

# **Independent investigation into allegations of antisemitism within NUS**

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# 1. Introduction

For at least the last decade, Jewish students have not felt welcome or included in NUS spaces or elected roles. There have been numerous instances of antisemitism within NUS. It invariably falls to Jewish students to raise complaints about these issues, and when they do, frequently, the complainants have not experienced the process as inclusive and fair. There have been numerous investigations and reviews which have made recommendations to rectify this problem, but their implementation has been inconsistent and institutional memories short-lived. My ability to assess the effectiveness of NUS's handling of antisemitism complaints has been impaired by a lack of contemporaneous documents due to NUS adopting a very short data retention period. I have relied in large part on accounts of complainants, the documents they were provided with, and contemporaneous press reports, which carry an inherent risk of being partisan and incomplete.

Antisemitism comes in many forms and far right-wing antisemitism - with references to Hitler, Nazism and the Holocaust - is depressingly still apparent on campuses, and very much so on social media platforms. Freshers having "white t-shirt parties" at which students write messages to each other in marker pens has seen, in recent years, Jewish students having swastikas and other antisemitic messages drawn on them. Stickers and posters saying "Hitler was right" have been placed in student common rooms and on campuses. Social media has seen utterly vile messages being posted. What is notable about this "category" of antisemitism, however, is that it is easily identifiable as being "antisemitic" and is generally condemned by student leaders and indeed all "anti-racists". The only NUS 'statement of solidarity' in support of Jewish students made by NUS in recent years that was not, so far as I am aware, expressly called for by the UJS, was to condemn such extreme right-wing antisemitism (in October 2019).

What some call "new antisemitism" or "modern antisemitism" however engages questions of whether, and if so when, certain kinds of hostility to Israel can be antisemitic; indeed, whether antizionism is antisemitic. It is in this area of highly polarised views where many antisemitism complaints in NUS have arisen. In many cases the hostility to Israel has been clearly antisemitic, employing ancient

antisemitic tropes or Nazi/ Holocaust comparisons. The response to such complaints by NUS has attracted criticism from Jewish students (and the broader Jewish community and press) - both in terms of substance and timing. Moreover, Jewish students involved in NUS – years apart and not ever having met each other – have expressed to me, in strikingly similar terms, how in entering NUS spaces, whether at conferences, meetings of the National Executive Council (“NEC”) or as part of ‘liberation campaigns’ that they feel they are reduced to being only “the Jew” in the room. Answerable for Israel, responsible to call out any antisemitism, seen to represent every single Jew in the student population, and stripped of any other characteristics, whether socialist, feminist, activist, sports fan etc. The reason they give for this is the keen focus in NUS on Israel/Palestine and their perceived connection to the issue. Numerous accounts have been given to me of students being identified as “a Jew” then being treated as a pariah at NUS events – subject to rooms ‘going quiet’ when they walk in, conversations abruptly ceasing, being whispered about and stared at.

This report is being written in NUS’s centenary year. The time period for review cited in my terms of reference of the last 10 years does not sit comfortably with reviewing whether the recommendations of a 17-year-old report (identified in my Terms of Reference) were implemented, nor does it sit comfortably with the short period for which ‘employee’ data is retained. It is understandable why the timeline identified by NUS commences in 2005 given the investigation into antisemitism that year. However issues about how students who are “Pro-Palestinian” interact with Jewish students, and complaints of antisemitism within NUS, go back long before 2005. By way of example, after the United Nations passed a resolution in 1975 (revoked in 1991) citing ‘Zionism as a form of racism’, there was a motion at NUS’s National Conference calling on all connections “between NUS and Zionist groups” to be severed. This was said to be “not anti-Jewish but rather in opposition to the political creed of Zionism” – but it led to the deregistration by York Students’ Union of the (very small) Jewish society there as its constitution was explicitly Zionist. The deregistration was overturned, but the same sentiment in the 1980s again saw motions to ban Jewish societies in universities unless avowedly anti-Zionist. Stickers were handed out at the 1985 NUS conference saying “Hands off Jewish Identity” with Jews demanding the right to be allowed to support Israel

and define antisemitism on their own terms. As Dave Rich writes of this debate in his book "The Left's Jewish Problem", *"the logic of identity politics meant that this simple demand was irresistible. To deny students this right would be discriminatory within the Left's own political framework; but for anti-Zionists, to allow Jewish students to promote Zionism would be acquiescing in racism"*.

This historical context of the current investigation is important – not least as the submissions made to me by many pro-Palestinian groups have been concerned with the International Holocaust Remembrance Alliance ('IHRA') definition of antisemitism which was adopted by NUS in 2017. This topic is considered within my report, but it is clear to me that the origins of the conflict seen within NUS as within other organisations (including the Labour Party in recent years) far predate this or the precursor (EUMC) definition. This has caused me ultimately to conclude that the adoption of one definition of antisemitism over another would neither remedy the conflict within NUS, nor would it move the dial in a positive direction, towards NUS engaging in healthier debate of difficult issues which people approach with very polarised views.

I have reflected at length on whether to make recommendations concerning the provision of resources and guidance - firstly to provide models of dialogue around Israel/Palestine as recommended in previous NUS surveys and plans, and secondly materials "to assist in developing a sensitive, nuanced approach to Middle Eastern politics" as was recommended by the House of Commons Home Affairs Select Committee ('HASC') Report on Antisemitism published in October 2016. Some pro-Palestinian groups object to any resource which considers the Israel/Palestine issue through a lens of avoiding antisemitism because, they say, it has a 'chilling effect' on pro-Palestinian activists who fear allegations of antisemitism. I have been given accounts of the distress suffered by those who have faced such allegations which have later been dismissed. Commentators on antisemitism highlight, however, that many instances of antisemitism – certainly in the UK and within the student communities – occur when pro-Palestinian, or anti-Israeli or 'anti-Zionist' campaigning takes place. I have found that this is indeed the case. There is scepticism as to whether agreement could be reached on the content of any resources, and it is not obvious that any resources would be widely used as activists may believe they have detailed knowledge on the

subject already – and frankly because of the irrelevance of this particular issue to the day to day lives of very many of the seven million UK students. On the other hand, I agree with the observation of HASC that, *“many students encounter campaigning and debates about Israel and Palestine for the first time at university. The tensions surrounding Israel Apartheid week and pro-Israel activities on campus illustrate how polarised this debate tends to be, with some students drawing on simplistic formulation of the conflict. There is evidence that this has resulted in unwitting antisemitism emerging in some student populations, and within left-leaning student political organisations in particular”*. On balance therefore, while not underestimating the task of agreeing educational resources and guidance, I have recommended that an assessment be carried out of whether improvements in the experience of Jewish students is achieved by more resources on antisemitism training and model dialogues on Israel / Palestine, and if it is beneficial, the next step should involve drafting education resources. Consideration should also be given to whether there should be an assessment of the experiences of pro-Palestinian activists when there are agreed parameters, to consider whether this reduces the chance of them being the subject of complaint, or giving them more confidence in their activism.

One of the NUS’s objects set out in their articles of association is to “discuss, comment and act upon current affairs which are of interest or importance to students.” They must learn to do this as students in a manner which is in keeping with the NUS Code of Conduct which requires the championing of “Healthy Politics”. Furthermore, prior to my investigation commencing, a letter of concern was sent to NUS, signed by over 20 former NUS presidents; reviewing those signatories is a salutary reminder that many NUS leaders go on to be politicians or influential figures in their chosen area of work or profession. In an increasingly polarised society, today’s students, who are tomorrows’ leaders, need the skills and experience of disagreeing on matters they feel passionate about, in a non-offensive manner free from discrimination. In considering my recommendations, my overwhelming aim is to seek to point NUS in the direction of better achieving their core aims of (a) **anti- oppression** whereby “we strive to be anti-oppressive through our actions, reflections and learning”, and (c) **collective care** whereby

“we are here for each other, practising collective care and prioritising the long-term wellbeing of our staff, officers and members, striving towards justice.”

I hope that reflecting on this report, and engaging with the recommendations I have made, will move debates about Israel/Palestine in a more nuanced, respectful direction, and that in turn this will make NUS a less hostile environment for Jews – and hopefully- eventually even a welcoming one. In formulating recommendations, I have had considerable assistance from a number of members of NUS’s Board of Directors and leadership team members. Their passion for the representative voice for the student movement and desire to change gives cause for considerable optimism that improvements can be made and sustained, and I have also found the current NUS UK Board to be sincere in their expressed desire to ensure their organisation is welcoming for all students, including Jewish students. Thoughtful and consistent efforts will now be required over a sustained period, and an acknowledgement that it will take time to build trust as it has been notable by its absence for many years.

## 2. Methodology

On 13 April 2022 NUS UK Board of Directors decided to launch an investigation into allegations of antisemitism within NUS. On 19 May 2022 the Terms of Reference under which I was appointed were published and are annexed hereto.

I was instructed to conduct two investigations:

- Into the (then) President elect, under the NUS Code of Conduct, with my report to be provided to the Supervising Director. A confidential employment process was engaged thereafter. Whilst the allegations were much publicised in the media, the reports are confidential.
- Into NUS to determine if it has breached its duties under law or its own policies in relation to Jewish students, or otherwise conducted itself in an antisemitic manner or failed Jewish students.

A call for evidence was published and a period for submissions was open between 7 June and 7 July 2022. 36 submissions were received, some from organisations and some from individuals.

The organisations from which I received written submissions and/or interviewed are as follows:

- a. Arab Canadian Lawyers Association
- b. Board of Deputies of British Jews
- c. British Palestinian Council ('BPC')
- d. British Committee for the Universities of Palestine ('BRICUP')
- e. British Society for Middle Eastern Studies ('BRISMES')
- f. Campaign Against Antisemitism ('CAA')
- g. Community Security Trust ('CST')

- h. European Legal Support Centre ('ELSC')
- i. Independent Jewish Voices Canada
- j. Institute of Race Relations
- k. Labour Against Antisemitism
- l. NUS
- m. Palestinian Solidarity Campaign ('PSC')
- n. Union of Jewish Students ('UJS')
- o. UK Lawyers for Israel.

Any submission from an individual that did not relate to NUS was not progressed to interview. All other individuals were invited to interview. I have conducted interviews with 46 individuals / groups. Nobody interviewed had any 'special status', so while UJS were consulted about the Terms of Reference prior to my appointment, their submissions to me were given no more or less weight than any others. I made all interviewees aware that I have been invited to make recommendations and invited submissions as to what they would propose. The privacy notice prepared in advance of interviews is attached hereto.

### *NUS Staff*

Within this report I refer to "NUS staff" meaning current or former employees, "NUS officers" meaning elected paid NUS officers, "NUS Volunteers" meaning elected or non-elected student volunteers within the NUS.

My Terms of Reference requires adherence to the NUS Staff Protocol Policy. This states expressly that, "*officers, representatives and members should never name individual staff members or groups of staff when criticising or praising the work of NUS in public. This is because staff and groups of staff should not be referenced or singled out in political or public spaces including online.*" The policy provides that staff are not accountable to membership for decisions made in political spaces and have no right to reply in public and/or in political spaces. The role of staff is

to support full time officers in line with agreed project plans, and staff must not publicly criticise any officer or elected / appointed representative or member of NUS, “*unless such criticism has been established as NUS policy through National Conference*”. I have sought to abide by this Policy and have not named members of staff from or about whom I have heard evidence. In cases where staff remain in employment with NUS I have provided a confidential annex to the Chair of the HR Subcommittee setting out any areas in which I consider they would benefit from specific training.

### *NUS Officers, Volunteers and Members*

I considered carefully when to name individuals and when to anonymise them. Some of those referred to I have not named but their identity will be apparent from the posts they held. Generally, if an elected officer was named in a report which has been published, I have named them. Otherwise, I have not. Some have been subjected to NUS investigations, others have not, and as set out in the report when considering cases in which antisemitism complaints have been made, my task was significantly hindered by the lack of contemporaneous documentation because of the NUS data retention policy which limits the holding of data on former employees to 18 months post termination. Furthermore, those about whom I have been given information are overwhelmingly no longer students and therefore not currently members of the NUS, they no longer hold elected office and there is no overriding public interest in favour of naming them.

### *Interviewees*

I wish to express my thanks to all those who took the time to make written and oral submissions to me. I am particularly grateful to the current and former officers, volunteers and students who have described their personal experiences to me - on occasion causing them to revisit experiences that caused them considerable personal distress. I have not named individuals in this report, though especially for those who held elected positions it may be possible to piece together

who is being referred to. My decision to anonymise is deliberate in circumstances where many activists, regardless of their religion or political beliefs, have faced vile abuse on social media platforms. While this is suffered by people of all political persuasions, as is also apparent in society more broadly, this is suffered more acutely by women, and particularly by women of colour. This is deplorable and I seek by anonymisation to discourage it as forcefully as I can.

## 3. NUS structure, committees and campaigns

### 3.1 Structure

“The NUS” is a term used in the media, by politicians, students and others to refer to the organization which represents the needs of and advocates on behalf of its members across the UK. There are however a number of distinct legal entities that make up NUS, and there have been significant changes over time.

The current structure of NUS consists of:

- National Union of Students (United Kingdom) (“**NUS UK**”) – a company limited by guarantee, registered in England and Wales (company number 08015198). It “delivers voice and influence activities” and is governed by Articles of Association and Rules of NUS Conference. This entity employs the Elected Officers. Its Board of Directors is made up of Student Officer Directors, Member Directors and Lay Directors. The Chair of the Board is the NUS National President.
- NUS Students’ Union Charitable Services (“**NUS Charity**”) – a charitable company limited by guarantee registered in England and Wales (company number 07509468; charity number 1140142). It provides training and support for its constituent students’ unions and also has a Board, chaired by one of their number. NUS Charity is independent of NUS UK and is regulated by the Charity Commission.
- NUS Services Limited (“**NUS Services**”) – a company limited by shares registered in England and Wales (company number 01639519). 97% of the shares of NUS Services are owned by NUS Charity. It functions as the trading arm of NUS Charity and operates as a purchasing consortium for students’ unions.

Individual Students’ Unions – also known as “SUs”, “Guilds”, “Unions”, “Students’ Associations” and “Associations” are recognised in law pursuant to the Education Act 1994. The majority are incorporated entities and have charitable status. They

can affiliate as company members of NUS UK and NUS Charity. There are currently around seven million students who are members of the affiliated SUs. Of those, around 8500 are Jewish – 0.12%. UJS is an affiliated member of NUS. Around 69 Jewish Societies on campuses ('J Socs') are members of the UJS, which represents Jews of all denominations.

NUS UK's Articles of Association provide for student representatives to debate and set the political policy of NUS and elect the NUS's officers at NUS Conference. There are currently five NUS Conferences: National Conference, Liberation Conference, and one each for Scotland, Wales and (jointly with 'USI'- Union of Students in Ireland) Northern Ireland.

Prior to 2019, there was an NUS National Executive Committee ("NEC") which was a policy making and accountability body made up of elected representatives from students' unions. This included a group of student representatives variously referred to as the "block of 15" or the "block of 12". This body no longer exists, though there is a "National Scrutiny Council" which is made up of 20 people elected by National Conference.

Liberation campaigns exist to represent the needs of and fight for equality for underrepresented and oppressed groups. The existing campaigns focus on the rights of LGBTQ+, Black, Disabled, Trans and Women students. They are led by those who self-define into that group and within NUS have political autonomy, so at Liberation Conference they elect their own representatives and committee, and determine their own policies.

The Director of NUS UK is the lead staff member of NUS UK with delegated responsibility to provide leadership on strategy and to manage the operations, compliance, and finances of NUS UK. The Director of NUS Charity is the lead staff member of the NUS Charity with delegated responsibility to provide leadership on strategy and to manage the operations, compliance, and finances of the NUS Charity. NUS UK 'purchase' central services from the NUS Charity including HR, finance, and membership administration - these services are managed by the NUS Charity Director. The Director of NUS UK is accountable to the NUS UK Board via the President & Chair and is responsible for the Executive

(also known as the full time officers). The Director of the NUS Charity is accountable to the NUS Charity Board and its Chair.

### *3.2 Reforms*

In Summer 2018 NUS UK lost its fourth Chief Executive Officer in five years. Membership satisfaction rates had been in decline over that same five year period and in Autumn 2018 it was realised that NUS faced possible insolvency by the following spring unless action was taken. A significant reform exercise was embarked upon – which included sale of the NUS’s London property, a large scale redundancy exercise with around a third of the workforce leaving (leaving twenty-two full time equivalent), and the number of elected sabbatical officers reducing from twenty to seven. The full time officers are now the National President, Vice President (‘VP’) Higher Education, VP Further Education, VP Liberation and Equality, NUS Scotland President, NUS-USI President and NUS Wales President. Officers now have a two year term (which was one of the key recommendations that came from an Institutional Racism Review conducted by the Runnymede Trust in 2016).

A Turnaround Board launched a consultation with members in 2018. Their reform package was presented to, and accepted by, National Conference in 2019. The underlying principle of the reform process was to “simplify and modernise”. Its six key aims were to ensure (i) a defined purpose and focused activities; (2) effective corporate oversight; (3) coherent campaigns that win; (4) be representative of members; (5) focus on core SU services and (6) be financial sustainable and give value for money. The new structure came into being from July 2020. Of course by this date the Covid pandemic was upon us and there were significant periods of national lockdown which slowed progress.

### *3.3 Anti-Racist Anti-Fascist Committee (ARAF)*

ARAF for decades was an important committee within NUS as a body to campaign against racism and fascism within society. Prior to the 2019 reforms it was a

Special Committee of the NEC constituted under the NUS Rules. Save for stating that co-convenors should be selected from NEC members, there were no defined reserved spaces for any group or representative. I understand that by convention, there were generally two co-convenors, one from the Black Students Campaign and one Jewish member. In 2013 two non-Jewish Black members of the NEC were co-convenors so it was not invariably a Jewish member – but it was generally. In 2015 a Jewish NEC member and a Muslim NEC member were co-convenors.

In 2016 efforts were made to resolve 'ongoing confusion and controversy around the system for the ARAF committee'. In response to this and heightened concerns around racism and fascism in light of the EU referendum Brexit vote, a motion and a number of amendments were submitted to the July NEC meeting by members of the NEC. The then NUS President – who had themselves been an ARAF co-convenor – supported proposals including resolving to apply an interim system of selecting the ARAF committee for 2016/17. The proposal was that the NEC would elect members to the committee, with reserved places for a Jewish member, a Muslim member, an LGBT+ member, an International/migrant member and an Open Place member.

This move was seen by some (including many UJS activists) as the President attempting to end the traditional practice of Jewish students deciding the Jewish representative on ARAF. An already poor relationship between the UJS and the then President deteriorated further. What in fact happened was that those who identified as being from each constituency group on the NEC were then permitted to vote for their representative. There was certainly a perception that the President secured their chosen Jewish candidate. It does not appear that the recommendation made by the HASC that UJS should be permitted to select the Jewish member (as addressed in the next section of this report), was engaged with. I am unable to discern any activity of this committee after 2017. Whilst it is provided for under the current constitution, under the National Scrutiny Committee, it has not met at all since the 2019 reforms.

Some former NUS Sabbatical officers have expressed to me their view that within NUS there has not been "space" for difficult issues – including about Israel/Palestine – to be discussed with an interactive exchange of views. Rather,

at conferences, speeches are made, which tend to be short, campaigning and polarising. The format of conference has, post pandemic, altered such that there are now a series of workshops which take place after which an overview is given to Conference along with a recommendation. This format may allow for more meaningful exchanges of views, but consideration should be given at Board level to whether the ARAF committee ought to be activated, and if so how its membership and leadership is to be appointed. Whilst I note that one of the recommendations of the Vice President who led on the Experience of Jewish Students survey 2016-7 was to “continue the work on ARAF via the NUS ARAF Committee and campaign which includes a reserved Jewish place”, I also understand that ARAF’s historical roots were to campaign against far right extremism. NUS must consider what entity is best placed to lead its equality efforts, alongside its liberation campaigns, as it moves through the 21<sup>st</sup> century.

