Professor Michael Singer, Professor Lucia Sivilotti, Dr Sam Smidt, Ms Jamie Smith, Dr Rhiannon Stevens, Dr Judith Suissa, Dr Kristza Szendroi, Professor Alan Thompson, Dr Andrew Thomson, Dr Amy Thornton, Ms Emanuela Tilley, Dr Tse-Hui Teh, Mr Simon To, Dr Ahmed Toosy, Professor Andrea Townsend-Nicholson, Professor Laura Vaughan, Ms

¹ An attendance sheet was circulated for signature at the meeting. Any colleagues present who did not sign the sheet and whose names are therefore not recorded as present are invited to notify the AB Secretary's office (e-mail – academic.services@ucl.ac.uk) so that their names can be included in the record when these Minutes are confirmed at the next scheduled meeting of AB.

Louise Vink, Professor David Voas, Ms Yasmin Walker, Professor Susan Ware, Professor Andrew Wills, Dr James Wilson, Dr Jinghao Xue, Dr Martijn Zwijnenburg.

In attendance: Mr Derfel Owen (Secretary to Academic Board), Ms Francesca Fryer (Estates), Mr Phil Harding (Finance & Business Affairs), Ms Henry Kilworth (Communications & Marketing), Ms Anne Marie O'Mullane (Academic Services), Dr Benjamin Schreiber (Division of Medicine) , Mr Peter Warwick (Human Resources).

Apologies: Dr Paul Ayris, Dr Jane Biddulph, Professor Rob Brownstone, Professor Stella Bruzzi, Dr Declan Chard, Dr Elizabete Cidre, Professor Lucie Clapp, Dr William Coppola, Dr Ruth Dann, Dr Rachele De Felice, Professor Annette Dolphin, Dr Karen Edge, Professor Frances Edwards, Dr Russell Evans, Dr Mark Freeman, Dr Claire Garnett, Ms Emer Girling, Professor Helen Hackett, Dr Eleanore Hargreaves, Dr Evangelos Himonides, Professor Susan Irvine, Dr Helga Hlaðgerður Lúthersdóttir, Dr Sarabajaya Kumar, Ms Elvire Landstra, Dr Dewi Lewis, Professor Ruth Lovering, Professor Gesine Manuwald, Professor Charles Marson, Professor Kevin Middlebrook, Professor Robert Mills, Professor Jenny Mindell, Dr Susan Moore, Professor Ruth Morgan, Dr Teresa Niccoli, Dr Andy Pearce, Dr Joanne Pearce, Dr John Potter, Professor David Price, Dr Anna Roffey, Professor Sasha Roseneil, Professor Mala Shah, Professor Lorraine Sherr, Professor Trevor Smart, Professor Anthony Smith, Professor Sacha Stern, Professor Michael Stewart, Professor Jon Thomson, Dr Nalini Vittal, Dr Bella Vivat, Professor Sarah Walker, Dr Stan Zochowski.

Key to abbreviations

AB	Academic Board
AHRI	African
GCAB	Governance Committee of Academic Board
EU	European Union
GEO	Global Engagement Office
IHRA	International Holocaust Remembrance Alliance
JEP	Joint Evaluation Panel
KCL	Kings College London
LSE	London School of Economics
OfS	Office for Students
MG1	Marchgate 1
NUS	National University of Students
PSW	Pool Street West
SMT	Senior Management Team
SU	Students' Union
UCU	University and College Union
UG	Undergraduate
USS	University Superannuation Scheme
UUK	Universities UK
VP	Vice-Provost

PRELIMINARY BUSINESS

1. MINUTES OF 24th OCTOBER 2018

1.1 The minutes of the 24th October 2018 were approved.

6. ADOPTION BY UCL OF THE INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE DEFINITION OF ANTISEMITISM

[Paper 4-03, 18-19]

- 6.1 **Received:** A proposal that UCL adopt the IHRA definition of anti-Semitism to address a lack of clarity on what constitutes hate speech in this context, in order to safeguard both freedom of speech and community cohesion on campus. Feedback was being sought from AB in advance of its consideration by Council.
- 6.2 The VP (Advancement) and UCL Interfaith Champion, advised that the request for adoption of the IHRA definition had come from the Jewish community. A number of reported incidents of antisemitism were drawn to AB's attention, including statements from students and staff. Students did not feel they could report these incidents as they would not be addressed as there was a perception in the Jewish community that UCL was not taking anti-Semitic incidents seriously. AB was being asked to support the adoption of the IHRA definition as it would provide a practical tool which would provide clarity on what constitutes anti-Semitic behaviour. Freedom of expression and freedom of speech were fundamental cornerstone of UCL's values and the definition would continue to enable robust debate while protecting the rights of Jewish staff and students to work and study in a non-racist environment. The IHRA definition would not categorise criticism of Israel, similar to that levelled against any other country, as anti-Semitic so long as anti-Semitic tropes and imagery were not used. The definition had been adopted by several institutions including the OfS, KCL, LSE and the NUS.
- 6.3 Following introduction by the VP (Advancement) there was a lengthy discussion on the adoption of the definition and a diverse range of views were expressed. The Chair reminded AB members to conduct the debate in good spirit. The following reflect the key points made during discussion:
- **Antisemitism at UCL:** AB members expressed sadness and shock that UCL students and staff had encountered anti-Semitic behaviour at UCL and did not feel that these incidents would be taken seriously. While this issue was an intensely personal issue for some staff and students, it was not a problem for the Jewish community but a problem for everyone. This was an issue that had to be tackled as a matter of priority.
 - **Tackling racism:** There were comments that racism at UCL was not just confined to anti-Semitic behaviour and therefore a wider definition to tackle racism would be more appropriate, in addition, existing policies and legal requirement related to racism and discrimination may provide sufficient protection to all staff and students and that a piecemeal approach with individual definitions may not be the best approach. In response, it was noted that a wider statement on racism was in development and would be brought back to AB for comment and feedback. However, there was nothing to prevent the adoption of the IHRA definition as well.
 - **More research was required in order to understand whether the IHRA definition was the right definition to adopt:** The IHRA definition was subject to scholarly debate. It was claimed that Kenneth Stern, the drafter of the IHRA definition, no longer supported the use of the IHRA definition. It was queried why members of staff from the Hebrew and Jewish Studies Departments had not been consulted on the introduction of the definition. It would need to be examined whether the definition had an impact on shutting down free speech and how it interacted with academic freedom. It was noted that the SU UCL had voted not to adopt the IHRA definition.

- **Support for the IHRA definition:** Support was expressed by some members of AB for the adoption of the definition as it would help tackle anti-Semitic behaviour at UCL. By choosing not to adopt the definition, UCL would be indicating to the Jewish community that these issues were not being taken seriously.
- **GCAB had suggested the introduction of an expert committee to advise on the definition of antisemitism and other forms of prejudice, which would guide the Provost and his delegates in the implementation of free speech policies at UCL:** Some members felt that it was not simply possible to take a view following one debate and supported the establishment of a working group to explore the suitability of the definition. This was because if UCL took a view on IHRA it would be very significant. Other members of AB rejected the need to establish a working group and felt that pragmatism was required; it was important to recognise that no perfect definition could be developed. The problem existed here and now and the IHRA definition was a practical tool that would help tackle anti-Semitic behaviour. It was argued that the issue of racism and anti-Semitism was one that need to be tackled directly and swiftly, and not just referred to as a matter of academic debate and research.
- **Queries were raised whether it would be possible to adopt the definition without the examples or to include a caveat:** Some of the examples which accompanied the definition were found to be problematic by some AB members. It was queried whether it would be possible to adopt the definition without the accompanying examples. The LSE had adopted the definition with some, but not all, of the examples. In response, it was noted that not to adopt the examples that accompanied the definition would send a signal.

6.4 The Chair noted that Council would be discussing the adoption of the definition at its next meeting, the views of AB would be reported in full and the strength of feeling by both sides of the debate. The suggestion by the Governance Committee of Academic Board for a working group to advise on racism and prejudice would also be reported, but the Provost indicated that the proposed working group did not have sufficiently broad membership as currently proposed and would need to be expanded. It was also noted that AB had raised concerns about the preservation of academic freedom in the context of the requirements of the Prevent strategy and that it had been agreed that AB should receive an annual report on the application of the strategy and associated procedures, a similar approach could be adopted here.

7. USS PENSIONS

[Paper 4-04, 18-19]

- 7.1 **Received:** a paper which set out the Trustee's actuarial assessment of the USS scheme funding position as at 31 March 2018 and the Trustee's consultation with Universities UK on the proposed assumptions for the scheme's Technical Provisions and Statement of Funding Principles for the 2018 actuarial valuation.
- 7.2 The Director of Finance & Business Affairs, provided an update on developments. The 2017 valuation, as at 31 March 2017, was completed on 31 January 2019. USS Trustees concluded the 2017 valuation by means of the application of the cost-sharing arrangements. Contributions were due to increase in three steps, and in the ratio 65%/35% employer/member, in April 2019, October 2019 and April 2020.
- 7.3 An out-of-cycle 2018 valuation, as at 31 March 2018, would now take place in order to take account of the JEP recommendations. AB's attention was drawn to the fact

Proposed 'Adoption by UCL of the International Holocaust Remembrance Alliance definition of antisemitism'

AB agenda item 7, paper 4-03

Classification

GCAB considers this as highly significant

Background

This memo responds to a proposal put forward by Lori Houlihan, VP (Advancement) and UCL Interfaith Champion, that 'UCL adopts the IHRA definition of antisemitism to address a lack of clarity on what constitutes hate speech in this context, in order to safeguard both freedom of speech and community cohesion on campus'.

The stated purpose of this proposal is 'to foster a positive cultural climate in which all staff and students can flourish and where no-one will feel compelled to conceal or play down elements of their identity for fear of stigma.' Reference is made to 'the tone of debate relating to Israel/Palestine', and to various recent incidents including one that took place at a UCL Friends of Israel event in November 2016. The purpose of the adoption of this definition would be to provide clarity as to what constitutes 'hate speech' or antisemitism as opposed to legitimate criticism of Israel. It would 'provide clarity for the Provost and his/her delegates in interpreting UCL's policies and procedures [with regard to free speech on Campus] and enable them to do so in a clear and transparent fashion.'

Issues identified by GCAB

The IHRA definition of antisemitism is notoriously problematic and politically controversial. The main problem is that it appears to blur, through its examples, antisemitism with anti-Zionism and anti-Israel political views. The use of this definition could therefore lead to the unreasonable suppression of legitimate political views.

Although several organisations and institutions in the UK have adopted it (in full or only partially), many others have rejected it, including groups that identify themselves as Jewish. Even some of the primary authors of this definition, such as expert US attorney Kenneth Stern, have argued that it has been misused and was not intended to be deployed in this manner.

GCAB considers this proposal highly significant, as it will affect not only external speakers who are invited to UCL events, but also the research and teaching that is carried out at UCL by UCL academic and teaching staff. Contrary to its own objectives, this proposal has the potential of becoming detrimental to the freedom of speech on campus, and could also lead to serious violations of academic freedom.

Matters for debate

GCAB are of the view that this proposal needs to be debated by AB, but that **a political discussion about the merits and/or flaws of this definition should not be engaged in.** The questions to debate should rather be as follows:

1. Does UCL need to adopt a definition of antisemitism?

Although the only stated objective of this proposal is the management of free speech on Campus, this definition of antisemitism, if accepted, is likely to be used for other purposes.

The adoption of this proposal will also have an impact on UCL's public image, which could be positive or detrimental. It is therefore important for AB to take into account the full implications of adopting this proposal.

Furthermore, we need to question why antisemitism is being singled out for definition, when a range of other forms of ethnic prejudice – such as ‘racism’, Islamophobia, xenophobia, etc. – are equally pernicious.

2. Will the IHRA definition of antisemitism serve the intended purpose of this proposal?

No definition of antisemitism will ever be perfect; but the question is whether this proposed definition is *good enough* to provide clarity on how the issue of Israel/Palestine can be debated, and thus on how to interpret UCL's policies and procedures.

The examples that are provided with the IHRA definition do not contribute to a clear distinction between antisemitism and legitimate political views (e.g. about the Arab-Israeli conflict, or the promotion of Palestinian rights), but quite on the contrary, they have the effect of mingling them. These examples also implicitly anathematize political views that could be regarded legitimate.

Thus, one of the examples provided as antisemitic is ‘denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour’. This implies, firstly, that legitimate criticism of Israel's racist policies should be regarded as antisemitic - a political view that many will disagree with. Secondly, this does nothing to disentangle antisemitism from critique of the State of Israel, which means that this will provide no clarity for the Provost in interpreting UCL's policies and procedures.

A more effective and appropriate approach

The implementation of UCL's policies and procedures with regard to free speech on campus is certainly problematic. But rather than using ready-made, contentious definitions, UCL should be availing itself of its considerable academic expertise to address this problem and determine a more acceptable solution.

GCAB recommend therefore, instead, the appointment of an expert committee to advise on the definition of antisemitism and other forms of prejudice, which will guide the Provost and his delegates in the implementation of free speech policies at UCL. This committee will also examine the relationship between this definition and UCL's policies on academic freedom and more generally the law.

This committee would be composed of the following members, not all necessarily drawn from AB membership:

- 1 expert from and nominated by the UCL Faculty and Department of Laws
- 1 expert from and nominated by the UCL Department of Hebrew and Jewish Studies
- 1 expert from and nominated by the UCL Centre for Holocaust Education (IoE)
- 3 randomly selected AB members
- 1 representative from and nominated by HR Equality and Diversity
- 1 representative from and nominated by UCL UCU
- 2 students

Adoption by UCL of the International Holocaust Remembrance Alliance definition of antisemitism

Summary:

It is proposed that UCL adopts the IHRA definition of antisemitism to address a lack of clarity on what constitutes hate speech in this context, in order to safeguard both freedom of speech and community cohesion on campus.

Prior Consideration:

Approved by SMT in November 2018 for discussion at Academic Board and thereafter for approval by Council.

Action required of Academic Board:

For discussion and feedback.

Author/Proponent:

Lori Houlihan, Vice-Provost (Advancement) and UCL Interfaith Champion.

Summary

UCL prides itself on being a diverse, global community. It is therefore proposed that the university adopts the IHRA definition of antisemitism as part of our commitment to foster a positive cultural climate in which all staff and students can flourish and where no-one will feel compelled to conceal or play down elements of their identity for fear of stigma.

The tone of debate relating to Israel/Palestine can be challenging to campus cohesion, and over recent years UCL has experienced a number of incidents that have affected student and staff security on campus and generated widespread negative publicity.

UCL assesses speakers and events based on its commitment to “freedom of speech within the law”. This phrase leaves understanding about what constitutes ‘hate speech’ open to interpretation, creating ongoing lack of clarity about when criticism of Israel becomes antisemitic, and leaving UCL vulnerable to repeated incidents in which it is accused of providing a platform for racism and hate speech.

An example of this is the disruption of a UCL Friends of Israel event in November 2016, where Professor Geraint Rees’ investigation subsequently acknowledged lack of clarity on the definition of hate speech as a challenge in identifying such occurrences.

By adopting the IHRA definition, UCL seeks to provide that necessary clarity with a widely accepted definition of antisemitism.

1. What is the IHRA definition?

The IHRA gives a short definition of antisemitism along with examples. It states explicitly that “criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic” and gives examples of where criticism of Israel should be regarded as antisemitic, which include:

- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation
- Drawing comparisons of contemporary Israeli policy to that of the Nazis

The full definition can be read here <https://www.holocaustremembrance.com/working-definition-antisemitism> and is appended.

UK organisations and institutions that have adopted it include KCL, LSE and the NUS, the UK Government, the Scottish Government, the Mayor of London and London Assembly, the Metropolitan Police, the Liberal Democrats, Conservatives and Labour, the Crown Prosecution Service, over 130 UK local councils, the Church of England and the College of Bishops.

2. Why does antisemitism need to be defined?

Recent controversies related to the Labour Party as well as incidents at UCL suggest that antisemitic tropes and images are not always understood or recognised and that in debates involving Israel there is lack of clarity on the line between the kind of legitimate criticism that any state or government may be subject to and singling out the specifically Jewish nature of Israel.

Examples of this at UCL include use of an antisemitic image dating from the 1930s by one student society to promote an event on diplomacy in the Middle East in January 2018. The students responsible stated that they did not realise it was antisemitic and removed it when it was brought to their attention.

A series of studies through 2018 reported an increase in antisemitic incidents in Europe and the USA and a corresponding increase in levels of insecurity felt by Jewish communities. Most recently, a study by the European Union Agency for Fundamental Rights found that 89% of respondents felt antisemitism had increased in their country over the last five years and 28% had been harassed at least once in the past year.