### *3.4 Boycott, Divest, Sanction ('BDS')*

In March 2014 the NUS Black Students Campaign conference adopted BDS policy (Boycott, Divestment and Sanctions against Israel). The movement calls for freedom, justice and equality for Palestinian people, inspired by the South African anti-apartheid movement. In August 2014 the NUS NEC adopted BDS as national policy. UJS commented that they considered the vote to be “extremely problematic” as it would “divide student groups, undermine interfaith relations and suffocate progressive voices of peace”. Following the NEC’s adoption of the policy and the reaction of UJS, three members of the NEC wrote an opinion piece in 2014 (on [www.opendemocracy.net](http://www.opendemocracy.net)) contending that the depiction of all Jews as Zionists must change, as must the portrayal of any Jewish people “who attend Gaza demonstrations as ‘bad, self-hating Jews’”.

A BDS motion before the 2015 conference was not debated. Any motion not debated at Conference could be remitted to the NEC and, if passed, become policy until the next Conference. The BDS motion was passed by the NEC in June 2015. In July 2015 NUS released a BDS handbook to support SUs who wanted to run BDS campaigns. This stated:

*"Whilst the liberation of Palestine can only ever come through the resistance of the Palestinian people themselves, international solidarity plays an important part; and as always, students have remained at the forefront of this solidarity. Asserting our influence as students, as consumers, as people of conscience and members of a global society, we can make tangible steps in supporting the Palestinian struggle for freedom by making our colleges and universities places of learning free from complicity with apartheid. In doing so we are acting in a proud tradition of internationalism and shared values that has defined our student movement, and marked the history of the NUS – going back to its role in supporting the Black struggle against white-ruled South African apartheid, as commemorated by NUS' former base of operations at Nelson Mandela House, in London."*

In 2016 all NEC policy adopted since the previous Conference was ratified as a bloc; this included the BDS motion which therefore appeared in the 2016 passed policy book.

In April 2018 at the close of the National Conference the UJS Campaigns officer remarked that the BDS policy, which was active for three years from 2015, lapsed at the 2018 Conference as it was not renewed. An NUS spokesperson is reported as saying that BDS policy had been passed at National Conference in 2015 and had lapsed at the Glasgow Conference in 2018, but that, *"whilst not voted on by delegates in Glasgow, National Conference recognizes the policy and campaigns of all zones, Liberation and Nations Conferences remains live in Black Students' Campaign and for NUS-USI conferences who vote separately and autonomously at their respective democratic conferences."* Having reviewed the records from 2015 and 2016, both the UJS and NUS appear to have been mistaken as the BDS was not passed at NUS 2015 National Conference, but having been passed by the NEC, was ratified in 2016.

On 7 June 2018 the NEC passed a motion entitled "70 Years of Injustice: Freedom for Palestine", which included ongoing support for BDS. This was adopted by National Conference as NUS policy in 2019.

BDS was not discussed at the 2022 National Conference, it was sent to the Liberation Conference but did not reach the 20% quorum required to be passed. A motion supporting BDS was passed in March 2022 at the NUS-USI conference.

UJS launched a campaign called "BridgesNotBoycotts" in response to NUS's adoption of BDS, saying they sought an "informed and intelligent approach to the Israeli-Palestinian conflict over the hate and hostility of the BDS movement", and setting out their support for organisations which work together in Israel and the Palestinian Territories, stating that, "if Israelis and Palestinians can come together constructively, students from all backgrounds in the UK can and should engage positively and pragmatically with the Israeli-Palestinian conflict".

It is of course the democratic right of NUS as well as constituent conferences to support BDS, and very many students – regardless of their faith (or lack of faith), ethnicity or any other protected characteristic – are passionate about this. The BDS campaign is specifically and unashamedly anti-Israel. The NEC officers who wrote their article in 2014 are undoubtedly correct in stating that not all Jews are Zionists, and certainly should not be assumed to be - however, research published in 2015 by City, University of London found that 90% of British Jews support Israel's right to exist as a Jewish state, and 93% say it forms some part of their identity as Jews. These statistics underline the submissions made to me by Jewish students - that the BDS campaign along with initiatives on campuses such as Israel Apartheid Week - do impact negatively on Jewish students.

In the NUS's Experience of Jewish Students report 2016-7, 68% of students whose SU had a BDS policy or campaign reported that they "did not feel comfortable with it"; students reported that it "*threatens the safety of Jews on campus*", "*doesn't build towards peace or understanding*" and that "*it seems like a front to get rid of Jewish culture on campus*". The Campaign Against Antisemitism in their "Antisemitism Barometer" Report 2021-2 stated that, "*when asked about antisemitism in discourse about Israel, British Jews responded emphatically: 84% had witnessed antisemitism disguised as political comment about Israel or Zionism, 87% said that media bias against Israel was fuelling persecution of Jews in Britain, and 78% felt intimidated by tactics used to boycott Israel.*"

That is not to say that BDS campaigns ought to be curtailed because it makes some students (or Jews more generally) feel uncomfortable, and certainly not to say that it is inherently antisemitic.

BDS polarises supporters and opponents. Jews – as seen by the CAA ‘barometer’ report, and oft repeated in submissions made to me – feel that advocacy against Israel is, on occasion, accompanied by antisemitism. This was also the finding of the NUS’s Jewish Student’s Experience Survey 2017. It is also apparent, and was also described to me in submissions, that pro-Palestinian activists fear groundless allegations of antisemitism, and some say that this fear is enough to create a “chilling effect” and prevent legitimate campaigning.

Some, including the Palestinian Solidarity Campaign expressed concern to me about putting in place training or advice to ensure that antisemitism is avoided when interacting about Israel/Palestine or BDS because it looks at the issue through a chilling lens. Having reflected at length, I have concluded that NUS must look to improve the status quo through education. Such recommendations have been made in recent years:

- The HASC recommended in its Report on Antisemitism (published in October 2016) that NUS should provide resources and guidance to assist students in developing a “sensitive, nuanced approach to Middle Eastern Politics”. This should be broader than covering only BDS.
- Similarly the Experience of Jewish Students Survey 2016-7 said that NUS should “explore example models of dialogue around Israel/Palestine and disseminate good practice guidance to its membership”, and that within the wider HE sector, “joint work [should be] undertaken to provide further guidance and models of good practice for debating issues around Israel/Palestine”.

Neither of these recommendations were engaged with. I repeat those recommendations herein.

Further, when motions such as BDS or others pertaining to Israel/Palestine are considered in NUS spaces – whether at conferences or in committees, steps should

always be considered to ensure that NUS value of engaging in respectful politics is adhered to. If BDS is to be debated at a conference workshop, I recommend considering the use of an external facilitator.

## 4. Reviews and inquiries into antisemitism in NUS

My terms of reference ask me to consider the extent to which NUS took required action following the inquiry into antisemitism in 2005. In fact, since 2005 consideration has been given to concerns about antisemitism within NUS on a number of occasions:

- In the 2005 report by Marco Henry.
- By the HASC in its report of October 2016.
- By Caroline Baxter in her independent investigation into the conduct of former President Malia Bouattia following the HASC report,
- Through the Independent Review into the allegation of institutional racism in NUS conducted by the Runnymede Trust from February - December 2016,
- As part of the NUS Race Equity Plan 2017-2022.
- As part of "NUS100", and
- In the Experience of Jewish Students report 2017.

### *4.1 2005 Marco Henry Report*

Marco Henry was instructed in 2005 to review the reasons behind the resignations of three Jewish students from the National Executive Committee (NEC) and the Steering Committee of the NUS.

A series of issues had arisen in 2005 which his report (in September 2005) considered:

- i. At the April 2005 conference the General Union of Palestinian Students (GUPS) distributed a leaflet entitled "Jews are not a Race". The UJS Campaigns Organiser took the leaflet to the NUS President complaining that

it was antisemitic. The President referred the matter to the Steering Committee which was responsible for the organisation of conference. Meanwhile a complaint was made about a UJS leaflet regarding Hizb ut-Tahrir. The chair of the steering committee decided to consider the two leaflets together. A Jewish member on the Steering Committee pointed out that the description of Hizb ut-Tahrir was based on NUS policy which has the organization on its 'No Platform' policy. That Jewish member faced hostility in the committee in airing this view. The committee resolved to ban both leaflets. Another leaflet headed "Zionism" appeared on the GUPS stand, referring to Jews establishing the "Protocols of the Elders of Zion" – a well known fabricated antisemitic text purporting to describe a Jewish plan for global domination. GUPS disavowed any responsibility for that leaflet and condemned it. The Marco Henry report made recommendations about the operation of the Steering Committee to ensure rapid decision making when required.

- ii. The Conference had failed to provide kosher food. This had been an oversight but attempts to rectify it were not successful. Whilst Marco Henry found there was "no indication of antisemitism in relation to this matter", recommendations were made to ensure no recurrence.
- iii. An NEC member and the International Students' Officer arranged a workshop for international students to take place on a Saturday. This attracted complaints from UJS as it would potentially exclude Jewish international students. The response from the NEC member was that, "when Jewish students cough and sneeze within NUS everyone jumps but it's not the same for international students". In response to a formal complaint the member said that he "was not in a position to bootlick any group" and alleged the UJS were "conspiring with political factions to stab him in the back". An NEC disciplinary panel warned the member about the offence his comments had caused and requested a letter of apology be sent, but there was no formal written communication of the decisions of the disciplinary panel to the complainant or respondent and no action to implement their decisions. Marco Henry's conclusion said, "attention should be given to the

overall concern expressed on behalf of Jewish students of a lack of energetic response to dealing with matters of potential antisemitism”.

- iv. A member of the NEC of NUS, co-convenor of the ARAF Committee and UJS activist was asked to attend a meeting at SOAS, University of London. The meeting related to concerns about the activities of the SOAS SU which were seen to affect Jewish students adversely. The Co-President of SOAS SU complained that Jewish NEC member had not attempted to contact the SU before meeting the Director of the University. The complaint was not resolved prior to the resignation of this officer and the two other Jewish students at Conference; UJS alleged this Jewish activist was being victimised by SOAS SU. Marco Henry found that “members of the NEC should accept that during their term of office they will be acting in that capacity in all their relationships with constituent members, as well as in student and public forums”.
- v. One of the Jewish students spoke at conference delivering the resignations of themselves and two other Jewish representatives from their NUS positions. The resignation speech set out their joint concern that “NUS was seen to be a bystander to antisemitism, hiding behind procedure and bureaucracy”. The UJS submission to the 2005 investigation pointed to the lack of response to the resignations of these Jewish students as a further example to the perceived apathy to antisemitism which prompted the resignations in the first place.

UJS proposed a number of recommendations, which were essentially adopted by Marco Henry, including annual antisemitism training organized or facilitated by UJS; the NUS NEC agreeing a Code of Practice on eliminating antisemitic rhetoric from student political debate; NUS establishing reporting mechanisms for antisemitism on campus; the formal disciplinary and investigation processes to be reviewed; and having kosher food at NUS events.

Of the further recommendations made by Marco Henry, these included considering the standing orders of the Steering Committee to enable quicker decision making during Conference, and the delivery of an apology about the management of the antisemitic comments by the International Students’ Officer.

#### 4.1.1 Have the 2005 recommendations been implemented?

Evidence submitted to me by NUS has addressed each of the recommendations made in 2005 and whether they were implemented. Many were 'of their time', so for example responsibility for conference now sits with the Democratic Procedures Committee and there is a Code of Conduct which permits live investigations and issue resolutions. National Conference is no longer a catered event and UJS ensure there is kosher food available for delegates. Elected leaders no longer deal with formal complaints and disciplinary matters, and indeed the NEC no longer exists. As for antisemitism training, it seems that this may have taken place; however, a former NUS staff member told me that he had "introduced" antisemitism training in around 2011, and a recommendation from the Experience of Jewish Students report of 2017 was to introduce such training. This leads me to conclude that NUS institutional memory – at least in relation to the issue of antisemitism training – has been short-lived.

A fundamental "request" of the UJS in 2005 was for NUS to "reaffirm its recognition of UJS as a legitimate and authorized interest group and rebut suggestions that its presence in NUS is unwelcome". Marco Henry's response was "I would expect NUS to reassure UJS on this point", and to note that much of the work of UJS was in representing individual students such that it was "ideally placed to report any concerns expressed by Jewish students on campus". It is not apparent to me if this reaffirmation occurred. Even if it did, it was certainly not a watershed moment leading to either the UJS or Jewish students more widely feeling welcome in NUS.

#### *4.2 HASC Report on Antisemitism in the UK, 13 October 2016*

*In 2016 the HASC reported on antisemitism in the UK, stating that their "inquiry was prompted by concerns expressed to us about an increase in prejudice and violence against Jewish communities in the UK, along with an increase in far-right extremist activity. Many of the developments outlined above, and discussed in detail later in this report, occurred after we announced this inquiry on 12 April 2016. There have been simultaneous developments regarding alleged antisemitism within the National Union of Students (NUS) and an investigation into antisemitism at Oxford University Labour Club, both of which are covered in*

*Chapter 5 of this report.*" The Committee held four evidence sessions and met with a number of groups and received written evidence.

I have noted in particular the views and conclusions of the HASC in relation to the need to define antisemitism, consideration of whether opposing Zionism is antisemitic, and their findings in relation to NUS.

#### 4.2.1 Definition of antisemitism

The HASC concluded that it was *"extremely difficult to examine the issue of antisemitism without considering what sort of actions, language and discourse are captured by the term, and that defining the parameters of antisemitism was central to the question of what should be done to address this form of hate"*. The Committee used the IHRA definition, to which it added two clarifying statements to seek to ensure *"an appropriate balance between condemning antisemitism vehemently, in all its forms, and maintaining freedom of speech—particularly in relation to legitimate criticism of the Government of Israel."*

#### 4.2.2 Anti-Zionism = Antisemitism?

The HASC considered the extent to which opposing "Zionism" should be understood as antisemitic:

*In an article for The Daily Telegraph in May, the Chief Rabbi criticised attempts by Labour members and activists to separate Zionism from Judaism as a faith, arguing that their claims are "fictional". In evidence to us, he stressed that "Zionism has been an integral part of Judaism from the dawn of our faith". He stated that "spelling out the right of the Jewish people to live within secure borders with self-determination in their own country, which they had been absent from for 2,000 years—that is what Zionism is". His view was that "If you are an anti-Zionist, you are anti everything I have just mentioned".*

*Similarly, CST and the JLC describe Zionism as "an ideological belief in the authenticity of Jewish peoplehood and that the Jewish people have the right to a state". Sir Mick Davis, Chairman of the*

*JLC, told us that criticising Zionism is the same as antisemitism, because:*

*Zionism is so totally identified with how the Jew thinks of himself, and is so associated with the right of the Jewish people to have their own country and to have self-determination within that country, that if you attack Zionism, you attack the very fundamentals of how the Jews believe in themselves.*

*However, there is evidence to suggest that many British Jewish people do not associate Zionism simply with support for the existence of Israel. 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, but only 59% consider themselves to be Zionists. The researchers observed that some respondents believed that people who are critical of the current Israeli Government's policies should not identify as Zionists, even if they fully support Israel's right to exist as a Jewish state.*

*Regardless of the precise definition of 'Zionism', it is clear that the word 'Zionist' is used frequently as an insult against those who defend the actions of the Israeli Government, or even against those who speak out against antisemitism. In too many instances, it has been used as a proxy for the word 'Jew'. The report of the 2006 All Party Parliamentary Inquiry into Antisemitism argues that "criticism of Zionism is not in itself antisemitic", but that an "antisemitic discourse" has developed in some quarters that "views Zionism itself as a global force of unlimited power and malevolence throughout history".*

*...*

*Such is the toxicity of the word "Zionist" that when we met campaigners from the 'Friends of Palestine' groups, several of the attendees told us that they never use it. In many of the incidents*

*of abuse that we have seen on social media, including those shared by John Mann MP\*, Chair of the APPG Against Antisemitism, replacing the word "Zionist" with "Jew" would render them blatantly and virulently antisemitic. ...*

Now \* Lord Mann

The HASC conclusion on this matter was as follows:

*Zionism' as a concept remains a valid topic for academic and political debate, both within and outside Israel. The word 'Zionist' (or worse, 'Zio') as a term of abuse, however, has no place in a civilised society. It has been tarnished by its repeated use in antisemitic and aggressive contexts. Antisemites frequently use the word 'Zionist' when they are in fact referring to Jews, whether in Israel or elsewhere. Those claiming to be "anti-Zionist, not antisemitic", should do so in the knowledge that 59% of British Jewish people consider themselves to be Zionists. If these individuals genuinely mean only to criticise the policies of the Government of Israel, and have no intention to offend British Jewish people, they should criticise "the Israeli Government", and not "Zionists". For the purposes of criminal or disciplinary investigations, use of the words 'Zionist' or 'Zio' in an accusatory or abusive context should be considered inflammatory and potentially antisemitic. This should be communicated by the Government and political parties to those responsible for determining whether or not an incident should be regarded as antisemitic.*

#### 4.2.3 HASC comments on NUS

I consider it appropriate to set out in full the HASC report in relation to NUS less footnotes, which are available in their published report (**emphasis** in original).

*80. The election of Malia Bouattia as President of the National Union of Students (NUS) in April resulted in a lengthy 'war of words' between*

*Jewish student groups and Ms Bouattia. The UJS challenged her previous comments that the University of Birmingham is "something of a Zionist outpost". The statement appeared in a joint column for a student blog in 2011, in which she observed that Birmingham has the "largest [Jewish Society] in the country whose leadership is dominated by Zionist activists". In an open letter signed by 50 Jewish society presidents, Ms Bouattia was asked why she saw "a large Jewish Society as a problem" and questioned about her relationship with Raza Nadim and the Muslim Public Affairs Committee (MPACUK), which has been 'no-platformed' by the NUS since 2004, after publishing antisemitic material online. In her response, Ms Bouattia asserted that she has no relationship with Mr Nadim, and said that she was "alarmed" that the signatories to the letter had "drawn a link between criticism of Zionist ideologies and antisemitism".*

*81. Attention has also been drawn to comments made by Ms Bouattia in a recorded speech at a conference on "Gaza and the Palestinian Revolution" in 2014, in which she said: "With mainstream Zionist-led media outlets—because once again we're dealing with the population of the global south—resistance is presented as an act of terrorism". She also criticised peace talks between Israel and Palestine for strengthening "the colonial project", arguing that non-violent protest and sanctions could be "misunderstood as the alternative to resistance by the Palestinian people".*

*82. Jonathan Arkush, President of the Board of Deputies of British Jews, told us that he regarded Ms Bouattia's description of Birmingham University (as a "Zionist outpost") and her attack on "Zionist-led media outlets" as antisemitic. At the national conference at which Ms Bouattia was elected President, the NUS was also criticised for hearing arguments against commemorating the Holocaust. Supporting the motion in favour of the NUS coordinating events to mark Holocaust Memorial Day, delegates from Birmingham University described hate crimes against Jewish people on campus, including a poster entitled "Hitler was right". Delegates arguing against the motion were applauded by audience*

members. Since the conference, a number of student unions have voted to disaffiliate from the NUS, including at the universities of Hull, Lincoln, Newcastle and Loughborough. Votes have also been held at the universities of Exeter, Warwick, Surrey, Essex, Oxford and Cambridge, but all six opted to remain affiliated.

83. Ms Bouattia became the subject of further negative press attention when it was reported that, due to an amendment passed by the NUS's National Executive Council (NEC) and Ms Bouattia, the Union of Jewish Students (UJS) will no longer be consulted on the selection of the Jewish representative on the NUS's Anti-Racism, Anti-Fascist (ARAF) Taskforce. The vociferous response of the UJS, which said that Ms Bouattia had shown "once again" that she has "absolutely no interest in defending Jewish students' interests", demonstrates the extent to which the relationship between the UJS and the NUS has deteriorated.