Research by the Kantor Centre in April 2018 identified a resurgence of the extreme right alongside anti-Israel discourse on the left as responsible for an increase in the use of classic antisemitic tropes.

3. How will UCL benefit from adopting the definition?

UCL prides itself on being a progressive, diverse community, in which discrimination is recognised, understood and fought. It should be at the forefront of moves to tackle racism and facilitate constructive non-abusive debate on contentious issues.

By adopting the IHRA definition, UCL will provide clarity on how the issue of Israel/Palestine can be debated, and define the boundary where anti-Israel sentiment becomes antisemitic. It will also provide clarity for the Provost and his/her delegates in interpreting UCL's policies and procedures and enable them to do so in a clear and transparent fashion.

Without adopting it, UCL will continue to deal with incidents of this nature individually without addressing the root problem – lack of clarity on what constitutes hate speech in this context.

4. How will UCL integrate this definition?

Policies and procedures that may be informed by UCL's adoption of the IHRA definition include:

Code of Practice on Freedom of Speech – in particular relating to point 7:

It is essential to the purposes of UCL that opportunities for free and open discussion within the law should be safeguarded. Members of UCL and all other persons attending meetings held on the premises must behave in a lawful manner and avoid taking any action or using any language which is offensive or provocative.

Code of Conduct for Students and Student Harassment and Bullying Policy

Dignity at Work Statement

5. Will this depress freedom of speech and criticism of Israel at UCL?

It is important that UCL continues to use its Code of Conduct on Freedom of Speech to enable robust debate on campus. Therefore SMT should ensure that staff responsible for implementing the Code are aware that it is only criticism of the Israeli state, government or individuals *using antisemitic language, imagery and tropes* that is defined as antisemitic. The definition states that “criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic”. Staff and students should not be prevented from expressing support for the Palestinian cause and opposition to Israel as long as they do so in a peaceful and non-antisemitic way as defined by the IHRA.

By giving clear guidance about language and imagery that is considered antisemitic, UCL will support the right to engage in robust debate and to criticise Israel on campus, while protecting the rights of Jewish staff and students to work and study in a non-racist environment.

Appendix 1

International Holocaust Remembrance Alliance Working Definition of Antisemitism

Working Definition of Antisemitism

Select your language

English

In the spirit of the Stockholm Declaration that states: “With humanity still scarred by ...antisemitism and xenophobia the international community shares a solemn responsibility to fight those evils” the committee on Antisemitism and Holocaust Denial called the IHRA Plenary in Budapest 2015 to adopt the following working definition of antisemitism.

On 26 May 2016, the Plenary in Bucharest decided to:

Adopt the following non-legally binding working definition of antisemitism:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

To guide IHRA in its work, the following examples may serve as illustrations:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.

- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.

Dear Members of UCL Council,

We write as members of the Academic Board (AB) to oppose UCL's adoption of the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism. We are deeply concerned about patterns of antisemitism on the right and the left in the United Kingdom and across Europe, as well as internationally, and strongly repudiate antisemitism in all forms. For this reason, we want UCL to pursue incidents of antisemitism on campus seriously, rather than opt for a symbolic measure that can do more harm than good. Alongside the real risk to academic freedom at UCL, the IHRA definition does not provide sufficient protection against hateful speech nor does it ensure institutional action to address antisemitism on campus.

During discussion of the IHRA proposal at AB, it was clear that several problematic aspects of the working definition have not been fully considered by UCL's Senior Management Team. It is our view that adoption of this language by Council will actually undermine—rather than advance—efforts to tackle antisemitism in a substantive and meaningful way at UCL. Such an outcome would exacerbate the troubling climate around this issue at the university, not least for UCL's Jewish students and staff. We appreciate the Provost's commitment to making a statement about antisemitism, and the broader need to address all forms of racism at UCL. But without substantive steps in areas that include institutional accountability, education, and the provision of clear disciplinary measures, the adoption of a flawed definition will not address the problem or foster a more inclusive atmosphere. The Governance Committee of Academic Board has instead recommended the establishment of a UCL-based expert advisory committee to guide the Provost and his delegates in the implementation of free speech policies at UCL, including clear guidelines on antisemitism and other forms of prejudice. We strongly support swift action on this pro-active and coherent alternative, which demonstrates sound political judgment and engages UCL-wide experts to ensure meaningful action is taken.

In the detailed memo that follows, we lay out expert opinions and examples to underscore the incoherence of the definition, the danger it poses to free speech and academic freedom, and the institutional abnegation of responsibility that its adoption will signal for UCL's broader efforts to address antisemitism and other forms of racism. Among our primary concerns:

1. The definition is deeply flawed and problematic from both a practical and scholarly point of view. It has been challenged by leading experts on antisemitism, including the primary author of the definition itself, Kenneth S. Stern, who strongly opposes its use in university settings and is on record opposing the proposal in front of UCL's Council.
2. Adopting the IHRA definition would be a clear threat to academic freedom within UCL's classrooms and student societies. It undermines free speech, mingling antisemitism with legitimate criticism of Israel and advocacy of Palestinian rights. Several examples from the UK and US are included to demonstrate the risk of its use in academic settings.
3. There is no evidence to show that the IHRA definition "works." Although there are many examples of performative "adoptions" of IHRA, it does not guarantee that antisemitism will be tackled in substantive terms. We do not believe that the adoption of this definition will help to improve the atmosphere at UCL, but rather it will exacerbate the situation.
4. The definition shifts attention from UCL's responsibility to foster an inclusive environment to a disciplinary process against "hate speech." This is a reductive approach that frames racism as an individual action or trait rather than a systemic issue. By exempting institutional racism, the IHRA adoption would make it harder, not easier, to challenge UCL on institutional failings.

A full list of signatories is included at the end of the document, representing a cross-section of Academic Board members, Professorial and non-Professorial, from faculties across UCL.

Detailed Summary of Concerns over Council's Adoption of the IHRA Definition

1. The proposal to adopt the IHRA language undermines the tackling of antisemitism by applying a definition that a large number of legal experts and scholars agree is highly problematic and has no application for academic settings.¹ Rather than “provide clarity,” the definition and its attendant examples do not cover what many Jews themselves regard as antisemitic. The key passage within the definition, that “Antisemitism is a certain perception of Jews, which may be expressed as hatred towards Jews,” has been described by the Director of Birkbeck’s Pears Institute for the Study of Antisemitism as “bewilderingly imprecise.”² By focusing on hatred, the definition by implication excludes prejudice, hostility, and any form of discrimination that could not be proven to be a manifestation of “hatred.” The shortcomings of the text are also clear from the list of eleven examples of what constitutes antisemitism, seven of which deal with criticism of Israel. As point two below elaborates, this risks maintaining freedom of speech on discourse around Israel and Palestine, and threatens academic freedom at UCL.

Even the primary author of the definition, the US expert on antisemitism Kenneth S. Stern, has argued that it should not be deployed in universities. For over twenty-five years, Stern was the lead expert on this topic at the American Jewish Committee, and he has trained over 200 university presidents on how to respond to campus bigotry. As he recently explained by email to one AB member when reviewing the UCL proposal, “I believe this use of the definition not only harms academic freedom but will also harm the interests of Jewish students and faculty. There are other things campuses can and should do that would be much more effective to deal with antisemitism.”³

One informed discussion of the merits of alternative definitions can be found in Deborah Lipstadt’s recent book, *Antisemitism, Here and Now*, including that by Holocaust and genocide expert Helen Fein, who defines antisemitism in terms of: “A persisting latent structure of hostile beliefs towards *Jews as a collectivity* manifested in *individuals* as attitudes, and in *culture* as myth, ideology, folklore, and imagery, and in *actions* – social or legal discrimination, political mobilization against Jews, and collective or state violence – which results in and/or is designed to distance, displace or destroy Jews as Jews.”⁴

2. From several recent cases in the US and in the UK, it is clear that the IHRA definition has served to limit free speech and threaten academic freedom in university settings. The accompanying examples that are provided with the brief IHRA definition do not

¹ See, for example, the opinion of Hugh Tomlinson, QC: <https://freespeechonisrael.org.uk/ihra-opinion/#sthash.LvU36E7I.AVSU1243.dpbs>; and Geoffrey Robertson, QC: <https://freespeechonisrael.org.uk/wp-content/uploads/2018/08/Geoffrey-Robinson-QC-opinion-on-IHRA.pdf>; as well as Yair Wallach, “How to Protect British Jews,” *Haaretz*, 26 July 2018, <https://www.haaretz.com/world-news/.premium-how-to-protect-british-jews-from-labour-s-institutional-anti-semitism-1.6315672>; and Rebecca Gould, “The IHRA Definition’s Imprecision,” *Prospect*, 7 September 2018, <https://www.prospectmagazine.co.uk/politics/the-ihra-definitions-imprecision-makes-it-a-threat-to-free-speech>. For the US context, see Kenneth S. Stern, “Will Campus Criticism of Israel Violate Federal Law?” *The New York Times*, 12 December 2016, <https://www.nytimes.com/2016/12/12/opinion/will-campus-criticism-of-israel-violate-federal-law.html>; as well as the 2017 Congressional testimonies in front of the House Judiciary Committee of Kenneth S. Stern, <http://kennethsster.com/wp-content/uploads/2019/02/Kenneth-Stern-Testimony-House-Judiciary-Committee-110717.pdf>; Dr. Barry Trachtenberg, <https://docs.house.gov/meetings/JU/JU00/20171107/106610/HHRG-115-JU00-Wstate-TrachtenbergB-20171107.pdf>; and Suzanne Nossel, <https://docs.house.gov/meetings/JU/JU00/20171107/106610/HHRG-115-JU00-Wstate-NosselS-20171107.pdf>.

² See David Feldman, “Will Britain’s New Definition of Antisemitism help Jewish People?” *The Guardian*, 28 December 2016, <https://www.theguardian.com/commentisfree/2016/dec/28/britain-definition-antisemitism-british-jews-jewish-people>.

³ Email, Kenneth Stern to Dr. Seth Anziska, Department of Hebrew and Jewish Studies, 22 February 2019.

⁴ Helen Fein, quoted in Deborah Lipstadt, *Antisemitism, Here and Now* (London: Scribe, 2019), pp. 15-16.

contribute to a clear distinction between antisemitism and legitimate political views (e.g. about the Arab-Israeli conflict, or the promotion of Palestinian rights), but on the contrary, they have the effect of mingling them. These examples, moreover, can easily silence political views that could be regarded as legitimate, having a potent chilling effect for staff and students. The proposal now before Council sets the scene for attempts to shut down Palestine-related discussion; it could very well lead to a serious violation of academic freedom and will prove a dangerous precedent for other fields and topics.

The policy on free speech which this definition is intended to underline will presumably affect not only the invitation of external speakers to the UCL campus, but also speaking and even teaching activities by UCL staff. By way of example, since the adoption of the IHRA definition and accompanying examples on other UK campuses, an “Israel Apartheid Week” event was cancelled as violating the definition at the University of Central Lancashire.⁵ A Holocaust survivor was required to change the title of a campus talk at the University of Manchester, and the university mandated it be recorded, after an Israeli diplomat complained that the title violated the definition.⁶ Perhaps most egregious, an off-campus group citing the definition called on the University of Bristol to conduct an inquiry of a professor for antisemitism, based on the tendentious reading of an article she had written years before.⁷ We have also included an appendix of several recent examples of parallel efforts at US universities, where academic freedom has clearly been threatened or undermined. These precedents pose a serious risk to academic freedom at UCL, one that has not been sufficiently addressed in the proposal put before Council.

3. The IHRA definition is insufficient when it comes to tackling discrimination at UCL. For example, it lags behind the UK Equality Act, which is more rigorous on the issue of discrimination and more demanding of public authorities as they respond to the presence of religious and ethnic minorities. As an alternative, UCL should be encouraged to underscore its commitment to the Public Sector Equality Duty. This would reassure Jewish students and members of staff without singling them out for special treatment. It seems especially important when evidence suggests that racism is part of the everyday experience of people of colour and Muslims.
4. Adoption of the IHRA definition is symbolic but devoid of meaning, shifting attention from UCL's responsibility to foster an inclusive environment to a disciplinary process against "hate speech." As the first University in England to welcome students of any class or religion, this is a particularly acute dereliction of institutional duty. Rather than strengthen existing policies at UCL, such as the “Religion and Belief Equality Policy” and “Harassment and Bullying Policy,” this policy would frame racism as an individual action and not a systemic issue.⁸ We believe such a reductive approach would not clarify or strengthen existing measures to report and tackle this problem; in the long run it would make it harder for UCL to address real instances of antisemitism and other forms of racism.

While UCL's Council might believe the short-term public relations benefits of adopting the IHRA definition are paramount, substantively, Jewish students and staff—as well as other groups

⁵ <http://www.timesofisrael.com/citing-anti-semitism-uk-university-nixes-israel-apartheid-week/>; and <http://www.wiesenthal.com/site/apps/nlnet/content.aspx?c=IsKWLBpJLnF&b=8776547&ct=14985817¬oc=1>

⁶ <https://www.theguardian.com/education/2017/sep/29/manchester-university-censors-title-holocaust-survivor-speech-criticising-israel>

⁷ <https://www.telegraph.co.uk/education/2017/02/20/bristol-university-investigates-claims-anti-semitism-lecturer/>. For Professor Gould's own account of this spurious accusation and its implications, see Rebecca Gould, “Legal Form and Legal Legitimacy: The IHRA Definition of Antisemitism as a Case Study in Censored Speech,” *Law, Culture and the Humanities* (2018), <https://journals.sagepub.com/doi/full/10.1177/1743872118780660>.

⁸ See <https://www.ucl.ac.uk/students/policies/equality/religion>; and <https://www.ucl.ac.uk/students/policies/conduct/harassment-and-bullying-policy>.

subject to racism and discrimination—may actually find their concerns dismissed down the line. Adoption of the IHRA definition will bring reputational damage to the institution and set a bad example for other universities that look to UCL as a leader in higher education here in the UK and around the globe. This is such an important issue today that it is worthy of further discussion and debate, in the hope that UCL can lead the way in developing a more precise and productive formulation for the purposes of both definition and action.

List of Academic Board Signatories (updated 12 March 2019)

Dr. Ali Abolfathi, Senior Teaching Fellow, Mechanical Engineering
Dr. Bojan Aleksov, School of Slavonic and East European Studies
Dr. Seth Anziska, Hebrew and Jewish Studies
Dr. Manuel Arroyo-Kalin, Institute of Archaeology
Professor Michael Berkowitz, Hebrew and Jewish Studies
Professor Stephanie Bird, Director, School of European Languages, Culture and Society
Dr. Sungano Chigogora, Faculty of Population Health Sciences
Dr. Alun R. Coker, Faculty of Medical Sciences
Professor Izzat Darwazeh, Electronic & Electrical Engineering
Dr. Jason Davies, Senior Teaching Fellow, Arena Centre
Professor Jason Dittmer, Geography
Dr. Mechthild Fend, History of Art
Dr. Carlotta Ferrara degli Uberti, School of European Languages, Culture and Society (Italian)
Professor Elena Fiddian-Qasmiyeh, Geography
Professor Murray Fraser, The Bartlett School of Architecture
Professor Mary Fulbrook, School of European Languages, Culture and Society (German)
Professor Tamar Garb, Director, Institute of Advanced Studies
Professor Harvey Goldstein, Great Ormond Street Institute of Child Health
Dr. Hugh Goodacre, Economics
Dr. François Guesnet, Hebrew and Jewish Studies
Dr. Thomas Kador, Senior Teaching Fellow, UCL Culture
Professor Diane P. Koenker, Director, School of Slavonic and East European Studies
Professor Jeff King, Faculty of Laws
Professor Susanne Kord, School of European Languages, Culture and Society (German)
Ms. Katherine Koule, Senior Teaching Fellow, Institute of Education
Professor Andrew Leak, School of European Languages, Culture and Society (French)
Professor Ruth Mandel, Anthropology
Professor Philippe Marlière, EISPS/School of European Languages, Culture and Society
Dr. Florian Mussgnug, School of European Languages, Culture and Society
Dr. Mark Newman, Institute of Education
Professor Mignon Nixon, History of Art
Professor Jane Rendell, The Bartlett School of Architecture
Professor Eleanor Robson, History
Professor Philippe Sands, Faculty of Laws
Professor Sonu Shamdasani, School of European Languages, Culture and Society (German)
Dr. Bill Sillar, Faculty of Social and Historical Sciences
Professor Hugh Starkey, Institute of Education
Professor Sacha Stern, Hebrew and Jewish Studies
Professor Judith Suissa, Institute of Education
Professor Alice Sullivan, Institute of Education
Dr. Tse-Hui Teh, The Bartlett School of Planning
Professor Elaine Unterhalter, Institute of Education
Dr. Hans van de Koot, Faculty of Brain Sciences
Professor Haim Yacobi, Development Planning Unit

Appendix

Documented Risks to Campus Free Speech Posed by the IHRA Definition in the US⁹**Threats Against Professors / Classroom Curriculum:**

San Francisco State University: [A federal lawsuit](#) based on the “State Department” (similar to IHRA) definition of antisemitism targeted multiple professors for teaching and research on Palestine, and included as a basis for the complaint comments made by a professor about Israel in the classroom. The lawsuit was dismissed in October, 2018.

University of Michigan: In September, 2018, the Zionist Organization of America (ZOA) used the definition of antisemitism to [demand](#) that the University of Michigan discipline a professor who declined to write a letter of recommendation for a student to study in Israel. The ZOA used the definition to threaten the university with a legal complaint, referencing the recent signal from the U.S. Department of Education Office for Civil Rights that it would apply such a definition. The university sanctioned the professor with a loss of his earned sabbatical for two years and no merit increase for the academic year.

Indiana University: The campus branch of an Israel lobby group attempted to [censor](#) a talk about Palestinian rights delivered by Jamil Dakwar, a prominent international human rights lawyer and director of the ACLU’s Human Rights Program, referencing the U.S. State Department’s definition of antisemitism.

San Jose State University: One professor [threatened](#) another over a September 2018 event called *We Will Not Be Silenced*, which planned to discuss intimidation against Israel’s critics. He warned of a federal investigation under the IHRA definition of antisemitism.

University of California Berkeley: In September 2016 the university [suspended](#) a course on Palestine in the middle of the semester, in blatant violation of academic freedom. The course suspension was a response to an international campaign by Israel advocacy organizations arguing, erroneously, that the course was “antisemitic anti-Zionism” and in violation of the University’s Principles of Intolerance. The Principles of Intolerance were adopted as a milder version of the IHRA definition, after the IHRA/State Department definition had been rejected.

University of California Riverside: In spring 2015, Israel advocacy groups [called](#) for the elimination of a student-led literature course on “Palestinian Voices” because the course set out to explore the political and cultural history of Palestinians and was taught by a Palestinian-American student. Citing the “State Department” definition of antisemitism, the Israel advocacy groups called the course antisemitic, argued that discussion of the Palestinian narrative should not be permitted because it is one-sided, demanded that the university investigate the course and called for its elimination because it allegedly violated university policy. After an investigation, the course went forward but the student instructor was subjected to weeks of islamophobic and misogynist cyberbullying and hate mail.

Threats Against Student Clubs:

UCLA: After the US Department of Education announced it would apply the IHRA definition, an Israel advocacy group filed a complaint targeting the [National Students for Justice in Palestine Conference](#) in November 2018. The event convened students from diverse backgrounds to discuss achieving equality for Palestinians. The Zachor Legal Institute [filed](#) the complaint

⁹ Source: Palestine Legal (<https://palestinelegal.org/>). The definition has been referenced in different ways, including “IHRA,” “EUMC,” “State Department definition” and “working definition.”

against UCLA within hours after the conference commenced, claiming that discussion of Palestinian rights is an attack on Jewish students.

University of California Berkeley: Also under the US Department of Education's use of the IHRA definition, Israel Advocacy groups filed a complaint targeting [a vigil organized by Jewish students at UC Berkeley](#) in November 2018 to mourn the deaths of Palestinian children killed in Gaza and Jews killed in the Pittsburgh massacre. The attorneys alleged that the vigil was to portray "Israel as a barbarian and racist nation," falling under the IHRA definition, and said the students who organized the vigil should be expelled.

University of Minnesota: The IHRA definition was [cited by Hillel](#) while trying to block a student referendum on divestment.



University College London UCU Branch

President: Sean Wallis, Department of English Language and Literature

Secretary: Tony Brown, Information Systems Division

Enquiries: ucu@ucl.ac.uk, www.ucl.ac.uk/ucu

Wednesday, 27 February 2019

Prof Michael Arthur, President and Provost
Dame DeAnne Julius, Chair
Members of Council
University College London

Dear Provost, Chair, Member of Council

On the IHRA definition of anti-semitism

I am writing on behalf of the UCL branch of UCU, representing some 3,000 members of academic and related staff at UCL.

We are very concerned that UCL Council is considering adopting the IHRA definition of anti-semitism¹ without a serious and meaningful debate in College. We note that Academic Board of 6 Feb 2019 debated the issue and there were many voices in opposition, including from our Hebrew and Jewish Studies Department.

We believe this document has far-reaching implications for academic teaching and research at UCL. This is not simply a matter of outward-facing political meetings but of academic freedom for our staff and students. We would flag up UCL's approach to Prevent as an alternative approach to this question.

We are particularly concerned with the academic impact of accepting this document. We believe this 'definition' is in conflict with UCL's Chartered obligations to protect and ensure academic freedom.

Our objections set out below can be summarised as:

- Adopting the definition does not add any precision to the legally-valid definition of anti-semitism (i.e. anti-Jewish racism);
- It does not enable any additional action that UCL cannot already take against anti-Jewish racism, but does introduce confusions about its own application;
- Adopting the definition introduces confusions in the form of examples that come with it that do not specify under what exact conditions the issues in the examples should apply – they are thus open-ended and imprecise;

¹ For the purposes of this document, we interpret 'the IHRA definition' to be the entire document including examples, which, strictly speaking are not part of a definition.

- Adopting the definition risks false positives (especially when there is no appeal process to a committee of experts, but the suggestion is that the definition will be applied directly by the Provost or a deputy);
- Adopting the definition challenges, therefore both free speech and academic freedom, through censorship (as seen in actual cases around the country where it has been adopted);
- The definition risks more conflict than it solves, by introducing a layer of controversy over political matters into the regulation of academics and students at UCL;
- UCU nationally fundamentally rejects its adoption for these and other important reasons.

The ‘definition’

As is well-known, the IHRA definition of anti-semitism is not strictly speaking a ‘definition’, but a definition and a series of examples. It is the set of examples that are where the problem lies.

The core definition **does not add precision to the legal definition** of anti-semitism enshrined in the Equality Act 2010, which can be summarised as ‘discriminatory acts against Jews by virtue of their ethnicity or religion’.

What the document does do, however, is

- a) it states that certain acts may be anti-semitic, but
- b) it does not provide any clarity as to under what circumstances such acts are, or are not, in fact anti-semitic.

Therefore the most likely consequence of UCL adopting this definition is to risk false positives and self-censorship due to the fear of breaching it.

Public debate about this definition has centred on questions of a tendency to equate political opposition to the state of Israel, termed ‘anti-Zionism’, with racism against Jews. The document itself gives the example that those criticising Israel may make anti-semitic statements. This is true, but irrelevant, as those defending the state of Israel may also make anti-semitic statements, but the IHRA definition does not give this example.

Academic censorship and the undermining of education

Geoffrey Robertson QC has pointed out that Article 10 of the European Convention on Human Rights preserving freedom of speech must take precedence over this document.

This means that if UCL were to sanction a student or employee **by using examples in this document in place of the Equality Act definition**, this sanction would likely be unlawful. As such the IHRA definition document is not a proper preventative measure against genuine racism or anti-semitism.

However our main purpose in writing this letter is to draw your attention to the academic consequences of a university governing body choosing to accept this definition.

Much of the reported student debate has concerned a purported right not to be 'offended'. However, this is a mistake. There is no 'right not to be offended', and such a 'right' undermines the basis of education.

Indeed, staff often have to deal with sensitive matter that may cause offence, from disturbing medical cases to historical trauma, and the handling of such matters is part of the skill and expertise we expect in our academic teaching.

But introducing the 'IHRA definition' into UCL policy will likely mean that staff engaged in any teaching that touches on questions of anti-semitism, racism, colonialism and empire will inevitably risk coming into its scope.

Staff at risk would be those teaching or researching on subjects such as world history, including the origins of anti-semitism, the diaspora and pale, through to the Holocaust, World War II and the present day. It would also include a much wider group of staff whose work might discuss responses to 20th Century European fascism (including related topics, e.g. eugenics and trauma), in philosophy, psychology, biology, medicine, politics, and art history. The risk is that staff will simply avoid such subjects in their teaching in case a student complains.

A second danger is the risk to university debate in our classrooms about genuine anti-semitism.

We believe that it is right for lecturers to be able to explain to students why, for example, a notorious individual is both a fake historian and an anti-semite. We defend the right of staff to explain to students that so-called 'Holocaust denial' is concerned with denying the importance of the Holocaust and is therefore both racist and a touchstone of many fascist organisations.

An essential aspect of contemporary teaching is to teach students how to critically evaluate academic sources. We are concerned that a perception of UCL censorship might have exactly the opposite effect than that intended, encouraging naïve students to consider actual fascist material as being 'just another viewpoint', albeit one unapproved by their lecturer.

UCU's position

At multiple Congresses of the union, UCU has democratically debated the IHRA definition document and the earlier EUMC definition on which it is based. We voted to oppose it because the document centrally relies on a political attempt to conflate opposition to the actions of Israel and prejudice against Jews.

As the academic union, our purview is, *inter alia*, to defend academic freedom up to the limits allowed by law. We ask formally that UCL Council, in its constitutional role as guardians of academic freedom at UCL, does the same, and decides on balance to decline to adopt this document.

Our case is that it is not necessary to adopt this document to take a position of zero tolerance towards racism of any kind. Thus UCU has a steadfast opposition to all types of racist act, whether committed by staff member, student or other on UCL premises, including incidents of discriminatory language and unconscious bias. There is no problem that needs addressing by adopting this particular document.

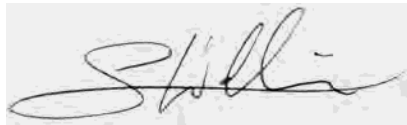
Thus, for example, if there is an instance of racial discrimination against Jews or any other ethnic or religious group on campus, we unreservedly condemn it. We expect our management would use its disciplinary policies and procedures to ensure that UCL is a safe place for staff and students to engage in debate.

But as we have explained, this document does not add anything positive to these policies and procedures.

We must guard against any attempt to shut down academic debate on false or presumptive allegations of discriminatory behaviour. This must be seen in the context of a worrying wider trend of campaigns to censure or dismiss academics for expressing views which some students or colleagues find disagreeable.

We would urge Council to think again.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S Wallis', is centered on a light grey rectangular background.

Sean Wallis
UCL UCU President

Addressing antisemitism at UCL

Summary:

This paper seeks Council discussion and advice on development of an action plan to address antisemitism at UCL, and in particular on the proposal that UCL should adopt the IHRA working definition of antisemitism

Prior Consideration:

IHRA adoption was considered and approved by SMT in October 2018 and brought to Academic Board for discussion in February 2019

Action required of Council:

For initial discussion to guide the development of a full proposal that will be brought to Council for approval at a future meeting

Author/Paper Sponsor:

Lori Houlihan, Vice-Provost (Advancement) and UCL Interfaith Champion, supported by SMT and UCL Envoy for Race Equality Professor Ijeoma Uchegbu

Overview and background

Multiple studies reveal that antisemitism is increasing in the UK, Europe and USA, and there is a growing body of evidence that UCL is not immune to this trend.

At the same time, public debate, in particular relating to the Labour Party, has shone a light on the tenacity of classic antisemitic tropes and a level of ignorance about the history of antisemitism and the different forms in which it can present. The International Holocaust Remembrance Alliance working definition of antisemitism – a short definition with illustrative examples – has emerged as the gold standard tool for defining and recognising antisemitism. It has widespread cross-denominational support amongst Jewish communities and, while not an effective tool against antisemitism in isolation from a wider approach, its adoption is viewed as an important signal that an institution is serious about tackling antisemitism. A large number of Jewish staff and students at UCL, supported by the wider Jewish community, have requested that the university adopt it in full. It should be noted that the definition is not a legal document but is intended as a tool to aid understanding of antisemitism. The definition is appended (**Appendix 1**).

It is within this context that UCL's Senior Management Team evaluated the definition and, in October 2018, unanimously agreed that UCL should adopt it. The proposal was taken to Academic Board on 6 February, where the proposal was debated from a variety of angles and no vote was taken. Minutes will be available when approved by Academic Board in May.

The IHRA definition and the broader issue of tackling antisemitism at UCL is now brought to Council for initial consideration and input, following which a full proposal taking into account Council's advice will be submitted for final consideration at a future meeting in this academic year.

Antisemitism at UCL

UCL prides itself on its status as a diverse, global community that, from its inception, has been welcoming to students and staff regardless of religion or ethnicity. It has a number of policies and active networks to advance equality and inclusion, focused on gender, disability, LGBTQ+, race and, most recently, faith. However a range of evidence suggests that Jewish

staff and students are experiencing casual and direct racism, and are not reporting it because they fear they will not be taken seriously.

Evidence includes an online poll carried out at the end of January 2019 by UCLU's Jewish Society amongst its members on their experience of antisemitism on campus, which garnered around 80 responses within several hours. Comments reported by students covered a wide range of classic antisemitic tropes, including appearance (*"you've got a small nose for a Jew"*), money (*"Why don't you pay for my Uber Jew boy?"*, *"You don't need an internship, you're guaranteed a job in a bank"*, *"I'm not surprised, your people are so good with money"* – said by a supervisor to their PhD student when he mentioned that he had identified a source of funding), and power (one student reports talking to a friend about antisemitic tropes about Jews controlling the media and being told *"Well, it's not entirely untrue, is it?"*). Strong feelings relating to Israel/Palestine also affect Jewish students on campus regardless of their views on or connection with Israel, with reported comments including *"why do you like killing children?"* and *"You're Jewish? So you take all the water from Gaza?"*.

An exacerbating factor is lack of understanding about antisemitism within the wider population, which is also reflected at UCL, and it is possible that some comments and incidents may stem from genuine ignorance. For example, in 2018 an event on diplomacy in the Middle East organised by a UCL student society was promoted with use of an antisemitic image dating from the 1930s. When challenged, the students involved claimed they had not understood the nature of the image and removed it.

Anecdotal evidence also exists that UCL is perceived externally as having a problem with antisemitism and failing to deal with it well. Several Jewish members of staff have contacted the Vice-Provost (Advancement) and Interfaith Champion Lori Houlihan to report that they are being asked by parents in their community whether UCL is a safe place for Jewish students. One student also said: *"Coming from France, I thought Jews were safe in the UK. I was really surprised by the UCL campus environment. I know families who don't want their kids to come to UCL because they're scared. I've got friends who weren't allowed to apply."*

Perceptions internally and externally of the environment for Jewish students at UCL continue to be coloured by the disruption of a UCLU Friends of Israel event in October 2016. An investigation carried out by Professor Geraint Rees concluded that chants that could be interpreted as antisemitic had been made and that UCL had failed to uphold the speaker's right to freedom of speech within the law. Professor Rees also noted that a lack of clarity in defining hate speech created challenges in identifying such occurrences.

There is a broad perception amongst Jewish students that UCL Union is not supportive or representative of them. A recent vote on whether the Union should accept the IHRA definition of antisemitism added to a sense that Union democracy does not work for a small minority group within the student body; Jewish students particularly criticised the way the debate was framed to mobilise opposition, citing an email circulated in advance claiming erroneously that acceptance of the definition would mean: *"any criticism of the state of Israel or Zionism at UCL will be a punishable offence"*.

The Union's current sabbatical officers and its leadership team acknowledge that antisemitism is an issue that UCL and the Union should address. Sabbatical officers believe that adopting a definition of antisemitism would be useful and are working with the Jewish Society to find a compromise; they oppose the IHRA definition because they believe several of the examples would prevent them from criticising Israel. It is the view of UCL's SMT that this is a mistaken interpretation of the definition and its examples.

Developing a UCL strategy to address antisemitism on campus

Like all forms of racism, tackling antisemitism effectively requires a long-term strategy. A Staff-Student Interfaith Forum is now being established to improve understanding of faith at UCL and promote better relationships and dialogue between faith groups. At the same time, the Interfaith Champion, working with partners including the Chaplaincy, EDI and the Race Equality Steering Group, and Student Support and Wellbeing, is developing a project to improve religious literacy amongst UCL students and staff.

Tackling under-reporting and improving the confidence of Jewish staff and students that their experiences will be taken seriously is also a priority. The launch in February of UCL's new Report and Support initiative will enable students and staff to report all incidents of abuse, harassment, bullying or sexual violence. Incidents can also be reported via the Union's Hate Crime Reporting Centre. Both of these initiatives need ongoing communication to encourage all members of the UCL community to report all incidents; in the context of antisemitism, the Interfaith Champion is engaging with the Jewish Society and through the interfaith network to raise awareness of the initiative and reiterate that all reports of antisemitic activities will be taken seriously and acted on.