84. Writing for the Jewish News, the NUS Vice President for Society and Citizenship, Rob Young, conceded that the NEC of the NUS "want to ensure that we are not working with the UJS as closely as we have in the past", and argued that when Jewish students say something is antisemitic, the NUS must listen, "not question it". Mr Young has commissioned research into the experience of Jewish students within the NUS and student unions, and said: "By making our spaces unwelcoming for Jewish students, we are not only failing to focus on these challenges, we are failing as a movement that represents all students."

85. In written evidence to this inquiry, Ms Bouattia argued that the media coverage of the ARAF amendments was "extremely inaccurate". Ms Bouattia's submission also listed a number of NUS initiatives aimed at tackling racism, including Mr Young's research on Jewish students. Referring to criticisms of her previous comments, she stated that she did not and does not see a large Jewish society on campus as a problem, and reiterated her previous defence of anti-Zionism (without defining what she believes to be covered by the term "Zionist politics").

86. In September, three NUS Vice-Presidents and numerous other student leaders, including 28 student union presidents, signed an open letter declaring that they "stand with Jewish students in their right to feel represented, safe and welcome" in the NUS. The letter states that the NUS's leadership has "rightly come under increased scrutiny for its attitude towards Jewish students", linking to a Guardian interview with Ms Bouattia in which she said she said (sic) that her previous comments had been "misinterpreted" and that accusations of antisemitism had raised the profile of the NUS and enabled the organisation to "put out our vision of the future". In October, it was reported that Ms Bouattia had written to the UJS to suggest a meeting, which had not yet been arranged.

87. The current President of the National Union of Students, Malia Bouattia, does not appear to take sufficiently seriously the issue of antisemitism on campus, and has responded to Jewish students' concerns about her previous language with defensiveness and an apparent unwillingness to listen to their concerns. There is of course no reason why an individual who has campaigned for the rights of Palestinian people—a cause widely supported on university campuses—should not serve as President of the NUS. But Ms Bouattia's choice of language (and ongoing defence of that language) suggests a worrying disregard for her duty to represent all sections of the student population and promote balanced and respectful debate. Referring to Birmingham University as a "Zionist outpost" (and similar comments) smacks of outright racism, which is unacceptable, and even more so from a public figure such as the President of the NUS.

88. The unique nature of antisemitism requires a unique response, which may not be effectively addressed by the steps that the NUS is currently taking. For the sake of their own credibility and to ensure Jewish students across the UK are treated appropriately, the NUS and the Union of Jewish Students (UJS) should work to mend their broken relationship. The Jewish member of the Anti-Racism, Anti-Fascist (ARAF) Taskforce should be elected by the UJS, and should not require the approval of the President

*of the NUS. If, after a one year 'grace period', the UJS does not believe that the ARAF Taskforce is up to the challenge of tackling antisemitism on campus, an Antisemitism Taskforce should be established at the Executive level of the NUS, aimed at ensuring that British universities are a safe space for students of all faiths or none.*

I have set out my findings in relation to the ARAF Committee elsewhere in my report. Neither the recommendation about ARAF nor an Antisemitism Taskforce were engaged with.

It is recorded in the Runnymede Review into institutional racism (see below), which was ongoing in NUS when the HASC report was published, that "*NUS have called for a meeting with the Chair of the Committee to address what they consider to be an unbalanced representation of the President and the organisation's position on antisemitism.*"

On 16 October 2016 the President wrote to the HASC Chair and a press release was made. Both expressed the view that the HASC report was "partial and inaccurate in relation to NUS". An open letter to HASC signed by three Vice Presidents, other sabbatical officers and almost 300 other students (as this is a "Google document" it is not clear over what period the signatures have been added) set out the views of the signatories that the HASC report was a "selective and partisan" attempt to "delegitimise NUS" and discredit the President. It expressed the view that "legitimate criticism of Zionism" should not be considered to be a hate crime by the Government effectively equating it to antisemitism.

At the same time, another open letter from SUs in response to the HASC report was sent to the President and NUS. It complained that the statement issued on 16 October 2016 did not go "*far enough in acknowledging or apologizing for the significant damage that [the President's] actions and language have done to NUS and the student movement more widely*". An "immediate and full apology" was called for, along with "details of how [they] will personally address these issues going forward". The letter was signed by more than 100 SU officers within 36 hours. I am told there was no response.

On 24 October 2016 a further press release was issued, in which the President said:

*I want to be clear that I am committed to challenging antisemitism and racism in all its forms. Much of my activist life has been dedicated to anti-racist campaigning and it remains central to my purpose. I am determined to ensure that all students, including Jewish students, feel safe and are safe on campus and in society.*

*I am listening to the concerns of Jewish students and the Jewish community and want to offer reassurances that I will do all I can to combat anti-Semitism. As I've said before, I regret that my choice of words in the past has been interpreted as otherwise. I am sorry that this has caused offence - this was never my intention. Our movement has students who hold a variety of deeply held beliefs on Israel-Palestine, but this is a political argument, not one of faith or ethnicity.*

I note that the criticism of the HASC about how Jewish students' concerns had been responded to suggests there was some earlier statement, I have not been provided with anything pre-dating 16 October 2016.

In both the 24 October 2016 press release and the statement to the HASC the President stated that the independent review of race and racism in NUS, which had been commissioned to Runnymede, would include antisemitism. In fact the Runnymede Report expressly stated that whilst it would "touch on" antisemitism and Islamophobia, the report would not examine those areas in depth (see further below). It is important that information given on behalf of NUS - both generally, and specifically to Parliamentary bodies - is accurate and reliable.

The HASC conclusion in relation to antisemitism on campus included the following:

*Many students encounter campaigning and debates about Israel and Palestine for the first time at university. The tensions surrounding Israel Apartheid Week and pro-Israel activities on campus illustrate how polarised this debate tends to be, with some*

*students drawing on a simplistic formulation of the conflict. There is evidence that this has resulted in unwitting antisemitism emerging in some student populations, and within left-leaning student political organisations in particular.*

*94. Free speech must be maintained, and it is perfectly legitimate for students to campaign against the actions of the Israeli Government. But resources should be provided to ensure that students are well-informed about both sides of the argument, both Israeli and Palestinian, and to support them in developing a sensitive, nuanced understanding of Middle Eastern politics in general. Universities UK should work with appropriate student groups to produce a resource for students, lecturers and student societies on how to deal sensitively with the Israel/Palestine conflict, and how to ensure that pro-Palestinian campaigns avoid drawing on antisemitic rhetoric. This should be distributed widely via student unions, university staff and social media.*

Whilst Universities UK has practical guidance for UK Universities on “Tackling Antisemitism”, I have been unable to find any resource along the lines of the one proposed by the HASC on its website as of November 2022.

### *4.3 Professor Baxter’s Investigation*

Whilst NUS supported the President in essentially rejecting the HASC criticisms to a large degree, after HASC had reported a decision was made in NUS to have an external investigation into the President’s conduct. This was carried out by Professor Carol Baxter – an independent investigator and former senior leader on equality issues within the NHS. I have no documents relating to this investigation, so do not know when instructions were given for its commencement nor what the terms of reference were. The outcomes were published internally within NUS in February 2017, and I am told they were leaked to the press. Press reports suggest that the outcome was that the President had said things which “could reasonably be capable of being interpreted as antisemitic”, but, as they had not been so

intended, she should not face any disciplinary action, though she should issue an apology. The press reports include a statement from an NUS spokesperson, that:

*Malia has addressed the accusations of antisemitism numerous times since her election last year, including in the Sunday Times in April, the Huffington Post in October, and in writing to the 560 NUS-affiliated further and higher education students' unions in December.*

*The resuscitation of this story in the media is part of a sustained attack on a high-profile Muslim woman in a public position. Her family has been harassed and she is the subject of regular and serious threats. These attacks not only put her personal safety at risk but are part of a dangerous trend that deter under-represented groups from taking part in public life.*

At NUS National Conference in April 2017 the President lost her re-election bid, and Shakira Martin was elected.

#### *4.4 Independent Review into the allegation of institutional racism in NUS*

In February 2016 NUS commissioned the Runnymede Trust to carry out a review to investigate whether the organization was institutionally racist. Their conclusion, delivered in December 2016, was that they could not definitively state that NUS was institutionally racist but that there were very serious concerns raised by black staff, officers and volunteers. They noted the "very low levels of trust that exist within the organization", but saw as a positive that 89% of white respondents saw merit in NUS carrying out the review and wanted to better understand how to become allies in the fight for racial justice.

The report stated expressly that whilst there are many forms of racism "such as antisemitism and Islamophobia", the review would touch on them but not examine them in depth. In considering the socio-political context of their report the following was noted:

*Concerns about antisemitism gained increased coverage during 2016 and saw the publication, in June, of the Shami Chakrabarti Inquiry into antisemitism in the Labour Party. The report and its conclusion that the Labour Party was not "overrun by antisemitism, Islamophobia or other forms of racism" (Chakrabarti, 2016:1) would later be condemned as lacking in rigour (largely due to the fact that it failed to include a clear definition of antisemitism as a baseline for its investigations) in a report by a Home Affairs Select Committee (HASC) into Antisemitism (House of Commons Home Affairs Committee, 2016: 8). Despite submitting evidence to the Committee, NUS – specifically the new (at time of writing) NUS President – was heavily criticised for not appearing to "take sufficiently seriously" (p.35) the issue of antisemitism within the student movement. The HASC report specifies the need for NUS and the Union of Jewish Students to repair their relationship; that the Jewish member of the Anti-Racism, Anti-Fascism Taskforce be elected by the UJS without requiring the approval of the President; and, that if improvement is not noted within one year, that an Antisemitism Taskforce be set up at Executive level within NUS to ensure that British universities are a safe space for students of all faiths and none (HASC, 2016). NUS have called for a meeting with the Chair of the Committee to address what they consider to be an unbalanced representation of the President and the organisation's position on antisemitism.*

As to engagement from staff the report stated:

#### *Antisemitism & Islamophobia*

*We should be clear in stating that while questions about antisemitism and Islamophobia were included in the survey, the review did not undertake a detailed and comprehensive examination of either. We are therefore not in a position to*

*comment decisively on the nature of either form discrimination within the organisation [sic].*

*Within the survey, the data shows Black respondents are more confident in their understanding of antisemitism and their ability to identify it compared with their white counterparts. A greater proportion of Black respondents also felt that NUS needs to address antisemitism and were less likely than white counterparts to believe that NUS understands and knows how to address it.*

Recommendations were made, and I have seen significant evidence of them being implemented and their success reviewed. Following the production of the report in December 2016 a Race Equity Plan 2017-22 was drawn up, with a stated purpose being “to tackle institutional racism and create lasting organisational change”.

#### *4.5 Race Equity Plan to Tackle Institutional Racism 2017-2022*

This report sets out that the NUS “*vision is to be a racially just organization – one which is determined to attract and retain diverse talent so we can continue as we have throughout our history to be at the vanguard of societal change*”. The plan contained “tackling Islamophobia and antisemitism” as one of the nine areas of work but it stated expressly that “the primary focus of the plan is race and ethnicity” and that it would be “important to consider how racism intersects with other modes of oppression for black, Muslim and Jewish staff, officers and volunteers”. I note that this plan was essentially to consider race equity *within* NUS – not within the wider student movement.

The fact that neither Islamophobia nor antisemitism had been subjected to an in depth review by Runnymede was recognised, resulting in stated “lack of comprehensive data on both issues”. The plan noted that by the date of its publication the Experience of Jewish Students 2016-7 had been published. That was correct and the Experience of Muslim Students was underway, but those two surveys were outward looking, asking for the experience of students, not, like Runnymede and the Race Equity Plan, inward towards NUS itself.

The Plan recognized that:

*Our political spaces and debates at NUS events around issues such as Israel and Palestine and our BDS policy bring many concerns around Islamophobia and antisemitism to the fore, in terms of how the issues are debated and the language that is used. This can lead to Muslim and Jewish staff, officers and volunteers feeling oppressed and unsafe. This must be addressed...*

Key measures of success in relation to antisemitism were identified as 80% of Jewish staff, officers and volunteers feeling that NUS understands and takes action on antisemitism, and 80% of NUS "first line responders" understanding these issues and feeling confident in identifying and dealing with incidents of Islamophobia and antisemitism.

No fewer than 16 activities were identified. This included the recruitment of a dedicated Faith and Belief Project Officer to support interfaith work, and collaborating with organisations such as UJS, Federation of Student Islamic Societies ('FOSIS'), the Pears Institute and Muslim and Jewish staff, officers and volunteers to provide guidance to better understand the impact of language in debating topics such as Israel, Palestine, Islamophobia and antisemitism. It went on *"this should include modes of dialogue and other good practice guidance for NUS and the student movement. This guidance should be accompanied by a series of facilitated forums for discussion"*. Other actions included ensuring antisemitism training "which has an intersectional focus", coordinating events for Holocaust Memorial Day and "amending all diversity monitoring processes to ensure that "Jewish" is a category for both ethnicity and religion."

Recruitment took place in 2018 at Director level for an employee responsible to lead in work on Race Equity, Faith and Belief. However, once the financial crisis facing NUS was discovered in late 2018, and the turnaround and reform process embarked upon, there was insufficient funding for the role. The senior staff members who had been leading on the Race Equity plan also left. The work identified has not therefore progressed as planned.

Whilst recognising the significant challenges which NUS has faced in the period since 2018, I was disappointed when interviewing staff members to hear that antisemitism training has not been accessed by them. The UJS have provided antisemitism training in recent years – I understand since 2017, though a motion at conference in 2019 mandating such training for officers leads me to question whether this date is correct. All elected sabbatical officers have undergone this training, but the reports given to me indicate that staff take up has been more haphazard.

Of even greater concern was the submission to me from NUS that Black women officers have *"informally let colleagues know that they felt extremely uncomfortable [about the antisemitism training because] almost all the examples of antisemitism in the student movement involve women of colour."* It is entirely appropriate that NUS staff receiving these reports accepted that the officers genuinely felt discomfort, applying the MacPherson principle that complaints about incidents of racism should be recorded and investigated as such when they are perceived by the complainant or someone else as acts of racism. It was however inappropriate that these complaints did not lead to any investigation. Having reviewed the training slides for 2019 and 2020 and interviewed those who delivered the training, I find that the complaint that "almost all the examples of antisemitism in the student movement involve women of colour" was objectively, simply untrue. Had such concerns been well founded, it would have been wholly inappropriate for NUS to have encouraged the same training to be rolled out to other SUs (which it was.) That this perception of some officers was relayed to staff without it leading to an investigation (not necessarily a formal investigation) is a matter of concern. Having interviewed some officers who felt this discomfort, I do not find that their complaints were made in bad faith, but they were not well founded and an important opportunity to grow and learn was, I find, lost. I return to this issue when considering the experience of Jewish students interacting with NUS.

#### 4.6 NUS100

In 2017 there was a roundtable event to discuss antisemitism within a series of events about hate crimes on campus. This was part of the Wellbeing and Welfare

programme of NUS100 – the NUS six year strategic framework in the years leading to the NUS centenary year 2022.

It is unclear what the outcomes of the roundtable events were and how, in this context, Jewish students were to be supported.

#### *4.7 Experience of Jewish Students report 2017*

The Vice President (Society & Citizenship) 2016-18 led on a significant research project to help NUS understanding of the experience of Jewish students. The project also set out a series of recommendations and stated that *"the next step for NUS will be to work with key stakeholders, SUs and universities to implement the recommendations in this report to ensure we are creating a learning environment that is inclusive and welcoming for all Jewish students"*.

This survey found that 49% of Jewish students disagreed, or strongly disagreed that they would feel comfortable attending NUS events, and 65% either disagreed or strongly disagreed that NUS would respond appropriately to allegations of antisemitism if they arose. 68% of those surveyed whose students had a BDS policy or campaign did not feel comfortable with it.

In relation to the Israel/Palestine conflict – which was described as having “unsettled British campus life for over four decades”, students set out the antisemitism they experienced when this debate arose in their SUs or in a society context. The report stated:

*Many students highlighted that Judaism and Israel are important parts of their identity and that Judaism’s relationship with Israel is not understood, including a lack of understanding of what Zionism is, therefore Jewish students are targeted for having a relationship with Israel.*

...

*As one student said "I am a Zionist and for so many in the SU, that is a dirty word".*

Recommendations included continuing the work of the ARAF Committee, NUS hosting bi-annual interfaith meetings to strengthen partnerships between NUS and students of faith, and exploring “example models of dialogue around Israel/Palestine and disseminat[ing] good practice guidance to its membership”. The report went on to state that within the wider HE sector, “joint work [should be] undertaken to provide further guidance and models of good practice for debating issues around Israel/Palestine”.

NUS “committed” to taking these findings forward to, to working with Jewish students and their representatives and ultimately to improving the lives of Jewish students.

It was shortly after this survey, at the 2017 NUS National Conference, that the IHRA definition of antisemitism was adopted, and in recent years elected officers have undergone antisemitism training. There is also now a checklist of factors before arranging events to seek to ensure the needs of students of faith are catered for – such as avoiding major festivals, ensuring appropriate food is available, prayer rooms are set aside, etc. Finally, an ‘event based incident reporting’ system now exists for any allegations of antisemitism or Islamophobia to be responded to rapidly with resolution which is not political (as to how this worked at Liberation conference in 2021, see the “experiences of Jewish students” section of this report).

The major work needed to seek to improve how dialogue around Israel/Palestine is engaged with as an issue, and how Jewish students are made to feel by BDS events has, however, seen no progress.

As with the Race Equity Plan, once the NUS’s financial position came to light in 2018 and the “Turnaround” programme commenced, progress with recommendations made under this report was derailed.

Regardless of this crisis however, it is not apparent how a piece of work such as this (or indeed the Experience of Muslim Students Survey which followed) is to be progressed within NUS once the term of office of the individual who championed it comes to an end. It is for this reason that I have recommended that an advisory

body is appointed to ensure that recommendations from this report are implemented.

## 5. Definitions of Antisemitism

My Terms of Reference state:

*The IHRA definition of antisemitism (including all of its examples) will inform the investigation as NUS adopted it in 2017, with the policy that introduced it lapsing in 2021, and noting that since its adoption NUS has referred to [it] across NUS organizational policies.*

### 5.1 How NUS has defined antisemitism

The adoption of NUS Policy by Conference is governed by article 14 of the NUS UK Articles of Association and paragraph 6001 to 6017 of the NUS Rules. Paragraph 6005 provides that all 'Policy Proposals' shall require a simple majority vote at a Conference in order to pass and become 'NUS Policy'. Paragraph 6006 provides that any Policy agreed by a Conference will lapse after three calendar years (unless overturned earlier).

The precursor of the IHRA definition was the "EUMC Working Definition". The EUMC (European Union Monitoring Centre on Racism and Xenophobia, now the Agency for Fundamental Rights) first published its working definition in January 2005. This was first adopted by the NUS in 2007 at the National Conference. This policy was reaffirmed on various occasions up to and including the 2016 National Conference where Motion 404 'Anti-Semitism on Campus' was approved. This recorded, inter alia, a belief that the EU Fundamental Rights Agency's 2005 Working Definition of Anti-Semitism was the best definition of antisemitism, and resolved, inter alia, to re-affirm NUS's commitment to tackling antisemitism.

That motion at the 2016 NUS Conference arose against a background of a Jewish student from Birmingham University (then serving as her union's Education Officer) highlighting the putting up of posters which read "Hitler was right" on her campus. In October 2015 she posted a tweet which read "And for those who don't think antisemitism is a serious issue, these were plastered over campus on Tues"

with photographs of the posters. The response she received included the following:

*"The bitch is the problem with the UK. Making everything about the Jews. #HitlerWasRight #FuckAllNonWhites"*

*"I'm dismayed (not surprised) that #Jews always play the victims and never try to end their parasitism on others."*

*"Never trust a Jew – Titus 1:14"*

*"Nazi propaganda planted by Zionists"*

*"Question 3: What colour is a corpse dead from cyanide gassing?"*

The then President of NUS, Megan Dunn, wrote an article on Huffington Post on 3 November 2015 condemning the "abhorrent abuse and threats for daring to challenge antisemitism on campus". She wrote:

*There are the graphics that are constantly shared which call Jews "Zionist racist scum" and suggests the Holocaust was 'invented'. The people who write blogs that 9/11 was an "insurance scam" by "a secret Jewish network". Those who write on Facebook that "Adolf and Co should have finished the job properly", pose questions like "why stop at 6 million?" and the artists who depict Jews as thieves with big noses. This is antisemitism. It is wholly unacceptable and it should not go unchallenged just because it happens to be online. Not when there has been a 50% increase in antisemitic attacks in the UK since last year; not ever. My union will always be resolute in our defence of Jewish students in the face of antisemitism.*

In May 2016 the IHRA working definition of antisemitism was drafted.