UCL has also undertaken a review and revision of Prevent and of its speaker policy, which has been approved by Academic Board.

The International Holocaust Remembrance Alliance definition of antisemitism

Adopting the IHRA working definition in full would underpin and provide a firm foundation for all efforts to address antisemitism. The definition is valuable as a practical awareness and educational tool to aid understanding and identification of a form of prejudice that is mutable and misunderstood. Its adoption would help UCL increase visibility of the different (sometimes contradictory) forms in which antisemitism can manifest, and provide clarity in an environment in which antisemitic activity can stem from ignorance as well as malice.

By adopting it, UCL would send a strong message to Jewish students and staff, and the wider Jewish community, that it takes antisemitism seriously and is committed to tackling it. It would be a powerful sign that UCL is listening and responding to the clear request from the Jewish community to adopt this definition, that the university recognises the community's right to define its own experience of racism, and that we are their allies in fighting it.

A decision against adopting the definition sends an equally clear signal and would not be viewed as a neutral position. As incidents of anti-Jewish activity on campuses continue to be reported, so scrutiny of how universities deal with antisemitism will become more acute and pressure to adopt the definition will grow. It would be contrary to UCL's heritage and values to be seen as a reluctant or late adopter of this widely recognised definition of antisemitism.

Institutions so far that have adopted the IHRA definition include: King's College London, the National Union of Students, the Office for Students, students' unions including Bristol, Sheffield and Warwick, the UK government, the London Assembly, over 130 local councils, the Metropolitan Police, the Crown Prosecution Service and the Church of England. LSE adopted the definition in part, excluding the examples, in January 2018 – prior to the debate in the Labour Party that significantly increased the definition's general profile. In February 2019 the University of Essex announced that it subscribed to the definition, following a student poll in which more than a third of respondents voted against the ratification of a Jewish Society because it was perceived to be supportive of Israel. In February 2019, the government of France announced that it too would adopt the definition as part of its efforts to combat increasing levels of antisemitic abuse and violence in the country.

Freedom of speech and freedom of expression

Academic freedom of expression and freedom of speech within the law are core UCL values. In its response to the proposal to adopt the IHRA definition, the Governance Committee of Academic Board raised concerns that it “*could lead to unreasonable suppression of legitimate political views*”.

It is the unanimous view of SMT, supported by some academic staff in the Academic Board meeting and subsequent representations to the President & Provost, that there is no evidence that the definition would inhibit freedom of speech or academic endeavour at UCL; discussions with KCL confirm that adopting the definition has not had any impact on free speech at that institution. The definition itself states that *criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic* and that in each instance overall context should be taken into account.

Concern about freedom of speech is usually focused on example 7 of the definition, which defines as antisemitic: *Denying the Jewish people their right to self-determination, eg by claiming that the existence of a State of Israel is a racist endeavour*. This example does not imply that criticism of Israel should be regarded as racist but that exclusively denying self-determination to the Jewish people via a Jewish state is likely to be discriminatory. Criticisms that the current State of Israel is, for eg, racist or apartheid, guilty of ethnic cleansing or human rights abuses, are not considered antisemitic unless made using antisemitic tropes; or unless the claim is made that the creation of **any** Jewish state would **necessarily** be racist or involve ethnic cleansing. SMT has examined events with controversial speakers held at UCL over recent years and does not believe that the definition would have prevented any of them from speaking at the university; where speakers were known to have made statements that contravene the definition they would have been required to give an undertaking not to repeat those statements at UCL but would not have been denied a platform.

GCAB also highlighted evidence given by Kenneth Stern, one of the definition’s authors, to the US House of Representatives, in which he argued against enshrining the definition into law and expressed concern that it was being misused by some US universities to shut down criticism of Israel. SMT has examined his evidence carefully and is confident that UCL’s clear commitment to upholding freedom of speech means that the definition would not be similarly misused at this university. SMT also notes that in 2015 Professor Stern wrote in the Jewish Journal that the IHRA definition “*remains a very good one*” and is “*a useful tool for college campuses if used appropriately*”; he opposes legal adoption since that is not the purpose of the definition and states that if the definition is used to shut down legitimate debate on Israel/Palestine, it is being misused because that is not its purpose.

Other examples sometimes brought to allege that the definition has been used to inhibit debate on Israel in the UK include:

- University of Bristol – a lecturer was investigated in 2017 for alleged antisemitism in an article that included comments such as “*Claiming the Holocaust as a holy event sanctifies the state of Israel and whitewashes its crimes*”. The University concluded that she had not been antisemitic and defended her right to freedom of speech and academic freedom.
- University of Central Lancashire – an event held as part of ‘Israel Apartheid Week’ was cancelled on the basis that it would violate the IHRA definition; other than one event, the rest of the week’s activities went ahead.
- University of Manchester – a talk by a survivor of the Budapest ghetto held on campus as part of ‘Israel Apartheid Week’ was asked to change its title from ‘You’re doing to the Palestinians what the Nazis did to me’ to ‘A Holocaust survivor’s story and the Balfour Declaration’ after complaints, including from the Israeli ambassador to the UK.

In all of these cases, it is likely that these incidents would have attracted attention and calls for examination regardless of the existence of definition. In the first, the right to academic

freedom of speech was asserted, while the second and third were managed in accordance with the each university's approach to all controversial speakers. Without knowing the proposed content of the UCLan event, it is hard to state what UCL's response would have been, but it is clear that universities across the sector take slightly different approaches to interpreting their obligation to uphold *freedom of speech within the law*, regardless of the IHRA definition. In the case of the University of Manchester, the title of the talk was judged by the university to be "*unduly provocative*". UCL's approach has always been to uphold the right to robust debate within the law and to put safeguards around an event where necessary rather than to deny speakers a platform.

Communication, implementation and monitoring of the definition would be crucial to guard against misuse or self-censorship. Prior to the UK Government's adoption of the definition, a report by the Home Affairs Select Committee recognised the value of the definition but proposed two clarifications to safeguard freedom of speech:

- It is not antisemitic to criticise the Government of Israel, without additional evidence to suggest antisemitic intent
- It is not antisemitic to hold the Israeli Government to the same standards as other liberal democracies or to take a particular interest in the Israeli Government's policies or actions, without additional evidence to suggest antisemitic intent

The Government rejected these clarifications on the grounds that the existing caveat stated above (*criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic*) was sufficient to ensure freedom of speech. However UCL may wish to consider the option of caveats or accompanying clarification documents alongside the definition to reinforce its commitment to freedom of speech.

An academic at the Academic Board meeting questioned why the Department of Hebrew and Jewish Studies were not consulted about the definition in advance and expressed that there was a '*majority departmental view*' in opposition to the definition. Senior UCL academics have pointed out, at the meeting and subsequently to the President & Provost, that this is an issue affecting Jewish staff and students beyond one department. They add that, while DHJS is home to a range of international academic expertise, expertise on antisemitism and the experience of antisemitism by UCL students and staff is not confined to that department alone. They have asked that Council bears in mind that this important issue requires wide-ranging input without unduly privileging DHJS.

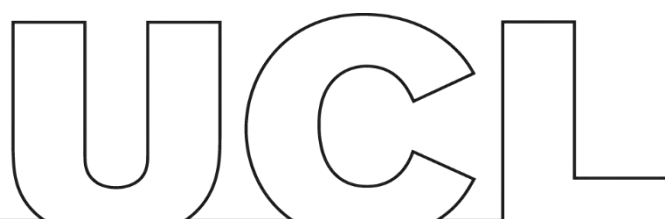
It should be noted that the freedom of speech of Israel-supporting speakers on campus is also something that must be vigorously protected. Many Israel-related events at UCL currently require an level of security that curtails promotion and access. A 2018 talk by Israeli Ambassador Mark Regev, for example, required security measures including not disclosing the speaker or venue until a few hours before the talk was due to start and a ban on bags, bottles of water, etc in the venue.

Issues for Council to consider and recommended actions

Council is requested to consider the issue of antisemitism at UCL and avenues through which it can be addressed, taking into account the following issues:

- The stated view of a large number of Jewish students, staff and the wider community, unanimously supported by SMT, that adopting the IHRA definition of antisemitism would be an important and welcome step
- The need to uphold academic freedom and freedom of speech within the law
- Routes through which any unintentional impact on freedom of speech from adopting the definition could be monitored and reported to Council

Following feedback from Council on these issues, Lori Houlihan will return to Council later in this academic year to present proposals for approval.



COUNCIL

Wednesday 13th March 2019

MINUTES

PRESENT:

Dame DeAnne Julius (*Chair*)

Professor Michael Arthur (<i>President and Provost</i>)	Professor Lucie Clapp
Professor Annette Dolphin	Dr Martin Fry
Dr Andrew Gould	Professor Patrick Haggard
Mr Turlogh O'Brien	Mr Mahmud Rahman
Lord Sharkey	Mr Philip Sturrock (<i>Treasurer</i>)
Mr Justin Turner QC	Ms Sarah Whitney
Baroness Valentine (<i>Vice-Chair</i>)	Professor Andrew Wills

In attendance: Ms Wendy Appleby (Secretary to Council); Ms Anne Marie O'Mullane (Assistant Secretary to Council); *For minutes 78 – 85 and 88- 93:* Dr Celia Caulcott (VP (Enterprise & London)); *For minutes 75- 85 and 87-93 :* Mr Phil Harding (Director of Finance & Business Affairs); Ms Fiona Ryland (COO); *For minutes 75 – 85 and 87 – 93:* Professor David Lomas (VP (Health)); Professor David Price (VP (Research)); *For minute 87:* Professor Alan Thompson (Dean of the Faculty of Brain Sciences); Michael Schuitevoerder (Programme Director for the Institute of Neurology/Dementia Research Institute programme); Professor Mike Hanna (Director, Queen Square Institute of Neurology); Mr Roger Tuke, Assistant Director (IoN/DRI); *For minutes 79 and 87* Ms Francesca Fryer.

Key to abbreviations used in these Minutes:

AC	Academic Committee
COO	Chief Operating Officer
DRI	Dementia Research Institute
FBA	Finance & Business Affairs
IoE	Institute of Education
IWGB	Independent Workers Union of Great Britain
JEP	Joint Evaluation Panel
PGR	Postgraduate Research
QS	Quadrelli Symonds
USS	Universities Superannuation Scheme
UUK	Universities UK
VP	Vice-Provost

80. UCL INNOVATION & ENTERPRISE REPORT

[Paper 4-67, 2018-19]

- 80.1 **Received:** A report on progress on the UCL strategy for innovation and enterprise: Transforming Knowledge and Ideas into Action. Dr Celia Caulcott provided an overview of key achievements and challenges. The Innovation & Enterprise group had recently been reorganised and final recruitments had been made. The partnerships team included sector focussed specialists who provided a new route for businesses to engage at an institutional or sub-institutional level. There had been IPOs for two UCL spin-out companies: Autolus Therapeutics Ltd; and MeiraGTx Holdings PLC. Preliminary preparations had been made for the KEF. It was recognised that one of the challenges was that UCL lacks a coherent set of policies and processes required to support innovation. Considerable effort was being made to address this issue. The report was welcomed by Council. Council members who had visited Base KX, praised the students and staff involved. There were queries about the revenue opportunities from Autolus. This matter had been considered by Finance Committee on February 28 2019 and it was recommended that Council members who had queries contact the VP for additional briefing due to the complexity of the details.

81. ADDRESSING ANTISEMITISM AT UCL

[Paper 4-68, 2018-19]

- 81.1 **Received:** A paper on the development of an action plan to address antisemitism at UCL, and on the proposal that UCL should adopt the IHRA working definition of anti-Semitism. Ms Lori Houlihan, VP (Advancement) and Interfaith Champion advised that some students did not feel they could report incidents of antisemitism as they felt the incidents would not be addressed. The request for adoption of the IHRA definition had come from the Jewish community as they felt it would signal that the matter of anti-Semitism was being taken seriously. A survey had been circulated to Jewish students and within two days there had been a large number of responses with examples of anti-Semitism. The survey results would be circulated to Council members. Ms Houlihan provided an overview of the IHRA Definition and some of the key objections to the definition. Briefing sessions would be made available to Council members with Professor Anthony Julius, the Jewish Society and the drafters of the letter to Council signed by 41 AB members who were not in favour of the IHRA definition being introduced. These briefing sessions would take place in advance of Council's consideration of a full proposal at a future meeting.
- 81.2 During discussion the following points were raised: it was important that concrete action was taken to address anti-Semitism as the definition by itself was likely not to be effective should it be adopted; it was critical that the time gap between the final decision of Council and implementation of the decision was as short as possible; it would therefore be necessary that Council considered a detailed proposal for action. There was a risk that, should the definition be adopted, individuals would have different expectations about what it would achieve unless an action programme was specified.
- 81.3 The Provost provided an overview of the AB meeting where the discussion on this subject was particularly heated. A diverse range of opinions had been

expressed on the definition and AB had agreed to establish a working group. It was important that the working group tried to identify solutions to address the problem as a whole rather than only developing a new definition. A possible approach to mitigate concerns on the application of the IHRA definition on anti-Semitism inhibiting freedom of speech and academic freedom would be to produce an annual report on the operation of the Freedom of Speech Policy and its associated procedure.

<p style="text-align: center;">Matters for approval or information</p>

82. STUDENTS' UNION UCL FINANCIAL STATEMENTS FOR 2018-19

[Paper 4-74, 2018-19]

- 82.1 **Received:** The Students' Union UCL Financial Statements for 2017-18 for the year ended 31st July 2018.

83. TUITION FEES FOR 2020-21

[Paper 4-75, 2018-19]

- 83.1 **Received:** A report on the approach to the setting of tuition fees across unregulated programmes for UK, EU and overseas students in the academic year 2020-21 which was approved by Finance Committee at its meeting on the 28th February 2019.

84. MINUTES OF ACADEMIC BOARD

[Paper 4-76, 2018-19]

- 84.1 **Received:** The minutes of AB on the 24th October 2018 and 14th November 2018.

85. DATE OF NEXT MEETING

- 85.1 The date of the next Council Meeting is **Thursday 2 May 2019 at 9:30am followed in the afternoon by the Council Away Day**; the venue was to be advised.

Wendy Appleby
Secretary to Council
March 2019

Promoting race equality and tackling discrimination at UCL

Summary:

The two papers under this item recommend that UCL Council should:

- i) approve UCL's Statement on Race Equality (Paper A)
- ii) adopt community-supported definitions of antisemitism and Islamophobia (Paper B)

Prior Consideration:

The Statement on Race Equality was drafted by the Race Equality Steering Group, in consultation with the Race Equality Charter Self-Assessment Team and UCL Vice-Provosts. The final statement was presented to UCL's Senior Management Team (SMT) on 6th February 2019 and was sponsored by the following SMT members: Dame Nicola Brewer, Professor David Price, Professor Anthony Smith and Professor Alan Thompson. The statement was unanimously accepted by SMT with a recommendation that the statement be forwarded to Council for approval.

Consideration of antisemitism at UCL, including adoption of the IHRA definition, was previously discussed by Council in March 2019.

Action required of Council:

For consideration and approval of the statement and agreement that UCL should adopt the two definitions of antisemitism and Islamophobia.

Freedom of Information:

Open paper

Paper Sponsors:

Professor Michael Arthur, President and Provost
Professor Ijeoma Uchegbu, UCL Envoy for Race Equality
Lori Houlihan, Vice-Provost (Advancement), Interfaith Champion
Professor Sasha Roseneil, UCL Envoy for Race Equality

INTRODUCTION

UCL is home to a highly diverse global community, and is strongly committed to promoting equality and inclusivity and serious about tackling all forms of racism on campus. In common with the broader HE sector and society as a whole, it faces a range of challenges from deeply embedded issues of structural inequality to ignorance and discrimination that affect student and staff experience.

Recognising and naming the challenge is a key part of tackling it and demonstrating seriousness of purpose. Council is therefore asked to

- Paper A: Approve UCL's statement on race equality
- Paper B: Agree that UCL should adopt the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism and the All Party Parliamentary Group on British Muslims' definition of Islamophobia.

Paper A is an overarching statement developed by and for UCL specifically, while Paper B proposes the adoption of externally developed definitions that are supported by the communities affected and which other universities and organisations across the UK are signing up to.

Antisemitism and Islamophobia are forms of racism but are considered separately because, while it is recognised that both operate through processes of racialisation and do not only target people in relation to their religious beliefs, addressing the faith-related aspects of antisemitism and Islamophobia is vital, alongside addressing the racism that is inherent in both.

Paper A – UCL Statement on Race Equality

Introduction

UCL acknowledges that it faces the challenge of institutional racism.

Black, Asian and Minority Ethnic (BAME) staff at UCL are less likely to be promoted to senior positions, and we have an awarding gap (% achieving a first class or second class upper degree) between White and BAME students of 4% (on both, see Appendix 1).

Recently UCL has positioned itself at the forefront of promoting race equality in the UK higher education sector, as evidenced by the award the Race Equality Charter in 2015. Various campus-wide activities aimed at tackling the problems with staff progression and student attainment have been initiated.

A bold statement outlining UCL’s commitment to fighting racial inequalities will empower BAME staff and students and send a strong anti-discrimination message to all staff. We are therefore asking Council to approve this statement:

Statement on Race

“Action for race equality exists because racism exists in our daily lives, our institutions and society at large. Racism is the exercise of historic power relations that produce discrimination and is ideologically driven. It means students and staff who identify and are identified as part of the white ethnic majority enjoy a position of relative and typically unspoken and unacknowledged privilege over Black, Asian and Minority Ethnic students and staff. Racism manifests at work, in student attainment, staff appointments and promotions. Racism must be fought by everyone. This statement names the challenge.”

Use of the Statement on Race

The statement will be prominently displayed on the UCL Equalities website, promoted to all staff and students and contained within all new employee information.

Recommended action

To adopt the UCL Statement on Race Equality.

Race Equality Steering Group, May 2019.

Paper B – Definitions of antisemitism and Islamophobia

1. Introduction

We are asking Council approve the adoption of the IHRA definition of antisemitism and the All-Party Parliamentary Group of British Muslims’ definition of Islamophobia.

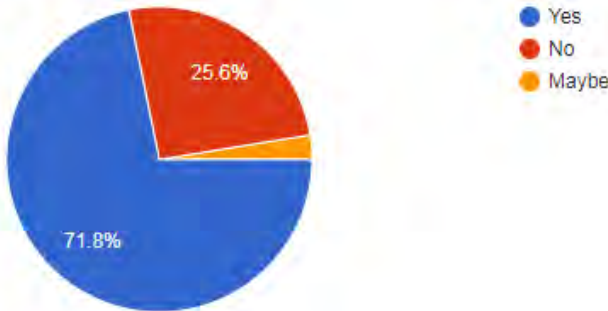
In 2018, Lori Houlihan, Vice-Provost (Advancement), took up the role of UCL’s Interfaith Champion as part of UCL’s approach of having SMT champions for all protected characteristics. This interfaith initiative is part of its equality, diversity and inclusion activity, responsibility for which sits within the Office of the President and Provost, and supports work to promote race equality.

The Interfaith Champion’s role was launched with an event during UK Interfaith Week in November 2018 and, since then, she has worked closely with UCL’s expert Interfaith Chaplain to consult extensively with students and staff, faith-based groups and societies and external community representatives and develop a strategy to support and raise understanding of faith at UCL. A Staff-Student Interfaith Forum has been established and a programme of activity is underway.

The Interfaith Champion and her team have engaged widely with staff and students to develop UCL’s interfaith activity, and found that antisemitism at UCL was a key concern consistently raised by Jewish students, supported by a survey carried out by the Jewish Society in January 2019 that found nearly 72% of Jewish students felt they had experienced antisemitism on campus. As a whole, Jewish students at UCL strongly support adoption of the International Holocaust Remembrance Alliance working definition of antisemitism, which they view as a positive and reassuring signal that an institution understands antisemitism, takes it seriously and is listening to the community affected.

Have you ever experienced Anti-Semitism in any way, shape or form on UCL Campus or by UCL students/staff?

78 responses



2. Previous Council discussions on this issue

UCL’s Senior Management Team agreed in October 2018 to support adoption of the IHRA working definition of antisemitism. Academic Board discussed this proposal, and a wide variety of views were expressed. A group of members wrote to Council to outline their opposition the adoption of the definition in March 2019. These concerns were addressed in Paper 4-68, 2018-19, submitted to Council in March 2019. The issue of antisemitism and adoption of the definition was subsequently discussed by Council in March (covered in minutes of 13 March Council meeting); Council members requested that Lori Houlihan return with details about how the definition would be used as part of activities to address antisemitism.

Following further consultation with staff, students and Students' Union UCL, it is proposed that this plan should also recommend the definition of Islamophobia developed by the All Party Parliamentary Group on British Muslims, recommended by UCL Union's Democracy, Operations and Community Officer and Welfare and International Officer (2018-2019).

Between June and August 2019, an online consultation open to all UCL staff and students but particularly focused on Academic Board members was held soliciting opinion on the use of definitions of faith-based discrimination. The consultation received 133 responses, with responses providing a range of opinion including issues of discrimination against other faiths and of awareness of faith in general at UCL. Overall a slim majority of respondents who expressed an opinion supported adoption of the definitions, with opponents expressing concern about freedom of speech and/or questioning the utility of definitions in general. SMT has considered these concerns carefully and is confident that use of definitions would not affect UCL's commitment to freedom of speech or its approach to implementing it. *A copy of all comments is available.*

3. Definitions

Definitions provide a firm foundation for tackling discrimination and are particularly important in helping to understand and identify forms of prejudice that are multifaceted, constantly evolving and subject to misunderstanding, denial or abuse. Adoption of these two definitions is increasingly viewed by the communities affected as a signal that an institution takes antisemitism and Islamophobia seriously, and increases confidence to report incidents.

It is therefore proposed that, to support UCL's activity to address antisemitism and Islamophobia, the university adopts community-recommended definitions of these forms of racism, which aid recognition and understanding. These are:

The International Holocaust Remembrance Alliance working definition of antisemitism including definitions (see also **Appendix 2**):

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

This definition is widely supported by the UK Jewish community and is increasingly seen as a signal that an organisation is serious about tackling antisemitism.

It has been adopted widely in the UK and internationally including by King's College London, the University of Leeds, the University of Essex, the National Union of Students, students' unions including Bristol, Sheffield and Warwick, and the Office for Students, plus the UK government, the Mayor of London and London Assembly, and over 130 local councils.

Both the Minister of State for Universities, Science, Research and Innovation and the Secretary of State for Housing, Communities and Local Government have written to all UK universities in 2019 to urge them to consider adopting this definition.

On 4 November 2019, the question of how many universities had adopted the definition and how those who have not should be encouraged to do so was raised and debated in the House of Lords.

The All Party Parliamentary Group on British Muslims working definition of Islamophobia (see also **Appendix 2**).

Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.

Developed in 2018, this has been adopted by King's College London (in tandem with the IHRA definition), and a number of political parties, councils and other organisations including the Mayor of London and Greater London Authority, the Labour party, the Scottish Conservatives and the Liberal Democrats.

It is important to note that both definitions should be regarded as a helpful set of guidelines rather than strict legal definitions.

The definitions will be used to support education about antisemitism and Islamophobia, and as a tool to aid identification on campus, taking into account wider context. The Interfaith Champion will report termly to SMT and annually to Academic Board and Council to assess use of the definitions and any issues relating to freedom of speech and freedom of academic endeavour.

Academic freedom of expression and freedom of speech within the law are core to UCL's values and activities. SMT is confident that there is no evidence that any of these definitions would inhibit freedom of speech or academic endeavour nor that they have done so in other institutions that have adopted or applied them.

In particular, SMT notes that universities have clear legal requirements in the 1988 Education Reform Act to guarantee freedom of speech within the law and also to guarantee the legal right of academics to "question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or the privileges they may have".

Universities have further guidance issued by the Equality and Human Rights Commission on where speech can be limited, including where it would break criminal and civil law. UCL guarantees freedom of speech within the law through its Code of Practice on Freedom of Speech, which would be unaffected by the adoption of these definitions.

Concerns raised about this issue were responded to comprehensively in Paper 4-68, 2018-19, presented to Council in May 2019.

4. Tackling antisemitism and Islamophobia at UCL – update on actions

Activity to celebrate and support faith at UCL, to tackle challenges faced by students and staff who follow a faith and to address antisemitism, Islamophobia and other forms of faith-based racism is led by the Interfaith Champion with UCL's Interfaith Chaplain and supported by the university's Staff-Student Interfaith Forum, established in 2019.

Activities now underway or in development include:

Improve understanding and recognition of antisemitism and Islamophobia at UCL

- Working with expert organisations including the Union of Jewish Students, the Community Security Trust and Tell MAMA to develop training and awareness for UCL students and staff
- Antisemitism training delivered by the UJS was trialled with UCL's new student sabbatical officers in September 2019
- Through Staff-Student Interfaith Group, ongoing activities to increase intercultural awareness, understanding and positive dialogue between people of different faiths, and none, at UCL

Increase religious literacy, particularly amongst staff in student-facing roles

- Ongoing consultation with student groups and through the Interfaith Forum to understand experience of students and staff who follow a faith and identify areas of need or challenge
- Developing training package that can be used in a variety of ways, for example as part of new staff inductions or presented to particular groups of staff
- Monitoring UCL's key communications and marketing messages to ensure a welcoming and informative tone of voice on faith

Increase reporting of discrimination and abuse relating to faith

- Engagement and communication with groups and individuals to build confidence in UCL's commitment to tackle faith-based discrimination
- Improve awareness of Report & Support as a tool for reporting incidents

Develop a deeper understanding of patterns of religious belief at UCL

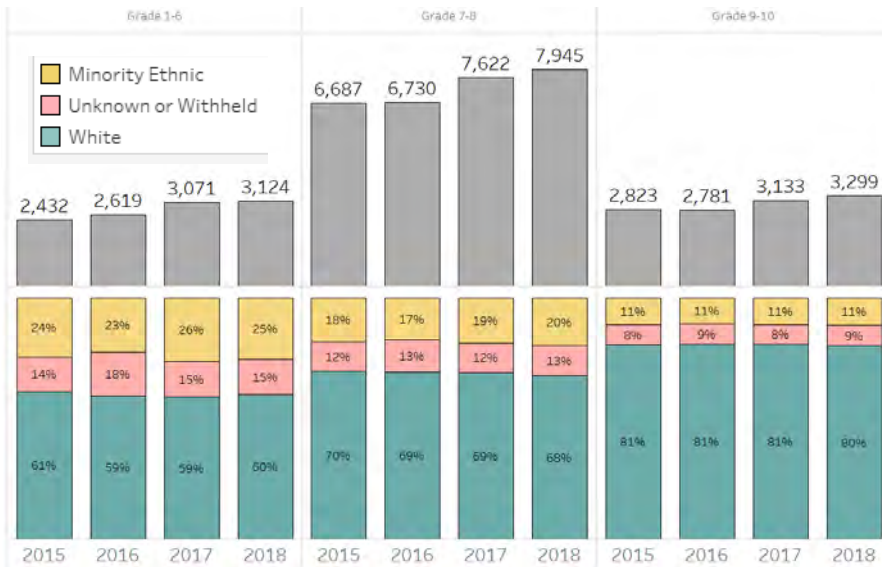
- Use data gathered from new students (since 2018 entry) and new staff to identify particular areas of need at UCL

Recommended action

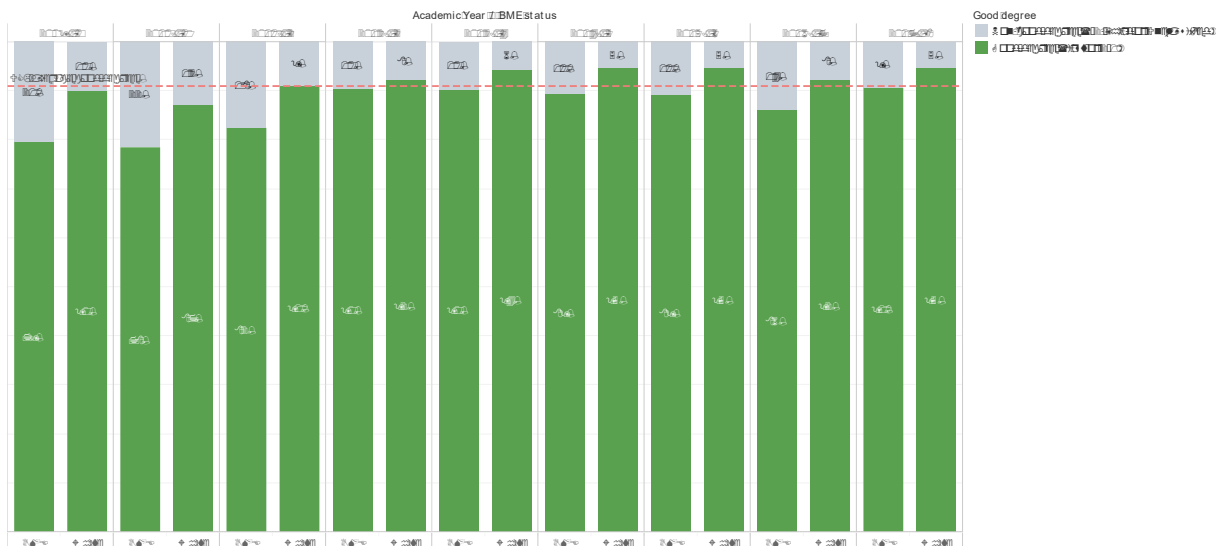
Council is asked to approve the adoption by UCL of these community-supported working definitions of antisemitism and Islamophobia as additional tools to promote equality, diversity and inclusivity at UCL.

Appendix 1: diversity at UCL

1: UCL Staff Profile



2: UCL Home student award gap



3: There are numerous data showing that diversity enhances innovation and productivity.

- Ethnically diverse management teams are more likely to introduce innovative products¹.
- Ethnically diverse juries make more evidence based decisions².
- Ethnically diverse teams price stocks more accurately³.
- Public companies with ethnically diverse management teams and boards are more profitable⁴.
- A greater mix of ethnicities and nationalities on peer reviewed publications yields more citations⁵.

¹ Nathan and Lee, Economic Geography, 2013, 89: 367, ESRC Funded research

² Sommers, 2006, Journal of Personality and Social Psychology, 90, 597-612

³ Levine et al, 2014, PNAS, 111, 18524–18529

⁴ McKinsey report 2018,

https://www.mckinsey.com/~media/McKinsey/Business%20Functions/Organization/Our%20Insights/Delivering%20through%20diversity/Delivering-through-diversity_full-report.ashx

Appendix 3: Background – antisemitism and Islamophobia

Concern about antisemitism and Islamophobia at UCL reflect wider societal trends. Statistics indicate a year on year rise in hate crimes based on the perceived religion of the victim, with antisemitism and Islamophobia making up the majority of the incidents at 12% and 52% of the total respectively. Police figures record:

Table 2: Hate crimes recorded by the police, 2012 to 2017/18¹¹³

Year	Number	Race	Religion
2017-8	94,098	71,251	8,336
2016-7	80,393	62,685	5,949
2015-6	62,518	49,419	4,400
2014-5	52,465	42,862	3,293
2013-4	44,577	37,575	2,264
2012-3	42,255	35,845	1,572

Community security organisations also show an increase in incidents reported to them:

Table 3: CST: Reports of antisemitic incident figures 2007-2018¹¹⁴

Year	Number
2018	1,652
2017	1,420
2016	1,375
2015	960
2014	1,182
2013	535
2012	650
2011	609
2010	646
2009	931
2008	546
2007	561

Table 4: TellMAMA: Reports of anti-Muslim incidents 2013-2018¹¹⁵

Year (TellMAMA)	Number
2018	1,072
2017	1,201
2016	953
2015	801
March 2014 – March 2015	548
May 2013 – Feb 2014	734
April 2012 – April 2013	584

In the case of antisemitism, it is worth noting that incidents have historically spiked in relation to events in Israel/Palestine and then reduced; however since 2015, incidents have continued upwards regardless of activity in the Middle East.

**Council**

Thursday, 21 November 2019 at 2:30pm

Minutes

Present Members:

Professor Michael Arthur; Mr Minto Bhandari; Mr Dominic Blakemore; Mr Victor Chu, Chair; Professor Lucie Clapp; Dr Alun Coker; Professor Annette Dolphin; Dr Andrew Gould; Professor Patrick Haggard; Ms Lindsay Nicholson MBE; Mr Turlogh O'Brien CBE; Ms Caroline Paige; Professor Helen Roberts; Lord Sharkey; Ms Ashley Slanina-Davies; Mr Philip Sturrock MBE; Mr Justin Turner QC; Baroness Valentine; Ms Sarah Whitney.