At 2017 National Conference – Motion 412, entitled 'It's Time To Combat Anti-Semitism' was passed. It recorded that *"conference believes that NUS leadership at the time had failed to take Jewish Students' concerns seriously in relation to antisemitism, on campus or within the organisation according to the Home Affairs*

*Select Committee whose report stated that the National Presidents comments 'smack of outright racism'". (This was a reference to the December 2016 HASC report as addressed above.) The motion went on:*

*11. It is important to draw a distinction between anti-Israel activity and anti-Semitic activity. Thus criticism of Zionism does not, in itself, constitute anti-Semitism.*

*12. Jewish students have the right to define what they constitute as antisemitism, as per the Macpherson principle with the NUS upholds.*

*13. In recent years, NUS has been guided by the EUMC Working Definition of Antisemitism.*

*14. Recent work in the UK has identified the International Holocaust Remembrance Alliance (IHRA) as a more useful definition, partly because the UK is one of 31 signatory countries to this alliance.*

*15. The recent Home Affairs Select Committee report recommended that the IHRA definition be formally adopted by the UK government, law enforcement agencies and all political parties. NUS should be included in this list.*

*16. On 11 December 2016, the UK Government and the Labour Party adopted the IHRA definition of antisemitism.*

Conference resolved, inter alia, that NUS would 'adopt' the 2016 IHRA definition of antisemitism and recommend that students' unions do the same. It also called for an encouragement of discourse on the Israel/Palestine conflict which does not encourage or involve antisemitic behaviour.

Criticisms of the IHRA definition have been voiced – including by numerous NUS groups – since its inception. For example in 2018 an open letter which said that "public discussion of what had happened in Palestine and to the Palestinians in 1948, when the majority of people were forcibly expelled" would "be prohibited under the IHRA's guidance... This silencing has already begun". This was signed

by the NUS Black Students' Campaign; NUS Disabled Students' Campaign; Black Caucus; NUS International Students' Campaign; NUS LGBT+ Queer, Trans and Intersex People of Colour Committee; NUS Scotland Black Women's Caucus; NUS Trans Students Campaign Black Caucus and the NUS Women's Campaign Black Caucus.

Motion 404 – which had been passed in 2016 – was due to lapse in 2019. It was recorded in a list prepared for the 2019 National Conference of motions that were due to lapse if they were not resubmitted. I have been told by NUS that in light of changes to governance at that point there was no equivalent list for the 2020 National Conference.

The question of whether NUS needed to reaffirm its adoption of the IHRA definition in 2020 to save it from lapsing turns on a rather semantic issue about what is meant by a policy mandating the adoption of a definition. Either adoption is an ongoing / active process or a one-off act. If adoption is an active process then when the policy calling for adoption ends the adoption would also appear to end. Alternatively if adoption is a one off act then it would not appear that the lapsing of a policy requiring adoption would necessarily require (or even presume) that there would be an unwinding of that action and instead a further policy mandating a revocation would be required.

NUS UK has set out to me that their understanding is that the policy to adopt the IHRA definition worked in that latter way – particularly in light of governance changes which had been made since the revisiting of the EUMC definition – i.e. that it has altered the status quo, and that to unwind the adoption would require a further policy of revocation or renunciation of the definition. It is beyond my scope to assess whether or not this is correct or a proper interpretation of the NUS UK Articles of Association and the NUS Rules. It does not appear to me, however, that this interpretation is obviously wrong. It is certainly the case that the IHRA definition (as with the APPG definition of islamophobia adopted in 2019 and not revisited in 2022) has been written into the numerous NUS policies, including its Election Rules. Other examples of matters voted in at conference which then became part of the governing documents are gender balanced delegations for NUS

conference – passed at conference, adopted into governance and not subjected to triennial votes to retain the policy.

### *5.2 Why is a definition important?*

The HASC report on antisemitism in 2016 noted that the Chakrabarti inquiry (into antisemitism and other forms of racism in the Labour Party) declined to provide a definition of antisemitism, saying “there is no need to pursue an age old and ultimately fruitless debate about the precise parameters of race hate”. The Committee however reached the view that it is:

*extremely difficult to examine the issue of antisemitism without considering what sort of actions, language and discourse are captured by the term, and that defining the parameters of antisemitism was central to the question of what should be done to address this form of hate. As a starting point for our recommendations, we decided that we should aim to establish a definition which achieves an appropriate balance between condemning antisemitism vehemently, in all its forms, and maintaining freedom of speech—particularly in relation to legitimate criticism of the Government of Israel.*

They used the IHRA definition with two further clarifying statements, namely “that it is not antisemitic to criticise the Government of Israel without additional evidence to suggest antisemitic intent”, and *“that 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 along with numerous political and other institutions have adopted the IHRA definition (without any additions). In September 2019 Robert Jenrick, then Secretary of State for Housing, Communities and Local Government, stated that he would write to “all universities and local authorities to insist that they adopt the IHRA definition at the earliest opportunity”. Gavin Williamson, when Secretary of State for Education, was similarly insistent on universities adopting the definition, failing which he warned in October 2020 that “funding streams could

be suspended". This led to allegations that this amounted to an improper interference with universities' autonomy and right to freedom of expression.

### *5.3 Jerusalem Declaration on Antisemitism ('JDA')*

In 2021 an international body consisting largely of university professors in fields such as Jewish Studies, Middle East Studies, History and Political Science proposed the JDA. This is said to be in "response to the IHRA definition" which is alleged to have caused confusion and generated controversy. The JDA also starts with a definition (that "antisemitism is discrimination, prejudice, hostility or violence against Jews as Jews - or Jewish institutions as Jewish") and then has a set of Guidelines. It has been noted that while a major criticism of IHRA is that 7 of its 11 examples refer to Israel, no less than 10 of the 15 JDA guidelines similarly refer to Israel/Palestine.

### *5.4 Discourse over definitions*

There has been an enormous amount of literature generated on the topic of definitions of antisemitism – from legal opinions by eminent barristers both for and against IHRA, to equally eminent academics, commentators and community members – about not only IHRA but perceived advantages and drawbacks of the JDA.

Professor Jonathan Judaken of Rhodes College, Memphis, in his 2018 foreword to "Ten Commandments for thinking about modern antisemitism" said "*like so much else in politics today, the debate about contemporary anti-Semitism is a dialogue of the deaf waged as a battle to the death. Both sides are correct about a number of their claims, but neither can hear the truths of the other*". This foreword was written before the development and publication of the JDA but – having read very many articles and opinion pieces published since – I consider his depressing description applies more than ever.

### *5.5 Submissions to this investigation*

Without exception the submissions to this Investigation from pro-Palestinian groups centred on their criticisms of the IHRA definition of antisemitism, and its examples.

The central criticism of the IHRA definition voiced to me is that the definition conflates legitimate advocacy for Palestinian rights and criticism of Israel, with illegitimate antisemitism. The two examples set out within the IHRA definition which attract particular attention are those of "*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*" and "*applying double standards by requiring of it behaviour not expected or demanded of any other democratic nation*". The criticism of the IHRA definition is not only that events are cancelled by relying on it (such as Israel Apartheid Week events on campuses, as reported to me in one submission), but also that a fear of being accused of being in breach – and therefore being antisemitic – has a significant "chilling effect" on would be and current activists. I have also heard accounts of the stress and distress caused to individuals who have been accused of and investigated for antisemitism and later found 'not guilty'. They would urge NUS to abandon the IHRA definition, or, at the very least, to adopt the JDA to sit alongside it.

Jewish groups which have made submissions to me have expressed their view that they see the JDA as a "wrecking document". They note that within the student movement and liberation campaigns, oppressed groups have always been permitted to define the terms of the oppression they face, and prey in aid the principle set out by Lord MacPherson in the Steven Lawrence enquiry. He recommended that the definition of a racist incident should be "any incident which is perceived to be racist by the victim or any other person". Jewish submissions stress this right of the 'victim' to categorise the hate they face should similarly be the starting point of any question of what constitutes antisemitism.

### *5.6 Antizionism / Antisemitism*

As Professor Lerman observed in 2020, "*questions of whether and when political comment on Israel can be described as antisemitic have been a key feature of*

*public, political and academic discussions and arguments about the nature of contemporary antisemitism for the last two decades (but the origins of which stretch back to the late 1970s /early 1980s)".*

There is frequently a conflation by antisemites of Jewishness and Zionism, with a replacement of the word "Jew" for "Zionist", and the insult or discriminatory message still being administered. The HASC report referred to the word "Zio" being used as a term of abuse. The author Howard Jacobson in a piece entitled 'Advice to a Jewish Freshman' entering into UK universities wrote (in April 2022)

*You are not responsible for the actions of an administration [in Israel] you have not voted for and might not support. But the very fact that Jewishness is impugned the moment fighting between Israelis and Palestinians breaks out—that Jews are attacked around the world, that demonstrators will carry banners or march alongside others carrying banners that deny the Holocaust while wishing it had gone further—proves that Israel is not separable from Jews no matter how much you might want Jews to be separable from Israel.*

The HASC report included the following:

### **Opposing 'Zionism'**

*26. In an article for The Daily Telegraph in May, the Chief Rabbi criticised attempts by Labour members and activists to separate Zionism from Judaism as a faith, arguing that their claims are "fictional".[41] In evidence to us, he stressed that "Zionism has been an integral part of Judaism from the dawn of our faith". He stated that "spelling out the right of the Jewish people to live within secure borders with self-determination in their own country, which they had been absent from for 2,000 years—that is what Zionism is". His view was that "If you are an anti-Zionist, you are anti everything I have just mentioned".[42]*

*27. Similarly, CST and the JLC describe Zionism as "an ideological belief in the authenticity of Jewish peoplehood and that the Jewish*

*people have the right to a state”.[43] Sir Mick Davis, Chairman of the JLC, told us that criticising Zionism is the same as antisemitism, because:*

*Zionism is so totally identified with how the Jew thinks of himself, and is so associated with the right of the Jewish people to have their own country and to have self-determination within that country, that if you attack Zionism, you attack the very fundamentals of how the Jews believe in themselves.[44]*

*28. However, there is evidence to suggest that many British Jewish people do not associate Zionism simply with support for the existence of Israel. 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, but only 59% consider themselves to be Zionists. The researchers observed that some respondents believed that people who are critical of the current Israeli Government’s policies should not identify as Zionists, even if they fully support Israel’s right to exist as a Jewish state.[45]*

*29. Regardless of the precise definition of ‘Zionism’, it is clear that the word ‘Zionist’ is used frequently as an insult against those who defend the actions of the Israeli Government, or even against those who speak out against antisemitism. In too many instances, it has been used as a proxy for the word ‘Jew’.[46] The report of the 2006 All Party Parliamentary Inquiry into Antisemitism argues that “criticism of Zionism is not in itself antisemitic”, but that an “antisemitic discourse” has developed in some quarters that “views Zionism itself as a global force of unlimited power and malevolence throughout history”.[47]*

*30. In evidence to us, the Leader of the SNP in Westminster, Angus Robertson MP, shared his views on how criticism of the Government of Israel sometimes transitions to anti-Zionism, and then to antisemitism. He said that in pursuing support for “the*

*legitimate rights of the Palestinian people”, some individuals start using “language and imagery” that has been used before, drawing on “tropes” such as “repeated accusations from the 20th and 19th centuries about Jewish ownership of the press or the financial system and so on”. He described how some people move from referring to “the Government of Israel” to talking about “Israel”; then to “Zionists”, and then “some people start talking about Jews”; adding that “at some point along that line it morphs into antisemitism”.[48]*

*The footnotes to the above passage are as follows:*

*41 The Daily Telegraph (Ephraim Mirvis), Ken Livingstone and the hard Left are spreading the insidious virus of antisemitism, 3 May 2016*

*42 Oral evidence taken on 14 July 2016, Q418*

*43 Community Security Trust and the Jewish Leadership Council, submission to the Chakrabarti Inquiry, June 2016*

*44 Oral evidence taken on 14 July 2016, Q470*

*45 Miller et al., The Attitudes of British Jews Towards Israel, November 2015*

*46 Dave Rich, If I say “Zionist” not “Jew” then I can’t be antisemitic, can I?, 15 September 2006*

*47 Report of the All-Party Parliamentary Inquiry into Antisemitism, September 2006*

*48 Oral evidence taken on 21 June 2016, Q71*

The conclusion of the HASC on this point was this:

*32. ‘Zionism’ as a concept remains a valid topic for academic and political debate, both within and outside Israel. The word ‘Zionist’ (or worse, ‘Zio’) as a term of abuse, however, has no place in a*

*civilised society. It has been tarnished by its repeated use in antisemitic and aggressive contexts. Antisemites frequently use the word 'Zionist' when they are in fact referring to Jews, whether in Israel or elsewhere. Those claiming to be "anti-Zionist, not antisemitic", should do so in the knowledge that 59% of British Jewish people consider themselves to be Zionists. If these individuals genuinely mean only to criticise the policies of the Government of Israel, and have no intention to offend British Jewish people, they should criticise "the Israeli Government", and not "Zionists". For the purposes of criminal or disciplinary investigations, use of the words 'Zionist' or 'Zio' in an accusatory or abusive context should be considered inflammatory and potentially antisemitic. This should be communicated by the Government and political parties to those responsible for determining whether or not an incident should be regarded as antisemitic.*

Underlining this conclusion of the HASC, is the explanation given by Dave Rich (Policy Director at CST) in his book "The Left's Jewish Problem", in which he says (p. 231):

*The holocaust was, unsurprisingly, a transformative event in modern Jewish history. The collective Jewish memory of boycotts, deportations, Ghettos and mass murder, often carried out with the cooperation of local, non-German police forces and other state authorities across Nazi-occupied Europe, casts a permanent shadow under which all Jewish politics now takes place. It is not possible to understand why most Diaspora Jews relate to Zionism and to Israel in the way they do without grasping this essential point".*

In the book *Confronting Antisemitism on the Left. Arguments for Socialists* by Daniel Randall, 2021, at page 21 he says:

*Jewish identity, like any ethnic, cultural, or national identity, is complex and sometimes contradictory. Some level of identification*

*and affinity with Israel makes up an aspect of that identity for most Jews. The affinity is not limited to the Ashkenazi Jews of central and eastern European background, who can be made to fit superficially the mould of white Europeans supporting of a project of colonial-imperialist expansion in the Middle East, which subjugates indigenous peoples of colour in the process. Jews from Arab and other Middle Eastern and North African backgrounds also experienced persecution and expulsion from their home states. Many found refuge – if not, as yet, equality – in Israel itself. Today, Mizrahi (North African and Middle Eastern - background) Jews make up around half of Israel's Jewish population.*

*Academic research from 2015, the most recently conducted research of its type, found that 93 per cent of British Jews felt that Israel forms some part of their identity, while 90 per cent supported its continued existence as a Jewish state. The establishment of an independent Palestinian state alongside Israel was supported by 71 per cent and 75 per cent said the West Bank settlements were a major obstacle to peace.*

The Academic research cited both by the HASC and by Daniel Randall is that of a team led by Professor Stephen Miller, City University, London, data having been collected by Ipsos MORI in 2015.

David Hirsh in *Contemporary Left Antisemitism* says, at page 187;

*Post 1948 antizionism is not a single movement but a collection of differing currents. There is a current Middle Eastern antizionism which was hostile to Jewish immigration into Palestine, to a Jewish presence there, and to the foundation and the continued existence of the State of Israel; in the Middle East there are both secular and Islamic antizionist traditions; in the Soviet Union and the Eastern Bloc there was a Stalinist antizionism; right wing and neo--Nazi antisemitism is increasingly articulating its hostility to Jews in the form of antizionist rhetoric....; there is also a contemporary current*

*of antizionism which toys openly with antisemitic rhetoric but which is hard to place in terms of the left/right scale and has connections with both...*

He goes on, at page 195 to say:

*Left antizionism is often adopted by people who consider themselves to be politically responsible, yet it operates in a world where, increasingly, antisemitism clothes itself in the rhetoric of antizionism.... It fails to see this in context as significant and it refuses to take reasonable care in its consciousness of the boundaries between the antisemitic demonization of Israel and the legitimate criticism of particular policies of the Israeli state.*

In an article published in the Journal of Contemporary Antisemitism in 2021 entitled "How the Word 'Zionist' Functions in Antisemitic Vocabulary" Hirsh wrote:

*This paper is not going to tell you whether campaigns to boycott Israel, or the Israel-apartheid analogy, or hoping for a world without Israel, are antisemitic in the abstract, in the head of a thinker. But it will show you that these movements, practices and rhetorics are key parts of the antisemitism that actually exists in the world.*

...

*Defining Zionism and Israel as racist reflects on Jews in general, who are assumed to support Zionism and Israel.... The 'Zionism is racism' case is simple: a state that is defined as a state for Jews or a Jewish state, and not a state for all its citizens, must be racist. It must prioritize the interests, the identity and the rights of Jews, on the basis of their ethnicity or religion, over those of non-Jewish citizens. The assumption is that Israel can only be racist against the Arabs; and it could only have been founded on the settler-colonial theft of land, which rightly belongs to "indigenous" Palestinians. Antizionism does not allow the possibility that Jews may be indigenous, or that Arabs may be migrants. It has nothing*

*coherent to say about where in the world Jews are rightly considered indigenous. And the division of human beings into those who are authentically connected to the land, and others who are not, has not always ended well.*

The CST produces an annual “*Antisemitic Incidents Report*”. I have reviewed all those annual reports since 2014, and in each there is a heading essentially asking whether anti-Israeli or anti-Zionist activity is antisemitic. The explanation given in the 2021 report is as follows (***emphasis added***):

***Antisemitic or anti-Israel?*** *CST is often asked about the difference between antisemitic incidents and anti-Israel activity, and how this distinction is made in the categorisation of incidents. The distinction between the two can be subtle and the subject of much debate. Clearly, it would not be acceptable to define all anti-Israel activity as antisemitic. Nevertheless, it cannot be ignored that contemporary antisemitism can occur in the context of, or be accompanied by, extreme feelings over the Israel/Palestine conflict, and that hostility towards Israel may be expressed via, or motivated by, antisemitic rhetoric and conspiracy theories. Discourse relating to the conflict is used by antisemitic incident offenders to abuse Jews, and anti-Israel discourse can sometimes repeat, or echo, antisemitic language and imagery. For example, the terms ‘Zionist’ and ‘Zionism’ will often be used in arguments about Israel and the Middle East; sometimes they are used accurately and legitimately, and at other times they are deployed in an antisemitic way. CST must distinguish between the occasions when these terms are used in a purely political sense, and the times when they are abused as euphemisms for ‘Jewishness’ and ‘Jews’. Similarly, the phrase ‘Zionist Lobby’, when it is reserved for Jewish organisations and individuals regardless of whether they have taken a public stance on Zionism, walks the line between the conspiracy theory that Jews have a disproportionate political power and influence, and the antisemitic trope that Jews are not to be trusted. **Drawing out these distinctions, and deciding***

**on where the dividing lines lie, is one of the most difficult areas of CST's work in recording and analysing hate crime.**

*The political discourse used in an incident may also be the reason why the incident is accepted or rejected as antisemitic. In particular, incidents that equate Israel to Nazi Germany would normally be recorded as antisemitic because the comparison is so deeply hurtful and abusive, using Israel's self-definition as a Jewish state as the basis for the insult. However, incidents that compare Israel to, for example, apartheid South Africa, would not normally be recorded as antisemitic incidents. While the charge that Israel practises apartheid upsets many Jews, it does not contain the same visceral capacity to offend Jews as the comparison with Nazism, which carries particular meaning for Jews because of the Holocaust; nor does it play on Israel's Jewishness as a way of causing hurt.*

Can conclusions be drawn about definitions? Whilst there is an enormous amount of literature and discourse about the definition of antisemitism, I have been struck by the comparative dearth of material about the definition of Zionism. It is apparent to me that how those who describe themselves as "Zionists" use the word to mean something very different to how the term is understood by "antizionists". While some contend that antizionism constitutes antisemitism, I consider it significant that the NUS motion of 2017 expressly stated that criticism of Zionism does not constitute antisemitism.