Attendees:

For Minutes 24 - 47: Dame Nicola Brewer, Vice-Provost (International)
For Minutes 25 - 29: Dr Celia Caulcott, Vice-Provost (Enterprise)
For Minutes 24 - 47: Mr Phil Harding, Director of Finance & Business Affairs
For Minutes 24 - 47: Professor David Price, Vice-Provost (Research)
For Minutes 24 - 47: Ms Fiona Ryland, Chief Operations Officer
For Minute 31: Professor Ijeoma Uchegbu, Provost's Envoy for Race Equality
For Minute 31: Mr Oliver Kingsley, Jewish Society
For Minute 31: Mr Shabeer Ashraff, President of the Islamic Society
For Minute 31: Ms Hiba Aouicha, Women's Officer, Islamic Society
For Minute 32: Professor Nigel Titchener-Hooker, Dean of the Faculty of Engineering
For Minute 33: Mr Tom Rowson, TOPS Programme Director
For Minute 34: Mr Adrian Punaks, Executive Director of Development
For Minute 34: Ms Cathy Brown, Director of Strategy and Operations

Apologies:

Professor Hynek Pikhart
Ms Lori Houlihan, in attendance
Professor David Lomas, in attendance
Professor Anthony Smith, in attendance

Officer(s):

Ms Wendy Appleby
Ms Anne Marie O'Mullane

30. Financial Strategy Funding Proposal (2-22)

- 30.1. Exempt from publication, please see confidential minutes.
- 30.2. Exempt from publication, please see confidential minutes.
- 30.3. Exempt from publication, please see confidential minutes.

31. Promoting Race Equality and Tackling Discrimination at UCL (2-23)

- 31.1. The Provost introduced the paper which set out a draft Statement on Race and a request to adopt the International Holocaust Remembrance Association (IHRA) working definition of antisemitism and the All Party Parliamentary Group on British Muslims definition of Islamophobia. The key points made were:
 - a. Council had previously considered the IHRA working definition of antisemitism in March 2019 and had tasked the Senior Management Team with coming up with a comprehensive plan to tackle the issues involved.
 - b. AB had been consulted in February 2019 about the antisemitism definition and mixed views had been expressed on its adoption. AB had been consulted in May 2019 on the Statement on Race and there had been widespread support for the adoption of the statement. An online consultation with all staff and students, but particularly focussed on AB, took place over the summer soliciting opinion on the use of definitions of faith-based discrimination. The consultation had received 133 responses with a slim majority supporting the adoption of the definitions.
 - c. The Statement on Race and the definitions of antisemitism and Islamophobia were being put forward for consideration as it was important to recognise and name the challenge in order to tackle it. Antisemitism and Islamophobia were active issues on UCL campus and needed to be addressed.
 - d. There were external pressures to adopt the IHRA working definition of antisemitism. Two letters had been received from the Minister for Universities, Science, Research and Innovation requesting the adoption of the definition.
- 31.2. Professor Ijeoma Uchegbu, the Provost's Race Equality Envoy, introduced the draft UCL Statement on Race. The key points made were:
 - a. UCL acknowledged the fact it faced the challenge of institutional racism. Black, Asian and Minority Ethnic (BAME) staff at UCL were less likely to be promoted to senior positions, and UCL had an awarding gap (% achieving a first class or second class upper degree) between White and BAME students of 4%.

- b. The adoption of a Statement on Race would assist with changing behaviours over time and encourage talented people to apply to UCL both as staff and students.
- 31.3. Mr Oliver Kingsley, Jewish Society, introduced the definition of antisemitism. The key points made were:
- a. There was an immediate need for the IHRA definition to be adopted by UCL. In an online poll conducted by the Jewish Society, 72% of respondents had indicated that they had been victims or witnessed antisemitic behaviour.
 - b. There was a legitimacy to the definition as it has been adopted by 31 countries, the UK government, the police and the Crown Prosecution Service.
 - c. It was understood that the definition was not perfect. It did not prohibit debate on Israel or the actions of Israel but on the existence of Israel as a state itself.
 - d. There should be protections in place to protect students from antisemitism. UCL should be a place of tolerance and safety.
- 31.4. Mr Shabeer Ashraff, President of the Islamic Society and Ms Hiba Aouicha, Women's Officer for the Islamic Society advised Council that they would like the opportunity to work with UCL on developing a definition of Islamophobia that was self-defined. This would send the message that UCL was focussed on a solution that was pertinent to the Islamic community at UCL.
- 31.5. The following points were made in discussion:
- a. There was the option of including the two caveats proposed by the Home Affairs Selection Committee in 2016 in the IHRA working definition:
 - It is not antisemitic to criticise the Government of Israel without additional evidence to suggest antisemitic intent.
 - It is not antisemitic to hold the Israeli Government to the same standards as other liberal democracies, or to take a particular interest in the Israeli Government's policies or actions, without additional evidence to suggest antisemitic intent.

It was confirmed that the Jewish Society would be happy should the caveats be added to the IHRA working definition on antisemitism. While the caveats were not adopted by the UK Government, it would be possible for UCL to adopt them.
 - b. It would not be appropriate to have a single definition as each community would have a different view on what the definition should cover; each minority should be able to self-define their suffering and how it should be tackled.
 - c. It was queried what the adoption of the definitions achieve as there were existing tools and legal provisions already in place to tackle antisemitic

and Islamophobic behaviour as well as racist acts. However, Professor Uchegbu noted that the incidents of racism reported through the reporting tool at UCL were extremely low and indicated a lack of trust in the system of reporting. The adoption of the statement on racism and definitions of antisemitism and Islamophobia indicated that UCL took this matter seriously and demonstrated a shift in culture to support reporting. Once the environment changed a culture of reporting would develop.

- d. This was a matter where it would be difficult to achieve consensus on this matter but it would be important to respect the lived experience of our staff and students.
- e. There were a number of comments made that the definitions were not enough but they were considered to be a starting point.
- f. It was queried whether the definitions need to be adopted at once. There were a number of comments that the matter should be delayed until all elements were ready. Presenters confirmed that they were not interdependent; one community was ready to adopt a definition and should not be held back by the fact that the definition of faith discrimination for another community was not ready. It was recognised that it was important that the development of the definition of Islamophobia was progressed as a matter of priority.
- g. There were concerns that the IHRA definition would result in the need to re-design module content. In response it was confirmed that no evidence of this had been submitted for consideration. However, concerns about academic freedom would be kept under review.
- h. Academic Board had approved the establishment of a working group to compose an acceptable definition of antisemitism. It was queried whether the item could be postponed until they had produced a definition.
- i. The Academic Board working group had not been formed as the proposers had been waiting for the Provost to approach on expanded membership and the Provost had been expecting to be approached about membership.
- j. The Chair of Council read out a comment from a Council member requesting that the item be delayed until AB considered the matter at its meeting in December. The Provost noted that AB had considered the IHRA definition once already and had been included in an online consultation on the Statement on Race and the definition on antisemitism and Islamophobia; there were diverse opinions expressed as part of both consultations. While the working group could come up with a new definition this would not be a quick exercise. Any new definition would also need to get the buy-in of the Jewish communities. Council agreed that, should AB develop a definition of antisemitism, it would consider it in the future.
- k. It was recommended that the Statement on Race be amended to make it more pertinent to the UK context as racism will manifest differently

around the globe. This could be achieved by including the phrase “in the UK” after the word “Racism” in the second sentence of the statement.

- I. It was clear that Council had to occupy a leadership role in tackling discrimination and racism.

31.6. Council following an overwhelming majority vote:

- a. Approved the adoption of a Statement on Race developed by UCL’s Race Equality Steering Group subject to the second sentence being amended with the inclusion of the phrase “in the UK” after the word “Racism”.
- b. Approved the adoption of the working definition of antisemitism in full, with two additional caveats recommended by the Home Affairs Select Committee in 2016.
- c. Approved the establishment of a working group to examine Islamophobia and Muslim student and staff experience and recommend actions and activities, including bringing forward a statement on Islamophobia that is supported by UCL’s Muslim community.

32. UCL School of Management Expansion One Canada Square, Canary Wharf (2-24)

32.1. Exempt from publication, please see confidential minutes.

32.2. Exempt from publication, please see confidential minutes.

32.3. Exempt from publication, please see confidential minutes.

33. Transforming Our Professional Services (TOPS) Update (2-25)

33.1. Exempt from publication, please see confidential minutes.

33.2. Exempt from publication, please see confidential minutes.

33.3. Exempt from publication, please see confidential minutes.

34. UCL Campaign Update (2-26)

34.1. Exempt from publication, please see confidential minutes.

34.2. Exempt from publication, please see confidential minutes.

34.3. Exempt from publication, please see confidential minutes.

Letter requisitioning a Special Meeting of Academic Board November 2019

The Secretary to the Academic Board,

We the undersigned write to requisition a special meeting of Academic Board, under Statute 7(6) of UCL's Charter and Statutes, for the following purpose: to discuss and vote on the below:

Background:

- A) **The Academic Board agreed by overwhelming consensus, at its meeting of the 6 February 2019, to create a Working Group to advise on racism and prejudice that would investigate the proposed adoption of the IHRA definition of anti-Semitism** and its consistency with/inconsistency with Academic Freedom at UCL;
- B) The Working Group would also consider proposed definitions for other special forms of racism (such as anti-Muslim racism);
- C) The above was with a view to the WG advising AB and AB advising Council on this matter;
- D) The Provost indicated at the above February meeting, that he would be in touch with the chair of the Governance Committee with suggestions about the composition of the Working Group;
- E) This decision and process was reasserted (and again accepted by the Provost) at the 15 May meeting of the Academic Board (minute 2.4);
- F) **That Council has been asked to approve the IHRA definition discussed at the 6 February AB meeting, at its 21 November 2019 meeting without such a Working Group being established, conducting its work, reporting back to AB for a full and proper discussion to be held by AB, and for this to be reported to Council prior to any formal decisions being made.**
- G) **In addition, it has been proposed to Council for it to simultaneously adopt a definition of Islamophobia** (meaning anti-Muslim racism) which has not been previously seen by Academic Board in any form, nor its existence alerted or consulted with the Academic Community;
- H) A UCL event, by a UCL honorary professor, launching a UCL Press book, hosted by the UCL Institute of Advanced Studies, was initially required to place significant restrictions on it motivated by a controversial definition of anti-Semitism that echoes the IHRA definition; the restrictions were eventually lifted after much negotiation and the event went ahead without restriction beyond adherence to the normal UCL charter on freedom of speech to which we are all automatically signed up;
- I) There exist alternative community-supported definitions of anti-Semitism that have not been presented either to Academic Board or Council for consideration (e.g., in [Board of Deputies \(of British Jews\) and Community Security Trust guidance](#), p. 3, which employs a different definition);
- J) No evidence or research has been presented to AB (or to Council) for discussion using worked examples showing that the definition does or does not clash with Academic Freedom (and indeed, (H) above raises significant concerns), nor have legal opinions of human rights and free speech legal experts from the UCL community been sought and shared on this serious matter.

In light of the above, this Board resolves:

- To advise Council that the adoption of this definition (and any other) of a special instance of racism should be paused until the Academic Board has carried out the process (including the Working Group) to properly scrutinise the proposal and potential alternatives, so that it may properly advise Council in the light of expert judgement about consistency with Academic

Freedom – in keeping with its statutory duty under UCL’s Charter and Statutes (Statute 7 (10)(A));

- To finally resolve the matter of composition of the Working Group as follows. That this be constituted with the following membership and that it meets promptly to initiate this work and to report to the Board so that it may advise Council on the matter of group-specific definitions of racism:
 - Membership composition:
 - 1 expert from and nominated by UCL Faculty of Laws
 - 1 expert from and nominated by the UCL Department of Hebrew and Jewish Studies
 - 1 expert from and nominated by the UCL Centre for Research and Evaluation in Muslim Education
 - 4 volunteers from the membership of Academic Board (or, where there are more volunteers than places, chosen by election)
 - 1 member nominated by SMT
 - 1 representative from and nominated by UCL UCU
 - 2 student representatives nominated by the UCL students’ union
 - Any attending experts (*not voting*) that the Working Group chooses to incorporate up to a number of 4.
 - That the Academic Secretariat send out the call to fill these positions in liaison with the Chair of GCAB

Signed by:

1. Professor Sacha Stern (Dept. Hebrew and Jewish Studies)
2. Seth Anziska (Dept. Hebrew and Jewish Studies)
3. Professor Tamar Garb (Institute of Advanced Studies)
4. Professor Judith Suissa (IOE)
5. Lily Kahn (Dept. Hebrew and Jewish Studies)
6. Professor Michael Berkowitz (Hebrew and Jewish Studies)
7. Francois Guesnet (Hebrew and Jewish Studies)
8. Professor Harvey Goldstein (ICH)
9. Professor Mechthild Fend (History of Art)
10. Professor Eleanor Robson (History)
11. Professor Elena Fiddian-Qasmiyeh
12. Professor Izzat Darwazeh (Engineering)
13. Professor Stephanie Bird (SELCS)
14. Professor Kholoud Porter (Institute for Global Health)
15. Professor Hugh Starkey (IOE)
16. Professor Sonu Shamdasani (SELCS)
17. Professor Hynek Pikhart (Epidemiology & Public Health)
18. Professor Richard Pettinger (School of Management)
19. Professor Lee Grieveson, FAH
20. Professor Alice Sullivan (IOE)
21. Professor Murray Fraser (Bartlett)
22. Carlotta Ferrara degli Uberti (SELCS)
23. Laila Kadiwal (IOE)
24. Jason Davies (UCL Arena)
25. Bojan Aleksov (SSEES)
26. Martin Fry (Engineering)

27. Mark Newman (IOE)
28. Saladin Meckled-Garcia (Political Science)
29. Professor Ralf Schoepfer (Biosciences)
30. Professor Jason Dittmer (Geography)

December 11, 2019

TO: Academic Board

RE: Adoption of the IHRA Definition of Anti-Semitism

Dear Members of the Academic Board,

We write to you on behalf of many UCL Arab and Palestinian members of the UCL community, to express our concern and challenge UCL's recent adoption of the International Holocaust Remembrance Association (IHRA) definition of anti-Semitism.

The IHRA definition is a divisive and controversial definition of anti-Semitism, which strategically conflates Israel with Judaism. In doing so, the IHRA equates legitimate critique of the State of Israel with anti-Semitism (racism). The IHRA definition thus puts social justice activists on the issue of Palestine into the troubling position of choosing to be silent about Israeli human rights abuses or risk being labelled a racist. This is a horrible position that UCL now imposes on its staff and students. For this and other reasons, social justice activists and civil liberties associations across the world are resisting attempts to ratify the IHRA definition. Even with the additional caveats that UCL considered, we fear that the IHRA definition will be used to silence critique of the State of Israel and academic freedoms more broadly. We are not alone in our concern.ⁱ

Efforts to ratify the IHRA definition are not apolitical, rather, they are part of a broader political movement to shield Israel from any critique related Israel's system of Apartheid, the ethnic cleansing of Palestinians, expansion of Jewish-only colonial-settlements, or the protection of Palestinian human rights.ⁱⁱ For this very reason, dozens of concerned civil liberties associationsⁱⁱⁱ and progressive anti-racist organizations have released statements condemning the IHRA definition:

"The rise in antisemitic discourse and attacks worldwide is part of that broader trend. At times like this, it is more important than ever to distinguish between the hostility to or prejudice against Jews on the one hand and legitimate critiques of Israeli policies and system of injustice on the other."^{iv}

Such concerns are not simply rhetorical; the IHRA definition has recently underpinned efforts to criminalize pro-Palestinian activists from different backgrounds in Germany, including Palestinian and Israeli activists.^v Simple peaceful activities in solidarity with the Palestinians are being banned for fears of accusation of antisemitism^{vi}.

For Palestinians, the IHRA definition is doubly problematic in that it forces us—we who have suffered immense dispossession as a result of the violent founding of the State of Israel and continued racially-motivated violence, including settler-colonialism—into silence lest we are accused of racism. Would UCL consider acceptable a policy that would accuse Indigenous peoples in North America, or Black South Africans, of racism for speaking out against White

settler-colonial violence? This is exactly what the problematic aspects of the IHRA do for Palestinians. The effect will be that UCL would render “anti-Semitic or racist” the very act of sharing our history, of speaking our truth, of taking action against the injustices and indeed the racism practiced by the state of Israel that our families face daily. To us, this is in its own right discriminatory and totally unacceptable.

We believe that UCL should have a strong statement on all forms of racism including anti-Semitism and Islamophobia. The adoption by UCL of the IHRA definition does not do that. The IHRA embraces a controversial, divisive and harmful definition that politicizes anti-Semitism and silences those who would fight against it and all other forms of racism.

Sincerely,

Dr Samer Abdelnour, Lecturer, UCL Institute for Global Prosperity, The Bartlett
Dr Mai Abu Moghli, Research Associate, UCL Institute of Education
Dr Samar Maqusi, Research Associate, Department of Civil, Environmental & Geomatic Engineering, Faculty of Engineering Science
Dr Ala’a Shehabi, Deputy Director, UCL Institute for Global Prosperity, The Bartlett

ⁱ <https://www.jewishvoiceforlabour.org.uk/article/ucl-attack-on-academic-freedom/>;
<https://www.nytimes.com/2019/12/10/us/politics/trump-antisemitism-executive-order.html?smid=tw-nytpolitics&smtyp=cur>

ⁱⁱ <https://www.lrb.co.uk/v40/n01/neve-gordon/the-new-anti-semitism>

ⁱⁱⁱ <http://ocla.ca/ocla-opposes-the-international-campaign-to-adopt-the-international-holocaust-remembrance-association-ihra-definition-of-antisemitism/>; https://bccla.org/our_work/the-bccla-opposes-the-international-campaign-to-adopt-the-international-holocaust-remembrance-association-ihra-definition-of-antisemitism/

^{iv} <https://jewishvoiceforpeace.org/30jewishgroupsbds/>

^v <https://www.aljazeera.com/indepth/opinion/germany-relentless-campaign-silence-pro-palestinian-voices-190319113250948.html>

^{vi} <https://www.theguardian.com/uk-news/2019/aug/03/uk-council-refused-to-host-palestinian-event-over-antisemitism-fears>



Academic Board
Thursday 12 December 2019
Special Meeting
MINUTES

Present:

Professor Michael Arthur, President and Provost (Chair)

Dr Ali Abolfathi; Dr Afia Ali; Ms Wendy Appleby; Ms Raphaela Armbruster; Professor David Attwell; Professor Abdel Babiker; Dr Jyoti Belur; Professor Michael Berkowitz; Professor Stephanie Bird; Professor Robert Brownstone; Professor Stella Bruzzi; Professor Anna Cox; Ms Sonja Curtis; Dr Jason Davies; Professor Annette Dolphin; Dr Johanna Donovan; Ms Dominique Drai; Professor Frances Edwards; Dr Russell Evans; Dr Carlotta Ferrara degli Uberti; Professor Elizabeth Fisher; Dr Martin Fry; Professor Mary Fulbrook; Professor Alasdair Gibb; Professor Deborah Gill; Dr Hugh Goodacre; Ms Emma Grant; Ms Amanda Greene; Dr François Guesnet; Dr Lucia Gunning; Professor Helen Hackett; Dr Evangelos Himonides; Dr Arne Hoffmann; Professor Robert Howard; Dr Phyllis Illari; Professor Kathryn Jeffery; Dr Jens Kandt; Dr Ghita Kouadri Mostefaoui; Ms Katherine Koulle; Ms Tseng-Han Christina Lin Hou; Dr Helga Lúthersdóttir; Ms Collette Lux; Professor Mark Marsh; Dr Saladin Meckled-Garcia; Professor Robert Mills; Professor Yacob Mulugetta; Professor Mignon Nixon; Professor Martin Oliver; Mr Jim Onyemenam; Dr Adam Paige; Professor Enrico Palandri; Professor Ivan Parkin; Dr Anne Peasey; Professor Hynek Pikhart; Dr John Potter; Professor Geraint Rees; Dr Carol Rivas; Professor Helen Roberts; Professor Eleanor Robson; Professor Yvonne Rydin; Ms Fiona Ryland; Dr Benet Salway; Professor Joanne Santini; Professor Ralf Schoepfer; Professor Sonu Shamdasani; Dr Bill Sillar; Professor Alan Sokal; Dr Sherrill Stroschein; Professor Judith Suissa; Professor Alice Sullivan; Professor Nicolas Szita; Dr Amy Thornton; Professor Nigel Titchener-Hooker; Mr Simon To; Professor Ijeoma Uchegbu; Professor Laura Vaughan; Ms Silvia Velasco Arellano; Ms Louise Vink; Dr Nalini Vittal; Professor David Voas; Professor James Wilson.

Apologies: Ms Mumtaz Abdul-Ghafoor; Ms Lina Algurashi; Mr Faisal Ali; Dr Seth Anziska; Dr Paul Ayriss; Mr Malcolm Bailey; Professor James Bainbridge; Mr Sam Barnes; Professor Kathryn Batchelor; Dr Jane Biddulph; Professor Brad Blitz; Professor Albert Bressand; Dame Nicola Brewer; Professor Jamie Brown; Ms Louise Brown; Professor Richard Butterwick-Pawlikowski; Dr Celia Caulcott; Dr Declan Chard; Professor Olga Ciccarelli; Professor John Collinge; Professor Susan Collins; Dr William Coppola; Dr Ruth Dann; Professor Izzat Darwazeh; Professor Rohan de

Silva; Professor Simon Dixon; Professor Peter Earley; Professor Karen Edge; Dr Julie Evans; Professor Susan Evans; Dr Rachael Frost; Professor Tamar Garb; Dr Claire Garnett; Dr Andrew Harris; Professor Stephen Hart; Professor Jenny Head; Professor Michael Heinrich; Dr Victoria Hilborne; Professor Robin Hirsch; Ms Ahina Ip; Professor Heather Jones; Dr Lily Kahn; Professor Robin Ketteler; Professor Susanne Kord; Dr Sarabajaya Kumar; Professor Ofer Lahav; Mr Julian Laufs; Dr Sandra Leaton Gray; Professor Annemaree Lloyd-Zantiotis; Professor David Lomas; Professor Ruth Mandel; Professor Gesine Manuwald; Professor Charles Marson; Dr Anna Mavrogiana; Dr Margaret Mayston; Dr Claire McAndrew; Professor Usha Menon; Professor Kevin Middlebrook; Professor Sara Mole; Professor Ruth Morgan; Professor John Mullan; Ms Jameela Nagri; Dr Meera Nath Sarin; Mr Emer O'Driscoll; Professor Daniel Osborn; Dr Andy Pearce; Dr Joanne Pearce; Dr Stephen Potts; Professor David Price; Professor Sarah Price; Ms Oksana Pyzik; Professor Stephen Quirke; Dr Anna Roffey; Professor Sasha Roseneil; Professor Andreas Schaefer; Professor Anthony Segal; Professor Nicola Shelton; Dr Beatrice Sica; Ms Thushyanthi Sivagnanam; Professor Jolene Skordis; Professor Anthony Smith; Professor Sarah Spurgeon; Dr Uta Staiger; Professor Hugh Starkey; Professor Andrew Stern; Professor Sacha Stern; Professor Florence Sutcliffe-Braithwaite; Professor Konstantinos Thalassinou; Professor Alan Thompson; Professor Andrea Townsend-Nicholson; Mr Graham Van Goffrier; Professor Michael Wale; Professor Sarah Walker; Professor Simon Werrett; Dr Hannah Williams; Dr Jinghao Xue; Professor Kwee Yong.

In attendance: Dr Clare Goudy, Ms Sandra Hinton, Mr Nick McGhee (Secretary).

26. **IHRA Definition of Antisemitism and Definition of Islamophobia** (Paper 2-22)

26.1 The matter was introduced by Professor Stephanie Bird, one of the signatories to the requisition letter calling the Special Meeting. The letter reflected two related concerns: (i) the sequence of events leading to the adoption of the IHRA definition of antisemitism at the Council meeting on 21 November; and (ii) AB members' substantive concerns with elements of the definition itself. Dr Francois Guesnet (Department of Hebrew and Jewish Studies) would speak to the first issue and Professor Judith Suissa (Department of Education, Practice and Society) to the second.

26.2 Dr Guesnet considered that Council's adoption of the IHRA definition despite the nature of the discussions at AB on 6 February and 15 May demonstrated a lack of respect for AB and its responsibilities as defined in the Charter and Statutes. During its discussions AB had expressed deep concerns about the definition and its implications for free speech and academic freedom, and had come to a consensus view that a Working Group should be established in order to review the issue and to make recommendations. The Chair of AB had indicated at the meetings that he wished to make suggestions regarding the

membership of the Working Group, but GCAB had received no such suggestions. The Working Group had not been set up. GCAB had written to the Secretary of Council on 27 February 2019 setting out its concerns about the definition. It was understood that neither this letter nor the letter to the Chair of Council of 19 November 2019 had been given to all Council members. The latter had asked that Council pause any decision on the definition until after it had received the advice of the Working Group.

26.3 Professor Judith Suissa outlined the substantive concerns regarding the definition:

- a. Concerns about the definition had been expressed by a wide range of scholars, all of whom had noted its lack of clarity and potential impact on academic freedom.
- b. The author of the original IHRA definition, Kenneth Stern, had since spoken out about the practical damage that adoption of the definition might do to the academic world, notably in leading to self-censorship and the shutting down of dissent. There was evidence of the definition being used in this way elsewhere. Events had been cancelled and invitations to speakers withdrawn. In all cases documented, the IHRA definition had been cited by activists seeking to shut down debate.
- c. Many of the more vocal proponents of the IHRA definition were driven by an explicitly ideological agenda. An academic institution committed to exploring a broad range of views ought not to endorse a definition that effectively narrowed the scope for debate.
- d. UCL colleagues were concerned that their own teaching might be deemed to fall foul of the definition.
- e. Several of the examples included with the definition related specifically to the Israel/Palestine situation. Any conflation of antisemitism and anti-Zionism was problematic. There was clearly a need to educate students to recognise antisemitic tropes but also a corresponding need to educate them concerning legitimate and dissenting views about Zionism.
- f. The definition did not provide sufficient protection against hate speech nor did it ensure institutional action to address antisemitism on campus. The definition might not even protect all those it was ostensibly designed to protect, as there existed a significant minority of non-Zionist Jews.

26.4 Discussion followed, the main points of which were:

- a. A reasonable person might agree or disagree with some of the propositions listed in the definition without being antisemitic. There were grounds for reasonable debate, which should not be stifled by unfounded accusations of antisemitism. For this reason it was crucial to avoid conflating anti-Zionism with antisemitism. Some parties did conflate these

issues for tactical purposes, but a university should not allow these manipulations to be enshrined in a document that defined legitimate criticism of Israel as antisemitic.

- b. Racism of all kinds continued to be part of the lived experience of some members of UCL. To address this, the Race Equality Steering Group had developed its own Statement which had also been discussed at AB and approved at Council [*AB Minute 6, 15 May 2019*]. On that model, it ought to have been possible between February and November for a Working Group of AB to have self-organised in order to establish an alternative definition.
- c. Council had been told that SMT had considered AB's concerns carefully, and that there was no evidence that the definition would affect freedom of speech, notwithstanding the abundant evidence to the contrary. Council had also been told that the definitions were helpful sets of guidelines but not strict regulations. It appeared contradictory to assert that the introduction of the definition was essential, whilst characterising it as guidance. UCL already had a code of conduct on racism which was not being applied properly. In an incident which exemplified the difficulties that introduction of the definition could cause, a member of GCAB had been told that a letter circulated to AB on behalf of Palestinian and Arab colleagues was itself antisemitic because it violated the IHRA definition in being critical of it.
- d. Council had also been presented with a definition of Islamophobia that had not previously been submitted to AB. In the event, this had not been approved.

26.5 The Provost explained that he considered there had been a miscommunication over the setting up of the Working Group, as he had understood that GCAB would take this forward. The Provost was happy with the proposed composition of the Working Group and suggested that AB go ahead and set it up. Any proposals from the Working Group could then be put to Council to consider whether it wished to adjust its position.

26.6 GCAB's letter of 27 February had in fact been circulated to Council at the time. AB's concerns and request for a delay in the decision on the definition had been communicated by the Chair at the Council meeting on 21 November¹, prior to an extensive discussion of the matter. That discussion had also been informed by the views of the Student Union's Jewish Society, who had been deeply concerned by levels of antisemitism on campus. The view of the Jewish Society and the

¹ Secretary's note: at the AB meeting the Provost stated that it was the letter from GCAB which was read out at the meeting. This was an error; it was an opinion on the matter expressed in an email from a member of Council that was read out by the Chair.

Board of Jewish Deputies had been that adoption of the definition would signal to students that UCL was taking their concerns seriously.

26.7 Following AB in the spring, a full consultation had also taken place online with every UCL staff member invited to comment. All AB members were advised that the consultation had opened. 133 responses had been received, of which 43% were in favour of adoption, 20% in favour of adoption with modifications, and approximately 20% strongly opposed. Against that background, Council had had its difficult discussion and had made a decision. Council would, however, accept any further input AB wished to make and the outcomes of the Working Group should come through to a future meeting of Council.

26.8 AB was asked for a show of hands on the motion. Both motions were carried.

RESOLVED:

- (1) To advise Council that the adoption of this definition (and any other) of a special instance of racism should be paused until the Academic Board has carried out the process (including the Working Group) to properly scrutinise the proposal and potential alternatives, so that it may properly advise Council in the light of expert judgement about consistency with Academic Freedom – in keeping with its statutory duty under UCL’s Charter and Statutes (Statute 7 (10)(A));**
- (2) To finally resolve the matter of composition of the Working Group as follows. That this be constituted with the following membership and that it meets promptly to initiate this work and to report to the Board so that it may advise Council on the matter of group-specific definitions of racism:**

Membership composition

- **1 expert from and nominated by UCL Faculty of Laws**
- **1 expert from and nominated by UCL Department of Hebrew and Jewish Studies**
- **1 expert from and nominated by UCL Centre for Research and Evaluation in Muslim Education**
- **4 volunteers from the membership of Academic Board (or, where there are more volunteers than places, chosen by election)**
- **1 member nominated by SMT**
- **1 representative from and nominated by UCL UCU**
- **2 student representatives nominated by the UCL Students’ Union**

Any attending experts (not voting) that the Working Group chooses to incorporate up to a number of 4.

That the Secretariat issue the call to fill these positions in liaison with the Chair of GCAB.

Mr Nick McGhee
Secretary to Academic Board
Academic Services
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Academic Board Working Group on Racism and Prejudice

Monday 16 March 2020, 10:15-11:45am

Room G08, 1-19 Torrington Place

Agenda

Matters for discussion

No.	Item	Approval required	Paper number
1.	Constitution and Terms of Reference	No	1-01
2.	Process for appointing a Chair	No	-
3.	Identification of non-voting experts	No	-
4.	Timeline / deadline for completion	No	-
5.	IHRA definition of antisemitism	No	1-02
6.	Date of next meeting	No	-

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Constitution and Terms of Reference for 2019-20

Summary:

Standard practice for UCL committees and working groups is to receive the Constitution and Terms of Reference for noting at the first meeting of each academic year.

In this case, as the Terms of Reference have not been explicitly set out by Academic Board, the Working Group is invited to discuss the below draft based on the wording of the AB resolution.

Action proposed to WGRP:

To discuss

Author:

Secretary

At a Special Meeting on 12 December 2019, Academic Board resolved as follows:

To advise Council that the adoption of this definition¹ (and any other) of a special instance of racism should be paused until the Academic Board has carried out the process (including the Working Group) to properly scrutinise the proposal and potential alternatives, so that it may properly advise Council in the light of expert judgement about consistency with Academic Freedom – in keeping with its statutory duty under UCL's Charter and Statutes (Statute 7 (10)(A));

To finally resolve the matter of composition of the Working Group as follows. That this be constituted with the following membership and that it meets promptly to initiate this work and to report to the Board so that it may advise Council on the matter of group-specific definitions of racism:

- 1 expert from and nominated by UCL Faculty of Laws
- 1 expert from and nominated by UCL Department of Hebrew and Jewish Studies
- 1 expert from and nominated by UCL Centre for Research and Evaluation in Muslim Education
- 4 volunteers from the membership of Academic Board (or, where there are more volunteers than places, chosen by election)
- 1 member nominated by SMT
- 1 representative from and nominated by UCL UCU
- 2 student representatives nominated by the UCL Students' Union

Any attending experts (not voting) that the Working Group chooses to incorporate up to a number of 4.

The above, together with the wording of the requisition letter on which the AB motion was based (and which gives a little more detail in referring specifically to

¹ The IHRA definition of antisemitism

Islamophobia), suggests that the Terms of Reference of the Working Group should be as follows:

Terms of Reference

To provide expert advice to Academic Board on the adoption of the IHRA definition of antisemitism, and any other definition special instances of racism (such as Islamophobia), particularly in view of considerations of consistency with the principles of Academic Freedom.

As the Terms of Reference have not been specifically set out by AB, the Working Group may wish to discuss the above, and whether it is necessary to go back to AB for any further clarification.

The quorum for the Working Group will be 6, reflecting the default 50% level for all UCL committees.