As set out above, the observation of Professor Lerman is apt –

*questions of whether and when political comment on Israel can be described as antisemitic have been a key feature of public, political and academic discussions and arguments about the nature of contemporary antisemitism for the last two decades (but the origins of which stretch back to the late 1970s /early 1980s).*

This is evident too from the history of NUS and wider student movement in the UK, in the 1970s and 80s as referred to in the introduction hereto.

I have no doubt whatsoever (which I do not say lightly, in this area in which there is so very much room for doubt), that the adoption of one definition of antisemitism over another would NOT solve the issue of actual or genuinely perceived antisemitism – nor indeed of perceptions of allegations of antisemitism being made in bad faith – within NUS. Whilst some would see a victory in the adoption of an alternative definition to IHRA, and others a defeat, I am not satisfied that the adoption of one definition over another would alter the manner of debate about Israel/Palestine. In these circumstances I decline to make any recommendation that NUS review the definition it adopted following its 2017 conference.

Criticism of the Israeli government, its actions and policies will be the subject of student activism – as has been the case for decades. This must however take place within NUS in a manner which recognises that Jewish students are a welcomed and valued group, and that many of them may well be Zionist, and that there is no place for antisemitism.

## 6. The experience of Jewish Students interacting with NUS

Students in further and higher educational institutions will automatically become members of their Students' Union, Guild or Association unless they specifically opt out. That body in turn may affiliate to NUS, and around 430 do so. There are approximately 7 million students within the affiliated members.

There are approximately 8500 Jewish students in the UK and Ireland. Any student who identifies as Jewish may join a JSoc of which there are approximately 70 in the UK and Ireland. These JSocs in turn affiliate to the UJS. UJS elects a President each year, who leads a team of sabbatical officers and full time staff.

Students may get involved with NUS in a variety of ways including: attending conferences either as delegates or because of their involvement in other organisations who attend conference; as volunteers elected to committees; or as officers elected to sabbatical positions. Further, sabbatical officers within UJS will invariably interact with NUS sabbatical officers.

I have considered the reported experiences of Jewish students interacting with NUS:

- When elected to positions within NUS,
- At NUS conferences, and
- Through UJS / NUS interaction.

### *6.1 Elected to NUS positions*

Historically, almost invariably UJS would encourage a Jewish student to stand for election to the NEC. As addressed above that person would then have been the co-convenor of the ARAF Committee. Like all other candidates, the Jewish candidate generally would be part of a 'slate' supported by a faction. Other Jewish

students have stood for election and have been active within student 'factions' in a manner quite separate from their race or religion.

In 2013 an NEC member wrote the following in a national newspaper:

*I'm a Scouser. I'm a democratic socialist. I'm a feminist. I'm a student activist. I'm Jewish. I'm proud of every aspect of my identity, but I'm sick of being defined by that one facet. The Jewish part.*

...

*What drives this insistence on viewing my commitment to NUS through a Jewish lens? It boils down to the fact that in the student movement there are a proportionally large number of people who feel passionately about the Israel/Palestine conflict. There is no nuance in the debate. There is no ability to recognise another side. There is dehumanisation of the other to the point that some people regard student politics as a prism of right and wrong based on their stance on the issue. When you think in absolutes there can be no deviation, no room for compromise. It is this fixation with this subject that has created the culture I find myself in, not only by those who drive it, but by those who are exposed to it and find it creeping into their subconscious.*

A student who served NUS from 2015 – 2018 told me:

*I never initially entered student politics to talk solely about Jewish issues, but my time in the movement became defined with defending Jewish students' rights to even be in the room.*

*So much of the abuse and treatment I faced was down to the movement's obsession with the Israel/ Palestine conflict and my assumed connection to it.*

Another who was involved 2018 – 2021 said this:

*I ran as "equality, liberation, access" officer – talking about women's safety / BME representation / LGBT+ rights – being Jewish was only a small part of this. But in NUS that is all I was.*

*Israel/Palestine is a really weirdly important topic. We would joke that a person's views on inclusive education would tell you where they were on Israel/Palestine.*

What all three of these students found was that regardless of what their personal views were about Zionism or Israel or Palestinian rights, assumptions were made about them because they were Jewish. This stereotyping is discriminatory. Each of these students suffered harassment – unwanted conduct (verbal and on social media platforms) related to their being Jewish, which created for them – using the words of the Equality Act 2010 – “an intimidating, hostile, degrading, humiliating or offensive environment”. It is also an example in the IHRA definition of antisemitism to “hold Jews collectively responsible for the actions of the state of Israel” which is essentially what these students were experiencing. Similarly the Jerusalem Declaration on antisemitism states that “holding Jews collectively responsible for Israel's conduct” will, on the face of it, be antisemitic.

#### 6.1.1 Treatment while in post ('XY')

The antisemitic abuse received on social media by one of the above elected officers ('XY') was particularly egregious. It is apparent that some but not necessarily all of their experiences were known to other officers / staff within NUS.

- When Coca-Cola sponsored a 2015 NUS conference for Student Unions some “pro-Palestinian” students objected because of a distribution centre in the West Bank, and a demonstration took place at the event entrance. XY received a tweet from an officer from another university (who was later elected to NUS Scotland) saying:

*"Enjoy the sweet taste of a dead baby's blood in that coke you're loving".*

This invoked the notoriously antisemitic blood libel – that Jews use the blood of babies or young children to make Matzah – unleavened bread at Passover. This

was targeted at XY solely because they were Jewish. XY had not been any part of the decision making as to conference organization or sponsorship (although regardless of whether they had been involved or not, this tweet was blatantly antisemitic and entirely unacceptable). I am unaware of whether any formal complaint was made about this tweet, but XY had to be escorted into the event by staff from their SU "to protect me because the crowd was particularly hostile towards me".

- When running for election at the 2015 conference a photograph of XY wearing an Israeli army uniform was being repeatedly tweeted between delegates on the conference floor with adverse comments. The person chairing the National Conference made an announcement asking for this "trolling" to cease.
- Despite the NEC being the body with responsibility to hold NUS officers to account, XY, an elected member of the NEC, presented an "accountability question" in July 2016 to the President asking for a "response to the letters from 57 Jewish Society Presidents questioning your past rhetoric". XY was not permitted to pose their question and nor were they provided with a written answer as is custom for any unanswered oral questions. I note that the HASC which reported in October 2016 found that the President had not taken the concerns of Jewish students sufficiently seriously.
- During the July 2016 NEC meeting when the removal of the Jewish place on the ARAF Committee was being discussed (see above for consideration of that issue), an NEC member said that the proposal about representation was not "the final solution". XY asked the Committee member to please reword their comment. The "final solution" was the term used by the Nazis to its plan to exterminate all European Jewry. The NEC member refused to reword their point. A staff member present confirmed the details of this event in interview with me, and told me that they did not intervene but considered their role to be limited to supporting XY who left the meeting in a state of distress. In press reports from July 2016 it is recorded that "the NEC official denied that her remarks were intended to refer to the Holocaust". An NUS spokesperson said the "NUS acknowledges that some

of the language used at the NEC meeting on July 18<sup>th</sup> was inappropriate and offensive to some students. This will be raised at the next NEC meeting to make sure the importance of appropriate and respectful language is understood by all NEC members”.

At the next meeting XY sought an apology from their fellow NEC member who had used the offending phrase, and the NEC member declined to give any apology citing as a reason the fact that XY was not from the constituency represented by them. Again there was no intervention either from other elected Officers nor staff who were present.

A staff member who had not been present at the NEC meeting of July 2016 submitted to me as an example of groundless or bad faith allegations of antisemitism, the occasion when - unrelated to anything to do with Jewish students – an NEC member used the phrase “the final solution”, having no intention to make reference to language related to the Holocaust. This impression of the staff member is wholly incorrect; the debate was about a Jewish representative on the ARAF Committee, and not only was the hurtful impact explained during the meeting, but it was also revisited in the following meeting.

- In January 2017 XY wrote a blogpost for the NUS website for Holocaust Memorial Day – they initially faced some opposition to their being able to write a piece and were only permitted to do so after the intervention of a VP. Their piece included the following:

*Having been subjected to antisemitism, both online and in person, I still live in fear of what might confront me when I leave my house each day simply because I'm Jewish. I know that there are so many others from marginalised communities that feel the same. .... We must take responsibility for protecting each other, particularly the most marginalised. We must unite, regardless of race, religion, gender, or sexuality, against all forms of hate, prejudice and discrimination because we know the path that intolerance and prejudice leads us down, and it is one that we must not follow.*

- At the June 2018 NEC meeting XY proposed an emergency motion to condemn Hezbollah flags being displayed at the Al-Quds Day rally in London. The decision of the Met Police Commander to permit the flags had only been published after the cut-off date for motions to the NEC, justifying an emergency motion. The motion was not permitted to go to NEC on the ground that it had failed to adhere to the “emergency motion definition”. XY complained that this showed double standards as motions proposed by those whose factions were in the majority were permitted in such circumstances.

In relation to the “final solution” comment: I have no doubt that the impact of the words “the final solution” (regardless of their initial intention) was such as to create an adverse environment for this Jewish Committee member such that it amounted to harassment. Once the offence and distress this term caused was set out, I consider it antisemitic for the statement not to have been withdrawn and an apology given (and it is apparent that there were two opportunities to do this at consecutive meetings). It was an inadequate staff response to fail to intervene. While the underlying disagreement seems to have been a political issue for Committee members to determine, the occurrence of a discriminatory comment is ‘conduct’, not political, and therefore a matter on which staff could and should have intervened, and I find that intervention was not prohibited by the Staff Protocol Policy given the prohibition of antisemitism in NUS National Conference policy. It was an inadequate institutional response not to invoke a Code of Conduct complaint against the NEC member – though I do note that the policy was significantly redrafted in February 2019 and I have not reviewed what options were available back in 2016.

I further find it to be a matter of significant concern that what was clearly an antisemitic incident in NEC, witnessed by a large number of people, including staff, was interpreted by another member of staff as a bad faith allegation of antisemitism.

#### 6.1.2 Treatment while in post (other Jewish NUS Officers)

One officer described to me their approach generally being one to seek resolution and avoid confrontation. However, they felt obliged, going into their first ever NEC

meeting, to prepare a motion of censure against another NEC member who had posted antisemitic content on their social media account. In fact the then President persuaded that person to resign prior to the motion being heard and the Jewish NEC member said that “without allies like her the NUS would have been a much scarier place”. When calling out the antisemitism of the NEC member, this student was accused of Islamophobia and of weaponising antisemitism complaints improperly. When attending NEC meetings the Jewish member says they faced “malicious whispers as I walked into the room and pointed comments thrown in my direction”. They describe that the explicit and covert forms of antisemitism they experienced “had a serious impact on my mental health and sense of belonging”. They also described:

*One of the hardest parts about being a Jewish student, and perhaps most difficult to vocalise, is feeling a constant weight of having to represent ALL Jewish students. The reality is the Jewish community is wide-ranging and not homogenous – my preference to engage with those who disagreed and persuade people to change their views, rather than engage in Twitter wars and boycotts, wasn't always supported by others. I often felt torn and stuck in the middle, and much of the time completely isolated. The NUS has the power to be a truly transformative movement, but I fear for its future when it seems to have no compassion for Jewish students' concerns. Meanwhile, if Jewish students and those who disagreed with the status quo more widely, refuse to engage with the movement then I fear it will only get worse and worse.*

## 6.2 At conferences

A large number of Jewish students whom I interviewed described the hostility they experienced in attending NUS conferences. Matters raised with me included that:

- *"There was an open endorsement of violence against Israeli civilians and Zionist sympathisers at NUS Society and Citizenship Zone Conference in*

*2011 without challenge. This made me feel unsafe as a Jew and I left the event early. I did not attend any more Zone events”.*

- *At NUS conference of 2012 “a high ranking member of the student factional hard left, an elected student representative, said to me that UJS is funded by Mossad, and that as a result I naturally am too.... Nobody (including me) made a formal complaint. The student representative finished his term ... believing that my presence in NUS was part of an Israeli conspiracy”.*
- *During the 2015 NUS Conference, the UJS stall had a large number of “Free Palestine” stickers placed over their stand, including over the Star of David emblems on their logo.*
- *“My first NUS conference was in 2015. I was really shocked by the culture as I did not expect it to be so aggressive or quite so tunnel visioned. It was not in the spirit of having any debate, but a factional, personality driven race to the bottom of getting the biggest cheer. There was a lot of talk around conference about BDS – it hadn’t been high enough on the ballot to be discussed in the conference so went off to the NEC. It was really intimidating to me as Jewish student, and anything said against BDS was interpreted as ‘protecting an apartheid, racist, colonial settler state’ and then you would not be listened to on any other topic.”*

A number of those I interviewed spoke about the Holocaust Memorial Day (“HMD”) motion put before the 2016 conference and their incredulity that it could have been spoken against.

- *“At the 2016 conference there was a motion for the NUS to mark HMD. I was really really shocked that someone could speak against the motion. The person who spoke against had prepared a speech, removing the Jewish nature of the Holocaust talking about gay / Roma / communist etc\_ victims. Megan Dunn [then President] spoke up and asked why there was a problem marking the centrality of antisemitism in the Holocaust. I had never before come across people who genuinely did not understand the antisemitic nature of the Holocaust. For that position to be applauded was very shocking. It had been tabled to be a unifying motion\_”:*

- *"No speech had been prepared to answer any objection to marking HMD because I could not believe anyone would object."*
- *"I was there for less than a week and saw so much antisemitism. One evening UJS activists attended a party at a bar hired out by NUS with proceeds going to the staff's union fund. Upon arrival, a Jewish member of the Democratic Procedures Committee informed me that a bouncer refused to let him in because he would not uncover his head due to religious observance. I told the NUS staff who were at the ticketing desk and they refused to help, as did an NUS vice president. In the end, the owner of the bar only let the student in once I intervened directly to him and threatened to take further action. While the bouncer and the bar owner are not in the control of NUS, the venue was hired out by NUS staff for conference delegates exclusively and I was given no assistance by NUS in resolving the situation. I did not raise this as a formal complaint at the time because the presidential election was my main concern with NUS. I include this case as a way of illustrating how antisemitism impacted the entirety of this conference experience."*
- *"In 2016 I wanted to use the prayer room but was turned away as it was being used for liberation left meetings." UJS pursued a complaint which I understand led to the NUS taking appropriate action.*
- *"I attended NUS Conference in 2017 as a delegate from my SU. I wanted to support candidates who were advocating change. I enjoyed the experience of being a delegate but I was amazed by how prominent Israel/Palestine was. E.g., speeches about things unconnected with the middle east would end 'Free Palestine'."*
- *"I first attended NUS Conference in 2017. It was extremely intimidating and uncomfortable to attend a conference when so much had come to light of the current President's antisemitism. I remember NUS at the time doing nothing and enabling [the President] to continue denying it at every opportunity. I felt that I had to hide my Jewishness. There was a huge debate over the definition of antisemitism which again made me feel extremely uncomfortable to be a Jewish Delegate. People were coming onto*

*the stage telling me what is and isn't antisemitism. It should never had been up for debate, instead a discussion between Jewish students, UJS and NUS."*

- *"At NUS Conference in 2017, NUS debated the adoption of the IHRA definition of antisemitism. This policy had already been adopted by UJS, and supported by the vast majority of Jewish students. NUS doctrine dictates that liberation groups are autonomous, and only members of that groups should be making decisions that impact them. However, this was not afforded to Jewish students, and IHRA came under intense debate, with a very intimidating atmosphere. It was eventually passed, but not before a message was sent to Jewish students that their oppression was not considered as legitimate as other minority groups".*
- *"I attended an NUS Women's Conference [in 2018] – I was one of around three Jews present. Throughout the event, people would throw around flippant and irrelevant references to Israel, Palestine which frequently veered into antisemitism. Being in such a tiny minority, it felt difficult to call these out. I left the conference early feeling exhausted and depressed."*
- *"Every time Israelis or Zionists were mentioned I was stared at. There was a huge amount of misinformation. When my Jewish friend and I had to leave the final session a few minutes early the person leading the session shouted towards us 'stop disrupting the session... If you are leaving, go'. Was totally unnecessary and we both left in tears. We were so upset and totally unwelcome."*
- *"I attended 5 NUS National Conferences 2015-2019. In that time, I witnessed a pattern of the normalisation and denial of antisemitism. While the NUS full time staff were on many occasions helpful, NUS attracts and often welcomes many who promote antisemitic views under the guise of pro-Palestinian activism. ... I have felt that they only accept Jews who meet their externally-derived framework of a "good Jew" i.e. anti-Israel. I cannot express the full extent of my Jewish identity in NUS spaces"*

- *"I attended the NUS conference in 2022; the prayer room contained prayer mats but no table or chair, it was not, like ones in airports, in any way multifaith."*
- *"At the most recent NUS Conference [Liverpool 2022] I felt unwelcome and uncomfortable. As a kippah-wearing, Orthodox Jew I experienced numerous micro-aggressions. When discussing antisemitism with delegates I was repeatedly gaslit. In conversations with delegates after the UJS fringe session, delegates dismissed my experiences of antisemitism in student politics and insinuated I was acting out of allegiance to the Israeli government. This was incredibly hurtful."*
- *"Throughout Conference, elected NUS officers walked out of group conversations when I entered them. We had friends in common, so I found the experience very isolating."*
- An article written after a student attended the 2022 Liberation Conference said this: *"Antisemitism plagues every part of the NUS.... As a Palestinian, I find it deeply offensive that support for Palestinian human rights is being used to mask blatant antisemitism. The conflation between the conflict in Israel-Palestine and British Jews must stop. Our Jewish students cannot be made to feel responsible for a conflict that is being waged thousands of miles away. They cannot be made to feel unsafe, as they are hounded and targeted at our university. Instead, we must listen to them and act on their concerns. The advocacy of Palestinian rights and valid criticism of the Israeli government should never lead to or justify racism against Jewish students in Britain.*

*As an NUS delegate and a Palestinian, I feel very strongly about this."*

### 6.2.1 2018 conference

Three specific matters have been raised about the 2018 NUS Conference which took place in Glasgow.

1. A delegate with a history of antisemitic tweets

A delegate who was attending conference had made a series of tweets at various times in 2015 in which they used language including the following:

*"Jewish Zionist pigs are literally scum"*

*"Look at these pigs. May Allah destroy your Zionist nation and return the holy city to Ummah",*

*"Muslims have always know about the Shiite Jews and their tyres"... "they wear those dirty tyres on their heads. Your cult was started by Abdullah ibn Saba. A Jew. So rabbis."*

*"Shia are the dumbest of creeds, some scholars have said they are worse than the Christians and Jews".*

*"such bias. 'Ohh look how Muslims hate Jews they helped Hitler.'" Your countries created Hitler by extreme taxing on the German govt"*

*"the American govt loves Israel because the corporates rule American politics. And who runs corporations? The Zionist Jews"....*

*"Jews own all major business in the US. They are majority Zionists. The govt of US needs their support for elections and power":*

A Jewish conference delegate brought the above account to the attention of NUS staff at Conference. The Jewish student told me that the owner of the Twitter account had apologized to the staff member who spoke to them, and so was allowed to stay in Conference. The Jewish delegate was too afraid to take their place on the Conference floor.