Constitution

1 expert from and nominated by UCL Faculty of Laws

- Dr Prince Saprui

1 expert from and nominated by the UCL Department of Hebrew and Jewish Studies

- Dr Seth Anziska

1 expert from and nominated by the Centre for the Study of Education in Muslim Contexts

- Dr Farid Panjwani

4 volunteers from the membership of Academic Board (or, where there are more volunteers than places, chosen by election)

- Professor Tamar Garb, History of Art
- Professor Judith Suissa, Institute of Education
- Dr Francois Guesnet, Hebrew and Jewish Studies
- Professor Alan Sokal, Mathematics

1 member nominated by SMT

- Dr Celia Caulcott

1 representative from and nominated by UCL UCU

- To be confirmed

2 student representatives nominated by the UCL students' union

- Sandra Ogunleye, BME Officer, Students' Union UCL
- Aatikah Malik, Welfare & International Officer, Students' Union UCL

Any attending experts (*not voting*) that the Working Group chooses to incorporate up to a number of 4.

- To be confirmed

Students' Union UCL have requested places for 4 students rather than 2. If the Working Group wishes to amend its constitution it should go back to Academic Board for a decision, as the current constitution was formally approved by AB.

Timestamp	Have you ever experienced Anti-Semitism in any way, shape or form or If you have experienced Anti-Semitism, please describe the incident.
28/01/2019 15:00:01	Yes
28/01/2019 19:11:47	Yes
28/01/2019 19:11:53	Yes
28/01/2019 19:12:00	Yes
28/01/2019 19:12:04	Yes
28/01/2019 19:13:10	Yes
28/01/2019 19:15:33	Yes
28/01/2019 19:21:22	Yes
28/01/2019 19:23:37	Yes
28/01/2019 19:26:39	Yes
28/01/2019 19:32:22	Yes
28/01/2019 19:32:42	Yes
28/01/2019 19:37:10	Yes
28/01/2019 19:40:17	No
28/01/2019 19:48:17	Yes
28/01/2019 19:49:55	Yes
28/01/2019 20:06:41	No
28/01/2019 20:10:27	Yes
28/01/2019 20:10:42	Yes
28/01/2019 20:11:41	Yes
28/01/2019 20:12:19	Yes
28/01/2019 20:17:55	Yes
28/01/2019 20:20:33	No
28/01/2019 20:20:45	No
28/01/2019 20:33:24	Yes
28/01/2019 20:36:58	Yes
28/01/2019 20:37:27	Yes
28/01/2019 20:37:34	Yes
28/01/2019 20:37:37	No
28/01/2019 20:39:49	No
28/01/2019 20:41:04	Yes
28/01/2019 20:42:10	Yes
28/01/2019 20:50:12	Yes
28/01/2019 20:54:42	Yes
28/01/2019 20:57:20	Yes
28/01/2019 20:58:44	No
28/01/2019 21:06:52	Yes
28/01/2019 21:13:35	Yes
28/01/2019 21:18:55	No
28/01/2019 21:19:07	No
28/01/2019 21:20:01	Yes
28/01/2019 21:39:33	Yes
28/01/2019 21:42:06	Yes
28/01/2019 21:49:36	Yes
28/01/2019 21:54:35	No
28/01/2019 21:55:40	Yes
28/01/2019 22:01:39	No
28/01/2019 22:08:29	No
28/01/2019 22:15:37	Yes
28/01/2019 22:22:46	Yes
28/01/2019 22:30:28	Yes
28/01/2019 22:48:09	Yes
28/01/2019 22:55:20	No
28/01/2019 23:01:46	No
28/01/2019 23:02:01	No
28/01/2019 23:05:11	No
28/01/2019 23:24:40	No
28/01/2019 23:31:47	Yes
28/01/2019 23:32:22	Yes
28/01/2019 23:37:29	Yes
28/01/2019 23:39:36	Yes
29/01/2019 02:29:53	No
29/01/2019 03:10:05	Maybe
29/01/2019 07:41:09	Yes
29/01/2019 07:48:35	Yes
29/01/2019 07:52:25	Yes
29/01/2019 08:33:51	Yes
29/01/2019 08:53:21	Yes
29/01/2019 10:48:10	Yes
29/01/2019 11:02:57	No
29/01/2019 11:50:47	Yes
29/01/2019 12:12:30	Yes
29/01/2019 14:44:52	Maybe
29/01/2019 15:16:17	Yes
30/01/2019 00:16:58	Yes
31/01/2019 22:34:51	No
01/02/2019 01:22:05	No
02/02/2019 10:20:55	Yes
14/02/2019 18:44:39	Yes



Department
for Education



Department for
Business, Energy
& Industrial Strategy

Chris Skidmore MP

Minister of State for Universities, Science,
Research and Innovation

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16 May 2019

Dear Institution Head,

I'm writing to you regarding the important subject of tackling antisemitism in higher education. This follows a letter from my predecessor, Jo Johnson MP, who wrote in February 2017 to express concern over rising reports of antisemitism and the need to ensure this issue was sufficiently addressed.

Since beginning my term as universities minister, I have been pleased to learn that the sector has made enormous progress on tackling harassment and hate crime, including addressing religious intolerance, propelled by the diligent work of Universities UK (UUK) to implement the recommendations of the UUK Taskforce.

This work has been supported by investment in a safeguarding scheme, with 119 projects worth £4.7m, led by the Office for Students (OfS) and its predecessor, the Higher Education Funding Council for England, including 45 projects addressing online harassment and hate crime and 11 ongoing projects tackling religious intolerance.

I am keen that these efforts continue to build. I therefore wholeheartedly support the steps UUK has taken to evaluate the progress of this work and identify next steps. The first report 'Changing the Culture: One Year On', published last year, highlighted the significant progress made but left no doubt that there is still much work to do.

I welcome the support, which many of you have given UUK by engaging in their upcoming wider evaluation. I will be paying close attention to its results, once they are published this summer. I believe this will provide government, higher education providers, and sector bodies the occasion to celebrate the progress made, while shining a light on what more can be done.

However, in advance of this, I wanted to bring several issues to your attention.

First, as the evaluation to date makes clear, you, as the most senior leaders in your institutions, play a critical role in tackling harassment and hate crime. This is a long-term project and commitment from you will be vital to both the success of current initiatives, and to ensuring long-term progress. I urge you to prioritise these issues and maintain momentum in addressing hatred and harassment.

Secondly, through recent engagement with Jewish representative groups, including the Union of Jewish Students, the Community Security Trust and the Jewish Leadership Council, I have been made aware of reports of Jewish societies being asked to pay high costs to fund security at speaker events on campus to protect against disruption, led by students not belonging to those societies. These costs, which other societies may not incur, may prevent events from taking place.

I believe this would set a worrying precedent and I am concerned that such policies, which potentially result in costs levied against some minority groups but not others, may amount to indirect discrimination and limit the student experience of Jewish students. Of course, sometimes putting security in place will be necessary to ensure events can go ahead. Nonetheless, I expect your institutions, together with students' unions (SUs), to ensure that requirements for this, including charges, are proportionate and do not lead to such events being unnecessarily cancelled or prevented from taking place, which would be seen as a barrier to the free discourse and rich diversity of experience that is at the heart of the civic university mission.

I recognise that decisions around speaker events are often sensitive and complex. I therefore encourage all providers and SUs to regularly consult the Equality and Human Rights Commission's (EHRC) new guidance on freedom of expression for higher education providers and SUs. I believe that this guidance, which the Department for Education (DfE) worked closely with the EHRC and sector partners to produce, is an extremely valuable tool, which can help providers and SUs navigate the complexities surrounding free speech. You can find a copy of this guidance here:

<https://www.equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf>

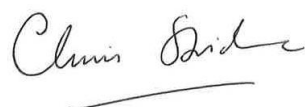
Thirdly, I am writing regarding the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism. As my predecessor made clear in his letter, the IHRA definition is a tool intended to help front-line services better understand and recognise instances of antisemitism. I share this view and I am supportive of the positive steps taken so far in the higher education sector – for example, adoption of the definition by bodies, such as the National Union of Students and OfS.

However, I am calling on the sector to follow in their footsteps; I urge all providers, who have not adopted this definition, to consider this question diligently. Government's view is that adopting the IHRA definition, in its entirety, sends a clear message that antisemitic behaviour will not be tolerated and that this matter is taken very seriously by providers, at the same time as demonstrating your university's commitment to Jewish students on campus.

Lastly, I want to offer thanks to the many among you who participated in the Holocaust Educational Trust and Union of Jewish Students' 'Lessons from Auschwitz' universities project, which took place last year with funding from both the DfE and the Ministry for Housing, Communities and Local Government. I hope this served as a valuable reminder of the devastating consequences of letting antisemitic ideas take hold, and that you and colleagues will continue to share these vital lessons within your institutions.

As I continue my engagement with you, I very much look forward to hearing more on the initiatives you are taking to address antisemitism and all forms of intolerance, harassment and hate-crime.

Yours sincerely,



CHRIS SKIDMORE MP



Ministry of Housing,
Communities &
Local Government

Vice Chancellors of English
Higher Education Institutions

Rt Hon Robert Jenrick MP

*Secretary of State for Housing, Communities
and Local Government*

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Email: robert.jenrick@communities.gov.uk

www.gov.uk/mhclg

15 October 2019

Dear Vice Chancellor,

Adoption of the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism

Earlier this year the Universities Minister, Chris Skidmore wrote to you concerning antisemitism in higher education. In his letter he urged you to consider adopting the IHRA Working Definition of Antisemitism as a clear message that antisemitic behaviour will not be tolerated. I am writing to you on this issue again to impress upon you the need to take urgent action, which is more important now than ever.

The Community Security Trust (CST) is the leading organisation monitoring and supporting victims of antisemitism, and I know many of you will be familiar with their work. Earlier this year, CST released their report on antisemitic incidents in the first six months of 2019. It showed the highest total on record over a six-month period, and an increase of 10% on the same period in 2018, with over 100 incidents per month for the third year running. Similarly, the annual figures for 2018 showed the highest number of antisemitic incidents on record.

This is a very worrying trend. CST's figures reflect the Home Office official statistics from October 2019 which show that 18% of religiously motivated hatred is targeted at Jewish people – up from 12% in 2018 – and that, per capita, Jewish people were most likely to report experiencing hatred.

The recent deplorable attack on a synagogue in Halle, Germany, which took the lives of two innocent people on Yom Kippur, the holiest day in the Jewish calendar, shows that antisemitic hate crime is not a thing of the past. This must give us all serious pause.

It is in this context that I write to you again, to strongly urge you to formally adopt the IHRA definition and use it on all appropriate occasions. The definition is not designed to be legally binding, but it is an invaluable tool for public bodies to understand how antisemitism manifests itself in the 21st century. It demonstrates a commitment to engaging with the experiences of Jewish communities and supporting them against the contemporary challenges they face.

I welcome those universities which have already adopted the definition and which take a zero tolerance approach to antisemitism. I am grateful to the Office for Students and other higher education bodies for showing leadership in tackling this challenge. I also acknowledge that some universities are taking action where incidents have arisen. Others, however, must go much further.

Many of you have been involved in work aimed at tackling hatred on campus, such as the Office for Students' safeguarding projects and engaging with the Lessons for Auschwitz programme, which my department proudly funded. But I am sure you will agree there is still much more to do.

The IHRA definition is already used in guidance for the Police and Crown Prosecution Service, providing examples of the kinds of behaviours which, depending on the circumstances, could constitute antisemitism. The United Nations Special Rapporteur on Freedom of Religion and Belief recently released a report which agreed that "the IHRA Working Definition of Antisemitism can offer valuable guidance for identifying antisemitism in its various forms" and encouraged its use in "education, awareness-raising and for monitoring and responding to manifestations of antisemitism".

For our part, the Government is absolutely committed to combatting antisemitism in all its forms, from wherever it arises. Examples of this include the strong work of the Cross-Government Working Group to Tackle Antisemitism, which builds on our close relationship with Jewish communities. The Government funds projects such as Solutions Not Sides which seeks to challenge stereotypes and foster more nuanced discussion of the Israel-Palestinian conflict, and we have recently announced a further £100,000 in funding to tackle online antisemitism.

I am a strong advocate for clear standards on hate crime and a consistent approach across institutions to strengthen the support we provide to students and communities.

Eradicating antisemitism is not a task that the Government can achieve on our own. We need Higher Education Providers to show leadership, alongside our partners in Local Government, civil society and community activists. Adopting the IHRA Definition is one of the strongest signals we can give our Jewish communities that we hear and understand their concerns and are ready and willing to act in response. I would be grateful if you would inform me when you have adopted the definition, or the steps you are taking to adopt it, or otherwise explain your reluctance to do so, so that I can discuss the matter with you directly.

A handwritten signature in black ink that reads "Robert Jenrick." The signature is written in a cursive style and is positioned above a short horizontal line.

RT HON ROBERT JENRICK MP



Rt Hon Gavin Williamson CBE MP
Secretary of State

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Sent by Email

9 October 2020

Dear Vice Chancellor,

Adoption of the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism

I am writing to ask your institution to adopt the International Holocaust Remembrance Alliance's (IHRA) definition of antisemitism. The number of universities which have adopted the IHRA definition remains shamefully low, and I have asked my officials to look at developing options to address this.

The government adopted the IHRA definition in 2016. We were the first government to do so, but many other countries, institutions and organisations have followed suit. The IHRA definition helps clarify how antisemitism can manifest itself in the 21st century, as follows (alongside examples):

*“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”*¹

Since 2016, two Universities Ministers have written to you concerning antisemitism in higher education, setting out government's support for the IHRA definition. In October last year, the Secretary of State for Housing, Communities and Local Government, the Rt Hon Robert Jenrick MP, also wrote to you, strongly urging you to formally adopt the IHRA definition and use it on all appropriate occasions. The question has been raised many times in both Houses of Parliament, demonstrating the strength of feeling and support for the IHRA definition.

¹ The full text of the definition can be found at:
https://www.holocaustremembrance.com/sites/default/files/press_release_document_antisemitism.pdf

In recent years, I know that some universities have made real progress in tackling the scourge of antisemitism. I also welcome the work that Universities UK (UUK) is doing to address this issue, and look forward to seeing the upcoming guidance that UUK is publishing on 'Tackling Racial Harassment in Higher Education' on our campuses. However, there remain too many disturbing incidents of antisemitism on campus, from both students and staff, and a lack of willingness by too many universities to confront this.

The definition helps us better understand and recognise instances of antisemitism, and gives examples of the kind of behaviours, which, depending on the circumstances, could constitute antisemitism.

However, I am frankly disappointed that the majority of higher education providers have not yet adopted the IHRA definition. I am surprised that some universities have actively chosen not to use this straightforward way to demonstrate clearly that they do not tolerate antisemitism. These providers are letting down all their staff and students, and, shamefully, their Jewish students in particular.

While many universities have rightly been quick over the summer to demonstrate their readiness to take action against other forms of racism, it is frankly disturbing that so many are dragging their feet on the matter of antisemitism. The repugnant belief that antisemitism is somehow a less serious, or more acceptable, form of racism has taken insidious hold in some parts of British society, and I am quite clear that universities must play their part in rooting out this attitude and demonstrating that antisemitism is abhorrent.

I believe sincerely that adopting the IHRA definition is morally the right thing to do. Without it, Jewish students say they simply do not feel protected, should they be subject to an antisemitic attack, whether physically, verbally or online and, sadly, we are hearing of an upturn in online incidents since the start of the pandemic.

I do not want to see higher education providers continuing to ignore the issue of antisemitism. Adoption of the IHRA definition shows that providers are taking this matter seriously. If they do not demonstrate that they are taking their responsibilities in this regard seriously, I will consider going further to ensure that all providers are tackling antisemitism, with robust measures in place to address issues when they arise. I have asked my officials to explore how best to achieve this. I have asked my officials to consider options that include directing the OfS to impose a new regulatory condition of registration and suspending funding streams for universities at which antisemitic incidents occur and which have not signed up to the definition.

And so I urge you now to do the right thing, and adopt the IHRA definition if your institution has not already done so. If you have reservations, the Universities Minister or I would be happy to meet you to discuss them. You should have no doubt: this government has zero tolerance towards antisemitism. If I have not seen the overwhelming majority of institutions adopting the definition by Christmas then I will act.

The government and universities must work together to eradicate antisemitism from our world leading higher education sector. Adopting the IHRA definition is an excellent and essential step towards that goal.

A handwritten signature in blue ink, appearing to read 'Gavin Williamson', with a long horizontal flourish extending to the right.

Rt Hon Gavin Williamson CBE MP
Secretary of State for Education