Whilst the complainant is (at least in hindsight) unhappy with how this matter was handled, I recognise the difficulty which faced the staff member. They were asked to consider the social media activity of a delegate posted some three years prior to the Conference. This would not be caught within the current NUS Code of Conduct because neither the content nor the account were connected to the NUS in any way. Further, whilst apologising to the staff member is perceived to have

been an inadequate response, it is not obvious that the complainant would have wanted to have been identified so as to receive a personal apology.

## 2. A Jewish student seeking to speak on antisemitism

At the end of the first day a Jewish conference delegate had given notice of their intention to speak about antisemitism. Accounts of several students I interviewed – including a member of the Democratic Procedures Committee ('DPC') which is responsible for ensuring smooth running of conference - said that the Jewish student was improperly prevented from making their speech on the Conference stage. I was given the account that three speakers were called upon, the first and third made their speeches whereas the Jewish student, who was 'second', did not. I was provided with the video posted to Twitter of the Jewish student shouting their speech from the conference floor, and of the footage from the conference the next day when there was an apology to that student from a member of the DPC, and they were given their 60 seconds on the conference stage.

A Jewish student told me the decision on the first day had been made by NUS staff in the control room box, and that when they voiced their concern that a speech on antisemitism was being silenced, they reported having been persuaded not to pursue a complaint. I interviewed one of the staff members who had been 'on duty' with "the rules, a timer and the agenda" who said that they were strict on closing the conference each day at 8pm and that the student who wanted to speak on antisemitism was afforded the next suitable slot. They denied that the subject matter or identity of the speaker had any relevance.

I have been unable to ascertain why their speech was not permitted on the first day but it is apparent that there was concern that a Jewish student wanting to speak about antisemitism was being silenced. The fact they received an apology and were afforded a further slot the next day could suggest that they had been improperly deprived of their 'turn' the previous day, but could also suggest that the conference organisers (both staff and the DPC) recognised the importance of the subject matter and of ensuring the delegate was able to speak from the conference stage. I did not discern any bias – conscious or unconscious on the part of the member of NUS staff who I interviewed.

### 3. The occupation of conference stage

On the second day of the 2018 conference the 'Welfare Zone' slot was due to end before motions on sex work and on abortion in Northern Ireland had been debated. There was a vote (against the advice of NUS Staff members assisting with the running of Conference) on whether to extend the session, and disapply the "guillotine" on the Conference slot to permit the motions to be debated. It transpired that the guillotine vote had not been passed with the requisite majority. I note that the officer who sought to disapply the guillotine and extend the session was a political ally of the Jewish candidate.

The President and Jewish candidate explained to Conference that the motions which had not been covered could be taken to the next NEC meeting and adopted. They apologised for the confusion about the procedural vote on the guillotine.

When the person chairing the next Conference session sought to move on to the next item – which included the election for VP in which a Jewish candidate was standing, a group of students occupied the stage. The first of those occupying the stage held a red umbrella – which signified their activism in relation to the sex workers' motion.

The Jewish candidate was removed from the stage by security staff and into a safe room. A staff member going towards the stage saw the candidate in a state of significant distress, and another member of staff told me when they checked on the candidate who was not fit to return to the Conference floor. The candidate told me *"to this day I believe this was a calculated move against me as it was commonly known that conference floor was significantly emptier on the third day... This was one of the lowest and scariest points of my NUS career"*.

In addition to reviewing the video of the Conference up to the point of the occupation, I interviewed one of the VPs who negotiated with the occupiers. The account of the VP was that the occupation was about the failure to debate the sex workers / abortion in Northern Ireland motions and not to seek to delay an election. I have also interviewed a staff member and asked whether the occupation was to prevent the election of the Jewish officer, or about the motions which had

been subjected to the guillotine, and their response was that it was “very possibly” to delay the election.

The Jewish candidate was not re-elected.

It is impossible now, four years later, to say what motivated this stage occupation, and perfectly possible that it began for one reason and was opportunistically alighted upon for another. It is entirely understandable why this candidate saw the occupation as being targeted at them because of their Jewish identity as they had during their involvement in NUS been the victim of several instances of overt antisemitism. Just as they complained that they were essentially ‘reduced’ to being considered only as the Jewish person in the room, their non-Jewish contemporaries also confirmed to me that they were indeed seen as being ‘single issue’ in seeking to tackle antisemitism. I do consider that the support offered to this student from NUS was inadequate.

#### 6.2.2 2021 Liberation Conference

It can be seen from the large number of entries set out above that Jewish students over a number of years have perceived NUS Conferences to be very hostile, and with a disproportionate focus on Israel. It is then perhaps unsurprising that Jewish students who make it known they are considering attending an NUS Conference<sup>7</sup> are “warned” to be on their guard for antisemitism. Such a warning was given to a Jewish delegate to the 2021 Liberation Conference – which was a virtual event.

The delegate attended, and after a particular session they contacted UJS with the following account:

*I felt very isolated and uncomfortable the whole time and completely on edge. I was put on high alert for antisemitism as an atmosphere had been created where with every mention of Israel, I was scared of what would be said. As likely the only Jew in the calls I felt unable to speak on this and when I did private message the call host I was not responded to. This added to my feeling of isolation. I was also made entirely uncomfortable by the several dog whistles regarding Israel I heard throughout the day which*

*went completely unmarked by conference leaders and I was also not able to speak against this as an atmosphere was created whereby, I knew I would be attacked for speaking on this as only one narrow view was accepted. Furthermore, I realise that it would be easy for the NUS to dismiss my concerns as simply being a pro-Israel person unable to take critique of Israel, but this does not apply to me. I am not a Zionist, I even lean anti-Zionist and even I found the undue focus on Israel and completely one-dimensional discussion of Israel to be completely over the line. I was personally shaking and almost in tears as a result of my experience and was unable to engage with most of the conference as a result.*

A UJS elected officer contacted the NUS President and two VPs on the afternoon of first day of the Conference and requested a meeting the next day to discuss the matter. The next morning an NUS staff member responded giving details of the Code of Conduct procedure for raising complaints, and explained that "*all code of conduct matters at democratic events must be dealt with by politically impartial staff/committee members and this is why in the first instance we would ask for the matter to be reviewed in this manner.*" UJS replied at 11.08am saying that they wanted to discuss what action could be taken to ensure Jewish students were not made to feel uncomfortable for the remainder of the Liberation conference, and concluded by saying "if we do not hear from you by 1pm today, with a plan to meet by the end of the day, we will be taking this as a clear sign that you are not willing to engage and support Jewish students." At 12.58 the NUS staff member responded in some detail, including setting out that the "code of conduct is a key means through which we ensure a hostile environment is not created in NUS spaces....". They sought to give reassurance that the issue was an extremely serious one, so that in addition to routine procedures, NUS were creating a "*decompression space for Jewish delegates later on this afternoon to share their experiences of conference, support each other and raise any concerns with NUS in an informal space to enable us to respond effectively*". The reply to that suggestion was that the decompression space did not go far enough as there was a bigger problem not being considered.

The “decompression space” took place and the delegate who had raised a concern attended with support from the UJS. The NUS staff member established that when the delegate’s concern was raised during the session, the facilitator had not seen the message. Whilst the delegate said they did not want to progress the matter further, they were told of the formal complaint procedure.

Correspondence the week after the conference from the NUS staff member stated *“I am really sorry if my previous messages have left you dissatisfied with the NUS response. I really do want to strongly reiterate that we take this complaint very seriously and in directing towards the complaints process it is not our intention to minimise the concerns of a Jewish student but to ensure that we can understand exactly what has happened in this space and take action where appropriate”*.

Whilst UJS officers acted appropriately in seeking to ensure the safety and wellbeing of their members, giving a deadline of less than two hours in the middle of a conference, on its face, appears to have been unnecessarily adversarial – although I recognise that the author felt that the urgency of the situation had been acknowledged by the initial NUS response and they wanted to remedy the situation before the end of the conference. Having reviewed the correspondence and interviewed all those involved, I do not find that NUS was seeking to ignore or belittle the complaint which was raised. It was appropriate for NUS to ensure that complaints are dealt with outside any political arena, by staff members not elected officers.

### 6.2.3 Conclusion in relation to conferences

It is apparent that Jewish students attending NUS conferences have felt unwelcome and on occasion even afraid for their physical safety. The 2017 Jewish Students Experience Survey identified that 49% of Jewish students reported that they would not feel welcome at NUS events, 42% would not feel comfortable in engaging in NUS policy making processes and 65% did not have faith that NUS would respond appropriately to allegations of antisemitism if they arose. Whilst recognizing that in my investigation I have interviewed only a self-selected group of students with experience of interacting with NUS, I do not consider it likely that these statistics will have improved in the five years since that survey. It is apparent that this is largely the result of a culture which has built up over very

many years when Jewish students have had good reasons to feel, at the very least, significant discomfort. These include:

- when candidates with a history of having made antisemitic comments are elected (see section on complaints against candidates and officers),
- when the motion to mark Holocaust Memorial Day in 2016 attracted speakers in opposition,
- when the IHRA definition of antisemitism was debated in 2017, Jewish students thought that they alone in NUS were unable to define their oppression,
- when prayer rooms were used for political meetings and/or were not set up for multifaith use,
- when speeches unconnected to the Middle East ended with calls of “Free Palestine” and Jewish students found themselves being stared at,
- when there is overt hostility towards Jewish delegates, and
- when BDS is the topic of conversation – if not formal debate (see Jewish Students Experience Survey 2017 that 68% of Jewish students with a BDS campaign on campus feel uncomfortable with it).

However, particularly in relation to BDS, a Jewish student feeling ‘uncomfortable’ (this was the question posed in the 2017 survey) does not mean that the discussion was antisemitic, and it is the latter which NUS must guard against, not the former.

As set out above, the format of the National Conference altered after the 2019 reforms. The design now involves workshop sessions which feed back to Conference, rather than a series of speeches from Conference stage (which was more combative). Consideration of complaints is also now dealt with by staff members not elected students (as was seen in the complaint at the Liberation Conference of 2021). It is to be hoped that these changes will enable a healthier tone of political debate within NUS, and for any complaints to be dealt with robustly. However, 2022 was the first ‘in person’ Conference since the pandemic

at which this format was implemented and the run up to that Conference (which I consider below) was mired in controversy such that again Jewish students did not anticipate a welcoming space. In particular the 'counter demonstration' following the cancellation of Lowkey's performance, along with the election for the President post, were both anticipated with extreme trepidation by Jewish students.

I consider the current NUS UK Board to be sincere in their desire to ensure that their conferences are a space which are welcoming for all students, including in this context, Jewish students. It is going to take time to build trust as it has been notable by its absence for many years.

Much of the distress caused to Jewish students has been when Israel/Palestine is the topic of debate or conversation. My recommendation as to educational materials about the politics of the Middle East I think will assist, and so too will materials on antisemitism so that it is understood that if there is a desire to criticise the policy or actions of the Israeli state, that is perfectly permissible, but it must not involve aggression or abuse to Jewish students, assumptions about them having particular views (or indeed views at all on this issue), or requiring Jewish students to "answer for" or defend Israel.

### *6.3 UJS and NUS*

UJS does not of course represent **all** Jewish students, and there have over the years been a number of NUS activists who are Jewish and not members of UJS. Those non-UJS members who were NUS activists have often described themselves as anti Zionists and / or as very critical of Israel or very vocal in their support of Palestinians. This should not however distract from the fact that UJS **does** represent the vast majority of Jewish students, who have a plethora of political views and opinions on (including specifically having no particular opinion) and indeed on any other given topic. UJS is an important stakeholder for NUS and is properly recognised as such.

Given the experience of Jewish students who held elected positions within NUS and attended Conference, it is unsurprising that the relationship between the

organisations has at times been fraught as UJS have quite properly held the role of supporting Jewish students in their interactions with NUS.

Beyond any issues related to complaints about candidates or the treatment of individuals which are touched upon elsewhere, the following issues which have arisen between UJS and NUS in the last couple of years illustrate the repeated concerns raised on behalf of Jewish students:

- Antisemitism training,
- Exclusion of Judaism on forms,
- “Solidarity” with or support for Jewish students facing antisemitism, and
- Concerns about the 2022 conference.

### 6.3.1 Antisemitism Training

One of the recommendations made in 2005 was for elected NUS officers to undertake antisemitism training to be delivered by UJS. This may well have been implemented, but the practice did not continue - such that in around 2011 the employee responsible for HR sought to “introduce” antisemitism training. There may have been a further “introduction” of such training in 2017 – but in any event in 2019 NUS Conference passed a motion mandating antisemitism training for all elected officers and NEC members, and it has certainly taken place over the last three years, if not five. UJS have – with NUS’s knowledge and support, also delivered the same training to numerous SUs throughout the country.

In relation to this training, NUS submitted that *“several Black women officers have informally let colleagues know that they felt extremely uncomfortable that almost all the examples of antisemitism in the student movement involve women of colour”*. I asked for and was provided with copies of the antisemitism training provided by UJS in 2019, 2020 and 2021. Only one example of antisemitism in 2019 involved a woman of colour – who had been found by two external investigations to have said things which could be interpreted as being antisemitic. This example was removed from the 2020 training which was delivered virtually

in a shorter slot. A second example used in 2019 and 2020 involved remarks by “a BME officer” on a university campus – who may or may not have been a woman. There were numerous other examples of antisemitism in the training, many from white males or set out in anonymous on-line posts. The statement made by NUS that “almost all examples of antisemitism in the student movement involved women of colour” was, I find, simply without foundation. While I consider that it was entirely appropriate that NUS staff receiving these reports, accepted that the officers genuinely felt discomfort (applying the MacPherson principle that complaints about incidents of racism should be recorded and investigated as such when they are perceived by the complainant or someone else as acts of racism) it was inappropriate that these complaints did not lead even to a discussion to fully understand the genesis of such concerns, nor to any type of investigation. Such enquiry should have been seen as required because had the training been inappropriate or discriminatory, it should not have been delivered to SUs. This was a lost opportunity to understand the cause of the discomfort and expel any myths and permit learning and growth.

Accepting the complaints of Black officers and not investigating or probing them at all seems to show an attitudinal bias of not believing that complaints of antisemitism – if there is any connection at all to Israel/Palestine - are made in good faith. That is an approach which has been evident in other, non-student organisations over recent years. It is vital that when complaints of any type of discrimination are being considered – whether antisemitism, homophobia, Islamophobia, racism, misogyny – whatever the characteristic of the complainant – that those in NUS start from the position of considering the complaint to have been made in good faith. Complaints may prove to have been made in bad faith after an investigation – but if the complaint is perceived to be antisemitic, it should be recorded and investigated as such.

Antisemitism training must continue; and if ‘informal concerns’ about it (or indeed any other form of training) are raised, they should be explored by NUS staff and not be left uninvestigated and unchallenged. It is incumbent on everyone involved in NUS to challenge antisemitic incidents or attitudes.

NUS staff may well be faced with competing complaints where the application of the MacPherson principle requires a single incident be investigated both as antisemitism and as some other form of racism. It is important that such allegations are not ignored as being too difficult, but that all those impacted are able to express their views and are listened to, then without fear or favour, findings are made and relayed to those involved. A complaint may well be made in good faith, but be wrong.

### 6.3.2 Judaism not listed as an option on NUS forms

Again this matter played out in a public forum with press reports about how Judaism was omitted from an NUS form when all other faiths were listed in January 2018. I am told that it was an "oversight" because the form used for the Experience of Jewish Students survey forms were re-used for the Experience of Muslim Students survey questionnaires, and that the religion question was being used to filter out non-Muslim students. I confess I do not fully understand the basis of this oversight. Nevertheless, the NUS narrative in its submission to me was that this matter was "immediately corrected and the internal processes around surveys" were reviewed. NUS also provided me with the link to the video message of apology from the President taking responsibility and giving a fulsome apology in which she recognised that it was the second time she had had to say sorry for Judaism being omitted from NUS forms on which all other religions were listed.

This was not however only the second time on which Judaism had been omitted from NUS forms. In the six months prior to this poll, a Jewish sabbatical officer had raised the exact same issue with senior NUS staff on at least two former occasions in the second half of 2017. The complaints were raised in an appropriate tone, to a person of appropriate seniority, albeit not by way of a formal complaint. January 2018 was at least the third occasion on which the same omission occurred, and it occurred for a fourth time in February 2018 when Judaism was not available as an option on the nomination forms for sabbatical officers.

It is hard to avoid the conclusion that it was only when this matter played out in a public domain that the issue was dealt with (albeit there was a further omission in February 2018). The public criticisms in January 2018 – and the undoubted

impact that had on Jewish students who felt that they did not count, could have been avoided had the earlier complaints of the sabbatical officer been acted upon.

An NUS staff member presented this complaint to me as an instance of a bad faith allegation of antisemitism – that a simple administrative oversight had been ascribed wrongly to be deliberate and led to a black female officer suffering abuse on social media. I have not seen the evidence of such abuse and the officer cited did not provide evidence to me. Any abuse, on social media or otherwise, is to be deplored and there is no excuse for it. That does not however make complaint raised in January 2018 one of bad faith.

### 6.3.3 "Solidarity" with Jewish students when facing antisemitism

On 24 October 2019 the NUS officer team issued a press release to express solidarity with the Jewish student community following an incident at the University of Leicester:

*Time and time again, we see "white t-shirt parties" provide an opportunity for students to spew hateful rhetoric that is often targeted against the most vulnerable in our community. In an era where reports of antisemitic hate crimes are on the rise, Jewish students are consistently made to feel unsafe and unwelcome on their campuses as a result of these parties and the failure to quickly condemn the horrific sentiments expressed at the events.*

*Event organisers, societies and SUs must ensure they are crystal clear about their intolerance of hate speech. We strongly urge these groups to reach out to their faith and liberation societies to establish explicit policies against antisemitism, as well as the other forms of oppression we regularly see materialise at "white t-shirt parties". We would also highly recommend SUs get in touch with the Union of Jewish Students (UJS) about providing antisemitism training for staff and officers, as well as to learn more about how they can best support the Jewish students on their campuses.*

The "white t-shirt parties" at which students wear white t-shirts and invite others to write messages to them have, on a number of occasions, resulted in Jewish

students having vile antisemitic messages being written on them. These have generally been of a 'far right' nature – referring to the Holocaust or Nazi symbols. I am not aware that there was any call from UJS seeking the above statement.

I do consider that NUS has consistently identified right wing antisemitism when it has occurred on campuses and 'called it out' in a manner welcomed by the Jewish student community. This resolute solidarity has not however been present if the antisemitism has been identified in the arena of Palestinian activism.

In 2021 Jewish students and UJS called on NUS to express support for / solidarity with Jewish students at the University of Bristol in relation to high profile accusations of antisemitism regarding a University academic. These allegations involved allegations that the academic's comments about the state of Israel and 'Zionism' were antisemitic. NUS issued a statement on 24 February 2021 by which time it had also received reports of Islamophobia on the Bristol campus. It said this:

*NUS stands firmly in solidarity with all Jewish and Muslim students experiencing antisemitism and Islamophobia at the University of Bristol. These incidents of harassment have created an even more hostile environment for students who already have to navigate the structural oppression inherent in our education sector. All forms of discrimination on campus must be called out and we support all students who do so.*

*It is no coincidence that both of these incidents have occurred at the same time. This is a symptom of the insufficient action to tackle systemic oppression across all universities and part of the further disenfranchisement of already marginalised students. By not protecting their students from discrimination and tackling the root causes of oppression, universities themselves are complicit in this institutional violence. We need to see them do more across the board to protect marginalised students and rebuild trust amongst our student communities.*

UJS officers felt that this statement, as well as being felt to be delayed in coming, by conflating very different incidents "failed to do justice to either". Whilst collaborative relationships were enhanced over this incident between some elected

NUS officers and UJS officers, others were damaged by omission and delay. It may be that this is reflective of the different 'factions' from which various NUS officers were elected, however it is important once elected that officers are prepared to represent the entire student body. In particular, as set out above, it is vital that complaints of antisemitism - as with other complaints of discrimination - are approached from a position of assuming they are made in good faith unless and until the contrary is proven.

#### 6.3.4 May 2021

There was a major outbreak of violence in Israel and Palestine in May 2021, triggered (at least in part) by Palestinians in east Jerusalem protesting over a decision of the Supreme Court of Israel on the eviction of six Palestinian families from the neighbourhood of Sheikh Jarrah. The CST published a report entitled "The Month of Hate", stating that the month of 8 May – 7 June 2021 "was the most intense period of anti-Jewish hatred seen in the UK in recent years" with a 365% increase in antisemitic incidents. The report says this:

*This is racism at its most basic: British Jews are held responsible for events thousands of miles away, over which they have no control, simply because they are Jewish. This dynamic is encouraged by rhetoric that fails to distinguish between Jews and Israelis, or simply swaps the words 'Zionist' or 'Zionism' for 'Jew' and 'Judaism'. It also feeds off extreme anti-Israel propaganda that does not mention Jews, but which demonizes Israel to such an extent that it generates a violent anger that finds an outlet in anti-Jewish hate, or that simply provides a supposedly legitimizing cover for the expression of antisemitism via the hatred of Israel.*

*This is not about people criticizing the Israeli government, but about hatred of Israel as an entire nation; it is not about support for the Palestinian cause but rather the treatment of Israel as a uniquely evil entity, a modern embodiment of Nazism and racism that must be erased from the world.*

As to what was happening on campuses during this month long period, CST had reported to it 61 antisemitic incidents in UK universities – compared to a total of 58 incidents in the whole of the 2018/19 academic year and 65 in 2019/20.

These spikes in antisemitism in the UK were discussed in Parliament and were condemned by the Mayor of London, the Leader of the Opposition, the Prime Minister, the Home Secretary and others.

The UJS were, by 11 May 2021, receiving numerous reports of antisemitism on campuses throughout the UK, and on that date published a series of tweets. These included:

- *"UJS is disgusted that Jewish students and societies are being targeted with antisemitic abuse. Antisemitism is never the answer to increased hostilities in the Middle East and Jewish students must not be held to account for this".* A photograph was part of this tweet showing some of the antisemitic abuse being targeted at Jewish students. There were also photo tags to include NUS, Board of Deputies, CST and others.
- UJS provided a phone number which Jewish students could call to get assistance from UJS, and the CST 24 hour number.
- Seemingly in answer to a tweet seeking support for the BDS movement UJS wrote: "400+ rockets, 130+ targeted air strikes and mounting casualties and fatalities. Violence is never the answer. Boycotts only breed division, dialogue is the only way forward". This tweet went on to provide a link to a UJS Israel portal on their website for "up to date information on the current conflict and more".
- UJS re-tweeting of a statement from the Board of Deputies, Jewish Leadership Council and UJIA (United Jewish Israel Appeal) about the escalating violence in the Middle East.

UJS published further tweets on 12 and 13 May to provide the link to the UJS website and to promote an online campaign of "say no to rockets, yes to peace". On 13 May UJS re-tweeted one of their 11 May messages in which they had tagged the NUS President's personal twitter account as well as that of NUS

UK, and UJS criticised both NUS UK and the NUS President for their silence in the previous two days. The UJS President thought it implausible that the tweets of 11 May had not been seen by NUS staff, and felt they were being ignored. On 13 May 2021 the NUS President drafted an email to the UJS President (which was sent the following day) expressing concern that there had been no direct or personal communication, only a 'tagging' on social media, and in which she objected to the suggestion that she / NUS did not care about the welfare of Jewish students as that was "wholly untrue". The President instructed staff to prepare:

1. *"A statement in solidarity with Palestinian liberation: we could include a link to sign this open statement created by City SU... and a link to the uni complicity database encouraging organising around decolonial divestment"*
2. *"A statement condemning the spike in antisemitism and the conflation of rightful accountability of the state of Israel with the injustice of holding Jewish students and Jewish folks accountable for these actions"*

The open statement created by City SU was entitled "Student statement : Israeli violence in Jerusalem" and said:

*We, the undersigned, condemn in the strongest terms the brutal acts of violence committed by Israeli Occupation Forces on worshippers at the Holy site of Masjid Al-Aqsa, and the illegal theft of the homes of the Palestinian citizens of Sheikh Jarrah by Israeli settler groups.*

*Over 200 worshippers at Masjid Al Aqsa have been injured over recent days. Every Ramadan, Israeli escalate its human rights abuses against Palestinians by attacking and violating the sanctity of Masjid Al Aqsa by using stun grenades, tear gas and rubber-coated steel bullets on and around the premises.*

*These attacks are paralleled by illegal efforts to forcibly displace Palestinian families from their homes in the East Jerusalem neighbourhood of Sheikh Jarrah, to make way for Jewish-only illegal settlements. A settlement in Sheikh Jarrah will join the over*

*250 illegal settlements (which displaced 385 Palestinians and installed 700,000 settlers) in the West Bank and East Jerusalem.*

*If the removals are allowed to proceed, these Palestinian families - many already made refugees once over - will be left homeless, burdened with legal costs and will have little opportunity to remain in Jerusalem. These settlements are illegal under international law, and are part and parcel of Israel's attempt to manipulate the demographics of Jerusalem, by ethnically cleansing its Palestinian inhabitants and providing political and legal support to settlers to build on stolen Palestinian land.*

*These settler colonial organisations are reinforced by the State of Israel, its discriminatory laws, security forces and racist courts, as well as the willingness of the international community to turn a blind eye to their crimes. They steal with impunity and chant "Death to Arabs" with the assurance that no one will stop them. The Zionist ideology enables this.*

*Since 1948, the Palestinian people have endured apartheid laws, settler colonialism, ethnic cleansing, military rule, child imprisonment, pain and generational heartbreak. The UK government has a responsibility to act, especially in the context of its historical role in the consolidation of the Zionist project. The UK government continues to sell arms to Israel, in defiance of its own export guidelines and as Human Rights Watch recently became the latest organisation to recognise the State of Israel to be an apartheid state. This imperialist violence is a continuation of Britain's legacy in Palestine and worldwide.*

*- We call on the UK government, public bodies and civil society to take action against the State of Israel to abide by international law and reverse the expansion of illegal settlements.*

*- We call on University students in the UK to join Boycott, Divestment and Sanctions (BDS) against Israeli Apartheid and*

*campaign for your Universities to implement BDS.*  
*- We encourage all students to email their local MP, the government and sign petitions: #SaveSheikhJarrah - Friends of Al-Aqsa (foa.org.uk)*

The “link to the uni complicity database” was a reference to the Palestinian Solidarity Campaign’s website setting out what universities do, or are estimated to, invest in a manner considered to be complicit with “Israeli’s system of institutionalised racist discrimination”.

A member of NUS staff drafted two tweets which were checked with other staff members and officers and then posted on Friday 14 May 2021. The first was in the following terms:



### **NUS statement in solidarity with Palestinian liberation**

**nus**  
national union of students

NUS strongly condemns the escalating violence against Palestinians and ongoing ethnic cleansing by the Israeli state as families are forcibly removed from their homes in East Jerusalem and worshippers at Al-Aqsa mosque are being relentlessly attacked.

As Israeli forces launched another round of air raids on Gaza last night the death toll has now reached 119, including 31 children, and hundreds more have been injured.

We call on the UK government to hold the state of Israel to account and ensure that international law is recognised. We extend our unwavering solidarity to Palestinians under occupation and across the world and we reaffirm NUS’ longstanding support for the call for Boycott, Divestment and Sanctions on the State of Israel and the repudiation of efforts to suppress that solidarity through the Prevent Duty and the planned anti-BDS Bill.

We encourage students to sign this open statement, to check this database regarding universities’ investments in, and institutional ties to, complicit companies, to organise against such complicity, with this email template being a good place to start, and to attend this solidarity protest being co-organised by a number of student groups, or to go to other protests local to them, in support of a free and liberated Palestine.

The link to the “open statement” was to the City SU statement set out above.

UJS responded to this saying “once again NUS cares more about boycotts than actually trying to bring different peoples together for constructive dialogue, debate and promoting peace. ...”, and another saying “NUS continues to remain silent while Jewish students are facing antisemitic abuse on UK campuses”.

A second statement - which the NUS President had intended to be tweeted at the same time, but was in fact sent out at a later time - was in the following draft terms and I understand was tweeted in materially these terms:

*NUS statement in solidarity with Jewish students:*

*We are deeply concerned to hear of a spike in antisemitism on campuses as a result of Israeli forces' violent attacks on Palestinians. The fight for Palestinian liberation and calling for rightful accountability of the state of Israel must never be conflated with holding Jewish students and communities accountable for these actions. We unequivocally condemn the vile antisemitic abuse being directed at Jewish students and would like to signpost to [this list of wellbeing resources compiled by UJS](#).*

Over the weekend, the NUS President received feedback that the statement "in solidarity with Jewish students" had caused controversy; NUS made a further statement:

*NUS statement in solidarity with Jewish Students:*

*We would like to apologise profusely for any harm caused by the previous version of this statement.*

*We owe thanks to those Jewish members of the student movement who have engaged with us to help us reflect on and revise it, to better reflect our movement's intentions in fighting for justice and liberation for all*

*We are deeply appalled to hear of a spike in antisemitism on campuses. We unequivocally condemn the antisemitic abuse being directed towards Jewish students and Jewish communities around the world.*

*Antisemitism masquerading as Palestinian solidarity does nothing to advance the liberation for Palestinians and actively harms Jewish people. This is wholly unacceptable.*

*We would like to extend our solidarity to Jewish students and signpost the list of wellbeing resources compiled by UJS.*

*We encourage those organizing around Palestinian liberation to follow Na'amod and other movements led by Jewish organisers as a starting point to ensure our organizing is rooted in solidarity.*

UJS do not answer or engage with social media over 'Shabbat' (from Friday night until Saturday night) so the 'feedback' on the first statement was not via any formal channels. However, elected officers of each organisation (who knew each other as they had attended the same university, and had communicated to each other earlier in the year when the Bristol University statement was made) spoke and the Jewish officer explained the upset caused by the initial tweet.

On Tuesday 19 May 2021 the UJS President sent a lengthy email to the NUS President responding to her email sent on 14 May, and including the following:

*I want to make it absolutely clear: the antisemitism that we have witnessed against Jewish students in the past week was not (as NUS stated) "as a result of Israel forces' violent attacks on Palestinians" as per your statement released on Friday (and subsequently taken down). This abuse was caused by disgusting racists perpetrating acts of racism. To suggest that it was caused by anything other than pure hatred is a gross insult to Jewish people.*

There was also criticism of NUS's choice of the Jewish organisation identified by the NUS, which was said to be "*selectively naming the 'correct' Jewish organisations to engage with on the conflict... because they are hand picked to fit a specific political agenda*".

I have concluded that there was a political agenda being followed by the NUS elected officers who wanted to express their support for the "decolonisation campaign" and to send "pro-Palestinian activists towards Jewish organisations campaigning in the same space".

No further correspondence was exchanged between the elected officers after 19 May. The NUS President told me that she "*was getting lots of threats on social media, including death threats; I was bruised and shut down*".

In the interim, the UJS prepared a "CEO Briefing" presentation which it delivered to CEOs of SUs throughout the country. This presentation set out very briefly the key factual matters which had led to the escalation of violence in Israel/Palestine, and focused on antisemitism training and the need to support UK Jewish students. It was not political in nature but designed to ensure welfare provision would be available to Jewish students. The Director of NUS Charity was in contact with the UJS CEO by 14 May to organise this, and he effected a "virtual introduction" to other NUS staff members. On 18 May the acting CEO of NUS emailed the UJS CEO seeking a meeting, and there was a further invitation extended in June 2021 prior to the elected officers' meeting. The UJS CEO was cautious about not undermining the elected officer given the correspondence which had been exchanged and their upcoming meeting; there was no response to the NUS invitation. A meeting took place between UJS and NUS elected officers in early June. While there was a brief exchange about how NUS social media accounts are monitored and whether it had been appropriate to 'tag' a personal twitter account, this meeting was effectively a handover to introduce the incoming UJS President. There was no meaningful exchange about this episode; no reflection within NUS as to how and why the inappropriate first message of "solidarity with Jewish students" came to be drafted and approved; nor whether there is a time, while students are being attacked because of a protected characteristic, when it is appropriate to prioritise welfare over politics.

I have set out at some length the events of May 2021 because several issues are apparent from it:

- The escalation of violence in the Middle East led, in May 2021 (as indeed it has on numerous occasions historically) to a huge increase in antisemitism towards (*inter alia*) Jewish students in the UK.
- It is vital that everyone in the student movement (and indeed more broadly) does not hold Jews accountable for the actions of the Israeli state – to do so is antisemitic. This is not a matter which relies on any

controversial aspects of the IHRA definition of antisemitism, and in fact the JDA also states that "*holding Jews collectively responsible for Israel's conduct or treating Jews, simply because they are Jewish, as agents of Israel*" will, on its face, be antisemitic.

- UJS acted promptly to seek to support Jewish students.
- UJS wanted NUS to give support / confirm its solidarity with Jewish students.
- The NUS President appropriately and immediately identified a need to condemn the spike in antisemitism and the holding to account of Jews for the actions of the Israeli state.
- NUS also has, perfectly legitimately, a political and campaigning position in relation to advocating for Palestinian rights.

I have drawn the following conclusions:

- It appears to me that the relationship between officers of NUS and UJS by May 2021 was already quite poor – caused in part by the perception that the NUS had failed to give prompt or sufficient support over the issues at the University of Bristol in February 2021, and in part from the way in which complaints about the liberation conference in March 2021 had been pursued.
- Seeking to elicit support on social media platforms rather than by direct communication is sub optimal and prone to lead to recriminations.
- The NUS President's initial response and instruction to staff was to promote a political statement, but also to clearly condemn antisemitism towards Jewish students.
- The first "statement in solidarity with Jewish students" was improper and offensive.
- This statement was drafted by a staff member and signed off by both elected officers as well as other senior staff members.

- Even when there was a realisation that the first statement had caused offense and needed to be withdrawn with an apology, the direct communication between elected officers called for by the NUS was not instigated by them to either apologise or work collaboratively on the replacement statement.
- The fact that this was happening over the Jewish sabbath was felt by Jewish students to add insult to injury, as did the overtly political statement accompanying the apology to follow Jewish organisations deemed to have the 'correct' political outlook.

In my view there are times when politics must be put to one side and the welfare and safety of students must be the overwhelming message. Repeating the point made above, whilst leaders are elected from factions, once in post they represent *all* students.

There was no resolution of this issue. The end of the term of office for an elected officer and handover to the next might have enabled any meaningful discussion to be avoided, but I consider that the failure to address this episode led to further polarisation of positions going into 2022.

#### 6.3.5 2022 Conference

2022 is the centenary year of NUS and was the first 'in person' Conference since the pandemic. Complaints about one of the candidates for the Presidential election having a digital footprint which was alleged to contain posts which were antisemitic has been considered in detail in a confidential report prepared by me to the NUS Supervising Director. It is not considered further under this section of this report.

The NUS Conference took place as scheduled in Liverpool from 28 March 2022, immediately followed by the Liberation Conference. On 2 March 2022 the NUS advertised that Lowkey – a rap artist - would be performing at the NUS Centenary Party before the National Conference. The NUS did not carry out any 'due diligence' to consider whether performers shared the values of their organisation. This performer was selected because he was well known as an advocate for Palestinian

rights and had performed as a “key note speaker” at an NUS event the previous year.

On seeing the advertisement, the UJS President wrote directly to the NUS President on 3 March 2022, expressing concern that the performer “has a history of divisive behaviour and conspiratorial language”. The letter set out that as well as attacking UJS and other British Jewish organisation, the artist was said to be a “9/11 ‘truther’ and conspiracy theorist who has spread false ideas about this tragic event”, and had very publicly shared platforms with, and endorsed individuals who had been found to be antisemitic. The email concluded by saying that having the performer “necessarily turns what is supposed to be a purely fun, social event into a political statement that excludes Jews. This does a huge disservice to Jewish students who should be able to participate fully in all that NUS has to offer”. A meeting was sought. It was not convened until 9 March after several ‘chasers’ from UJS. While the meeting took place only 6 days after it had first been requested, this was a significant period of delay in the context of the performance being scheduled to take place on 28 March.

The NUS President quite properly had several considerations she had to bear in mind: the NUS had been involved in making submissions to Parliament about the Higher Education (Freedom of Speech) Bill about the importance of ensuring freedom of speech on campuses, she also wanted to further the anti-colonialisation programme she supported and was also concerned to ensure student safety at events. She told me that she was concerned that UJS’s real objection to the performer was to his politics, and that UJS had a history of conflating criticism of Israel with antisemitism.

Four people attended the meeting of 9 March 2022 between NUS and UJS, all of whom I have interviewed. There is little dispute as to what was said in the meeting. The NUS President prepared notes in advance, and the three other attendees all took brief notes during the meeting, all of which I have been provided with. The following was addressed:

- Having clarified that the Centenary Party was a performance space – not for ‘speakers’, the NUS President said that taking on board the feedback received had “enabled us to put in place a number of

*mitigations that will reduce the risk of any potential incident or problem occurring”.*

- The mitigations would include giving a clear briefing to all acts not to engage in political discussion and to reiterate to them that they must not display negativity towards members or student led organisations.
- In her preparation notes the NUS President wrote *"Layout: At events we're also conscious that some students may not feel comfortable engaging with all the performers (spaces?) -but there are a number of reasons that people might not want to be in that space, for example, for certain neurodiverse students, it could potentially be an overstimulating environment. For those who want to remove themselves from the main party area is that there will be (sic) a really nice relaxed hangout area just next door to the main venue...."*
- A further mitigation was to advertise performance time *"to give you some reassurance that this will be a time-bound period"*.

The press reports after this meeting said that the NUS President told Jewish students to "segregate" themselves at the concert. All four attendees agree that the words "segregate" or "segregation" were NOT used, and nor did the NUS President suggest that any people should go to any particular areas at particular times. The NUS President suffered much distress when that accusation was levelled at her – particularly as a woman of colour, for whom the term is a heavily loaded one.

The only reasonable interpretation of advertising performance timings and the availability of alternative spaces was, however, to enable Jewish students to avoid the performance. Indeed that was the summary the staff member gave to me, stating *"there [were] multiple social spaces available if attendees did not wish to see Lowkey perform"*. The proposed "mitigations" entirely missed the objection of the UJS which was the performer would not appropriate for the event.

At the conclusion of the meeting it was agreed that a NUS staff member would review the objections to the performer. The staff member reviewed the Twitter

feed of the performer and came to a view there was no antisemitism and nothing to prevent the performance from going ahead; they had been unaware of the concern of him being a "9/11 truther".

An NUS staff member raised concerns internally on 14 March 2022 about Lowkey performing at the NUS event – sending a link to a TV programme on which Lowkey was a guest discussing "the influence of Zionism in Ukraine". The staff member said *"the actual programme itself is on a station which amplifies Holocaust denial & homophobia... it doesn't sit right with me that someone seemingly happy to accept all of that is going to be speaking under an NUS banner and I've received complaints from several Jewish students echoing the same sentiments"*. The staff member was told that their concern was escalated.

On 16 March 2022 the venue hosting the Centenary Party communicated that they did not feel able to host this performer. On 17 March 2022 Lowkey was cancelled for the party – but his booking for the Liberation Conference was still in place. On 18 March 2022 Theo Usherwood of LBC (a talk radio station) published a series of tweets about Lowkey's recent statements about "Zelensky's Jewish heritage" having been "weaponized to stave off genuine inquiries into groups fighting in the Ukraine" and of his public support of David Miller and Chris Williamson – both of whom have faced allegations of antisemitism. His tweets suggested that the NUS press releases which said that "Lowkey has been invited to speak at NUS Liberation Conference" which "takes place in the same week at NUS National Conference at the same venue in Liverpool", seemed less than frank about the fact he had been on the list of performers for the centenary conference in addition to the Liberation Conference. UJS tweeted on 18 March *"we have tried to engage in good faith to work with them to make NUS welcoming for Jewish students, but time and time again NUS have brushed Jewish students aside"*.

On Friday 18 March 2022 Lowkey told NUS that he was no longer willing to attend the Liberation Conference. The national press reported on the matter.

On Monday 21 March 2022 NUS issued a press release recording that "Lowkey was due to speak at our Liberation Conference on 30 March in Liverpool but has taken the decision to pull out". The statement was written by two NUS officers with differing political views and was approved by NUS staff. Two distinct tones

are apparent in the single press release. The statement states “we are horrified to know that some students in our community, particularly Jewish students, may now be wondering if they will be fully comfortable at our upcoming events. We are very sorry to any students who are hurt by some of the things they’ve read about NUS in the last few days”. It goes on to say *“we invited Lowkey to speak at NUS Liberation Conference because we feel his contribution would have been invaluable to students’ discussions on decolonizing education, class injustice, and divesting from companies that harm people and planet globally... We’ve been sad to see the use of harassment and misinformation against Lowkey...”*.

On 22 March 2022 Andrew Percy MP at Prime Minister’s Questions said that Lowkey had “engaged in antisemitic conspiracy theories” and called on the Prime Minister to “do everything in his power to ensure campuses were a safe place for Jewish students”. The Prime Minister replied that UK universities had, “for far too long been tolerant of casual or indeed systematic antisemitism”. The NUS was also criticized by the Chair of the Education Select Committee on that day about not attending and for giving the appearance of not being willing to engage with them – including to answer questions about antisemitism on campuses.

On the night of the Centenary Party three or four individuals climbed onto the rooftop, but ran away when campus security arrived. An anonymous twitter account later described the event as a ‘rooftop protest’ by students who were unhappy that Lowkey was not performing.

My conclusions in relation to this episode are as follows:

- The UJS President sought to engage in direct communication setting out her concerns at the earliest opportunity.
- The intention of the NUS President going into the meeting of 9 March 2022 was to set out “mitigations” to enable the performance to go ahead. Whilst she was concerned about cancelling a performer when espousing the importance of freedom of speech, it was unsatisfactory to ‘double down’ on the decision that Lowkey would perform before reviewing any further evidence.

- As set out above, whilst the word “segregation” was not used on 9 March 2022, the only reasonable interpretation of advertising performance timings and the availability of alternative spaces was to enable Jewish students to avoid the performance. This was entirely inappropriate and unsatisfactory.
- The decision as to who should perform or speak at conference was seen by NUS as being an entirely political one, such that the final decision lay with elected officers rather than staff.
- Whilst the NUS have reflected that it would be prudent to carry out a due diligence process before inviting speakers, it is difficult to see how that would have averted this issue given that a staff member carried out a review after the 9 March meeting and concluded that Lowkey’s performance should go ahead.
- NUS staff and officers reached an impasse as to whether Lowkey’s invitation to perform should be maintained. This was not settled within the NUS, but rather NUS staff informally approached the SU venue hosting the Centenary Party. Following the informal approach the venue expressed concerns about hosting Lowkey leading to the invitation to perform being revoked.
- The NUS press releases highlighting that Lowkey would be performing at Liberation Conference lacked candour about the fact he had been advertised as additionally performing at the Centenary Party.
- When Lowkey’s invitation to perform at the Party was revoked, Lowkey withdrew from the Liberation Conference.
- The NUS press releases of 21 March 2022 were in fact two separate statements on the same page. The second of these condemned “harassment and misinformation against Lowkey” and could be seen as implying that this was motivated by racism when saying “we condemn these tactics used against anybody, but particularly towards activists and people of colour”. This appears once again to suggest that a

complaint of antisemitism is seen as being in bad faith and only to silence Palestinian advocacy by a person of colour.

## 7. Complaints of antisemitism made against NUS candidates or office holders

Between the period of 2015 and 2022 there have been eight much publicised complaints – seven of antisemitism - against NUS candidates or students who have been elected. The group consists of three women and five men. Where public statements have been made – very often on social media – which have been considered to be antisemitic (and frequently there has been no question that they clearly have been), these have been located, highlighted and complaints have been made regardless of the sex of the person subject to the complaint.

The period over which I have reviewed complaints made includes both before and since the adoption of the IHRA definition, and at least two complaints pre-date NUS's adoption of the EUMC Working definition.

### *7.1 NUS Rules and policies.*

The current NUS rules and policies include those I have set out below. These have altered over time, and in particular the Code of Conduct was heavily reviewed some years ago. I have, however, considered it relevant to look at the current set of rules and policies so as to consider whether they are fit for purpose going forward.

The **NUS Articles of Association**, at paragraph 4, state:

*In pursuance of these objects and in accordance with legislation, NUS will not tolerate, and shall seek to eradicate, discrimination on the basis of race, sex, sexual orientation, disability, ethnic origin, religion, age, nationality, caring responsibility status, creed or gender identity, and will be independent of any party political organisation or religious body, but positive action in favour of any disadvantaged section of society shall be allowed.*

The **NUS Election Rules** state that the Chief Returning Officer has set 11 Core Rules for Conference which are said to be the "*property of the Chief Returning*

*Officer and their designates and they alone will be the interpreter of them".* These Core Rules state that Candidates:

*(7) must not breach the law, venue specific regulations or general NUS policy including Code of Conduct, Social Media Policy and Staff Protocol*

*(8) must have a commitment to anti-racism including tackling Islamophobia (as per the APPG Definition) and Antisemitism (as per the IHRA definition)*

Certainly, over the last three years, and anecdotally I understand over a much longer period, the returning officer has interpreted their remit as being restricted to examining conduct which has taken place during the election period.

The **Code of Conduct** sets out general principles about the NUS striving to create and promote healthy political spaces and respectful working relationships. The policy applies to individual members of NUS as well as students of constituent members, committee members and sabbatical officers. Paragraph 3 sets out when the policy applies, and it is restricted to the conduct of individuals:

- *When acting or perceived to be acting on behalf of NUS in any capacity*
- *When attending a formally organised NUS event (democratic or non-democratic)*
- *In social media spaces both public and private linked to NUS events, campaigns or work*
- *When interacting with any NUS staff member, Full Time Officer or volunteer (both appointed and elected)*
- *Relating to any conduct of an elected or appointed volunteer of NUS that could be a potential breach of their volunteer agreement, our policies that apply to volunteers and/or the Staff Protocol.*

This policy has been interpreted as covering encompassing material on social media accounts when those accounts have been linked to NUS campaigns, even if they were first posted earlier.

Where the policy does apply, misconduct is stated to include:

- *Activity which contravenes NUS' Equality, Diversity and Inclusion Policy*
- *Creating an intimidating or hostile environment for others including unhealthy political tactics or breaches of the social media policy, and*
- *Acting without due regard for the health, safety and wellbeing of others*

The **Social Media Policy**, in paragraph 1.1, is said to apply to employees of NUS, full time elected officers, agency workers, self-employed contractors, consultants, trustees and volunteers. On its face it does not include candidates – though the Core Rules of the **NUS Election Rules** seem to extend its scope to candidates. The policy applies to the use of social media for personal (where it can be linked to NUS) and business purposes. At paragraph 7.2 it states that social media users are personally accountable for what they post on social media, and at paragraph 7.4 says that "*social media users should be professional, courteous and respectful at all times while using social media*". In paragraph 8.1.5 is a prohibition from defaming or disparaging the NUS, its members... or other stakeholders (e.g., posting critical or scornful comments about people or products), and at paragraph 8.1.7 it is stated that there must not be unlawful discrimination against any other social media users or third parties, or breach of "our Equality, Diversity and Inclusion Policy".

The **Equality, Diversity and Inclusion Policy** ('EDI') sets out its purpose as making a clear statement about NUS values, commitment, strategy and action plan to promote and improve EDI and the standards expected of everyone. The scope of the policy is specified to cover all NUS organisations, and applies to all employees, agency workers, self-employed contractors and consultants. The EDI states, at paragraph 2.2, that the "*policy applies to everything we do as an employer, business, representative body, service provider for our members and purchaser. It covers conduct at our premises as well as related meetings, events and social occasions and other locations. It protects job applicants, employees, former employees, self-employed and contracted staff, student officers, members, customers, students, volunteers and other people coming into contact with our organisation.*" At paragraph 12 the EDI policy states that "*It is fundamental to*

*NUS's vision, the recognition that everyone has a right to their distinctive and diverse identities, including religious and cultural practices. The Equality Act 2010 protects against discrimination on grounds of religion, religious or other philosophical beliefs, such as humanism. ...".*

## 7.2 Records

When students are elected to sabbatical officer positions, they become employees of the NUS. Those elected to committees such as the NEC do not. The NUS's data retention policy currently provides for employee data to be deleted 18 months after their employment ends. This policy - applied regardless of the characteristics of employees and therefore in a wholly non-discriminatory fashion - has made it impossible in six of the eight cases to review contemporaneous NUS generated documents. I recommend that NUS extends its period of document retention, not only because limitation periods in civil courts are six years, but to ensure any appropriate reviews can take place to ensure any necessary lessons are learned.

Given that I have not been able to review the contemporaneous complaints, investigation reports, notes of any meetings, or outcome letters: my understanding of six of these eight complaints has been discerned primarily from contemporaneous press reports. None of the individuals chose to make submissions to this investigation via the call to evidence and consequently I have only interviewed one of the eight individuals. There is a very real possibility that my understanding of six of the eight cases may be incomplete and will certainly be lacking nuance.

## 7.3 Observations about the eight cases

- **When the conduct complained of occurred** - Only one complaint I reviewed involved statements made within the election period such that it was considered under the Election Rules. Some complaints concerned events while a person was in office, but many were about conduct pre-dating the person standing for election such that it may have been apt for

consideration under the Code of Conduct but was not ruled as being within the Election Rules.

- **Against whom** - One complaint was against a candidate - the other seven cases involved people who were successful in their elections to the NEC or sabbatical posts, in some cases despite complaints being raised prior to their elections.
- **Nature of allegations** - All eight complaint arose from candidates /officers' statements in the context of commenting on Israel/Palestine. Six of the eight cases concerned statements made on social media. The others were in other public statements or publications. None of the cases involved any dispute about what was said, or by whom. Seven of the eight cases involved allegations of antisemitism. The remaining one involved a serving officer condemning the IHRA definition of antisemitism, about which UJS expressed "disappointment".
- **Complainants** - Almost invariably it was left to Jewish students to make complaints. In no instance did NUS proactively consider any statements in issue.
- **Admission / apology** - in one case a candidate accepted that historic comments had been clearly antisemitic. They apologised and explained the educational journey they had been on, and they did this both before they stood for election and on a number of occasions during the election period. In at least one other case a qualified apology (essentially 'for any hurt caused') was given. Reviewing the interactions of these officers with UJS / Jewish students more broadly, it is apparent that the former apology was accepted and constructive relationships were built, with their behaviour while in office being consistent with the learning they expressed having undergone. In the case of the qualified apology, relationships remained strained throughout the period in office of the individual concerned.
- **Investigations** - it is apparent that investigations took place in three of the cases. One by the election returning officer and in two other cases by

external investigators. I was unable to draw any conclusions in the other cases as to whether any investigations took place, and if so by whom.

- **Findings where there were investigations** – In all three of the cases which were investigated, findings were made that the statements in issue either did, or could reasonably be construed, as amounting to antisemitism.
- **Antisemitic** – My analysis, based on the statements as reported or seen by me, are that seven of these eight cases did involve statements that were antisemitic. In a number of the cases, classic antisemitic tropes were engaged, and in others references to Hitler or Nazism were made when commenting on Israel. The eighth case involved expressing a political opinions supporting BDS and condemning IHRA. This officer was, I find, criticised but not accused of antisemitism.
- **Good faith** – I am entirely satisfied that the allegations of antisemitism made were not in bad faith or made to seek to prevent legitimate criticism of Israeli government policies or actions. Without exception complaints were about very specific publications and were evidence based – not founded on stereotypes or assumptions. When the criticism was of a political position, the complaint fell short of being one of “antisemitism”.
- **Reflections / lessons learnt** – What has not been apparent to me in any of the eight cases, is that NUS has engaged in any reflection or any exercise to determine whether lessons could be learnt.

#### *7.4 Conclusions*

Over a seven year period in excess of two hundred students have been elected to NEC (now broadly replaced by NSC) and sabbatical positions. Numerous Jewish students have spoken to me about the allies among the non-Jewish officers when they have faced, or raised, issues of antisemitism. The extent of complaints being made against pro-Palestinian candidates must not be exaggerated. That said it is important that NUS take action to ensure that if candidates have antisemitic views, they are not permitted to stand for election. If they have made antisemitic

statements in the past and wish to disavow them, there should be a proactive process to enable them to do so. I would propose the following:-

- **Due Diligence Process** – I recommend that NUS develops a due diligence process so that consideration is given to a candidates' commitment to anti-racism over a longer time than just the election period. For the avoidance of doubt, the current practice under the Election Rules of looking only at the election period is inadequate. A due diligence process is required to ensure NUS compliance with its Articles of Association, which states:

*In pursuance of these objects and in accordance with legislation, NUS will not tolerate, and shall seek to eradicate, discrimination on the basis of race, sex, sexual orientation, disability, ethnic origin, religion, age, nationality, caring responsibility status, creed or gender identity, and will be independent of any party political organisation or religious body, but positive action in favour of any disadvantaged section of society shall be allowed.*

- **Digital Footprint** - Candidates should be directed to pro-actively consider their digital footprint so that any historical entries they do not feel reflects accurately their views at the time of the election period can be considered proactively on their terms – not in reaction to external scrutiny. When students stand for election material which is available on their social media accounts is taken as being reflective of their views, opinions and values, not matter how old such publications are. Such a step would also mean that if complaints were subsequently lodged, a swift and supportive response in relation to the candidate could be given.
- **Resilience** - At the same time, consideration should be given to whether some sort of resilience training or boundary setting in the use of social media for candidates / officers who may be subjected to abuse. How and where to report it, where to access advice and support. This should not of course engage in any way in victim blaming, but instead should be focused on seeking to empower students, educate them on how and where to report abuse, and help inform them about where to access advice and support.

- **Election Complaints** - A review should take place to include consideration of what approach NUS will take to any matters which come to light during an election period, after the due diligence process, (but were published before that period). Furthermore, those against whom complaints are made should be told the details of the complaint so that they can fully understand them, and they must be given sufficient time to respond.
- **Zero Tolerance** – There must be a zero tolerance approach to antisemitism.
- **Shared responsibility** – It should not always be left to Jewish students to raise and pursue complaints of antisemitism. All those involved in NUS must share the responsibility to ‘call out’ discrimination of any kind.
- **Presumption of good faith** – In accordance with the MacPherson approach which requires complaints of race discrimination to be investigated as such, so too complaints of antisemitism should be accepted as having been made in good faith unless / until shown to be otherwise.

## 8. Conclusions

The purpose of this investigation, as set out in the Terms of Reference, is to determine whether NUS has breached its duties under law or under its own policies in relation to Jewish students, or otherwise conducted itself in an antisemitic manner or failed Jewish students; and then to recommend any appropriate sanctions and other actions including restorative actions that NUS should take. I am asked to identify any required lessons to be learnt.

In terms of culture and practice I am asked whether NUS has done enough to make Jewish students feel welcome, included and safe in NUS spaces, activities and elected roles. I am also asked what NUS could do to make improvements.

### *8.1 "Jewish Students"*

As with any other group, "Jewish students" are not a homogenous entity, and the 8,500 or so Jewish students in the UK will undoubtedly include every shade of political persuasions and beliefs – about Israel and Zionism as about any other issue. It is however clear that the UJS represents the majority of Jewish students – there is no competitor organisation, and it is properly recognised by NUS as an associate member and an important partner. The fact that not every single Jewish student will choose to align with UJS does not diminish that.

These considerations are to be borne in mind when considering the questions posed in my Terms of Reference, and in particular whether NUS has "failed Jewish students". Many Jewish students who have chosen to interact with NUS have found it a hostile environment – particularly at conferences, by being elected officers or via the NUS / UJS interactions. Those who have had a hostile NUS experience are the ones who have responded to my call for evidence and shared their experiences with me. I fully expect that other Jewish students who did not respond to my call for evidence did not experience any hostility or feel that they were failed. However the fact that some students did not experience hostility does not in any sense reduce the importance of the trauma suffered by those who did, nor the culpability of the NUS in failing to prevent it. I bear in mind both of these points when drawing conclusions about "Jewish students" in what follows.

## *8.2 Jewish students' interactions with NUS*

It is apparent that the relationship between UJS and NUS, has been very poor for a long time, and this is reflective of the poor relationship more generally between Jewish students and NUS. In the 2017 Jewish Student Experience Survey, 49% of students surveyed disagreed or strongly disagreed that they would feel comfortable attending NUS events. Nothing I have seen or heard has led me to conclude that this statistic would be any better today.

The underlying reason for this poor relationship stems from views about and attitudes towards Israel/Palestine. As set out in one of the studies cited in that Student Experience Survey "the Israel/Palestine conflict has unsettled British campus life at multiple levels for over four decades". One of those levels is undoubtedly within NUS. This issue is somewhat removed from the far-right antisemitism, which continues to be seen both on campuses and online, but which NUS, along with SUs, is (generally) quick to identify and condemn (for example at the time of the "white t-shirt parties" in Leicester in 2019). However, when passionate advocacy and campaigning for Palestinian rights and condemnation of the policies or acts of the state of Israel are in issue, there has been considerable alienation of Jewish students. This is unsurprising given the findings of the much-cited 2015 survey of the Attitude of British Jews towards Israel that 93% of British Jews feel that Israel forms some part of their identity as Jewish people. It is important to state that when Jewish students feel alienated or uncomfortable, this will not always be as a result of antisemitism. There are, however, numerous instances where Jewish students have suffered antisemitism because of assumptions that they are "Zionists", and assumptions about what that means. This has led to views within NUS both that complaints of antisemitism are made in bad faith to try and avert pro-Palestinian or anti-Israeli political advocacy, and to an antipathy towards Jewish students in spaces such as conferences. This **has** resulted in antisemitism as well as hostility towards Jews which has not been challenged sufficiently robustly or proactively by NUS.

These trends can be seen from the accounts of Jewish students elected to NUS positions; from the difficult encounters between UJS and NUS in May 2021 when there was increased antisemitism at the time of hostilities in the Middle East; from

examining the subject matter of the complaints of antisemitism against NUS candidates and officers; from the discussions in advance of the 2022 conference; and from the experience of Jewish students at NUS conferences. The antisemitism which has been experienced has not been limited to Israeli-related examples such as holding Jewish students responsible for the acts of the Israeli state or comparing Israeli policy to Nazism, but has also seen the employing of ancient antisemitic tropes, from blood libels to Rothschild conspiracies.

### *8.3 Definition of antisemitism: IHRA*

I listened carefully to the voices of pro-Palestine advocates and others who sought a recommendation that the use of the IHRA definition by NUS cease. I was provided with a wealth of academic articles and opinions on the topic which I read. The central criticism of the IHRA definition is that it improperly conflates criticism of Israel with antisemitism. I have not found any examples within the NUS of the IHRA definition being misused in this manner, and in fact the majority of instances of antisemitism within NUS that I have reviewed would be categorized as such whether the IHRA or JDA definitions were used as the relevant yardstick.

The IHRA definition is further said to have a “chilling effect” in preventing advocacy for Palestine because activists fear being accused of antisemitism. This of course is very difficult to measure as it is all but impossible to prove a negative. I did not find that these concerns were such that they should outweigh the fact that NUS conference voted on accepting the IHRA definition and that this is the NUS supreme decision making body. Also of key importance is that the culture of NUS over many decades has been to permit ‘oppressed groups’ to define the terms of their oppression and that Jewish groups are overwhelmingly in favour of utilisation of the IHRA definition. This is not an entire answer to concerns over the IHRA definition given the importance of also ensuring that legitimate campaigning can go ahead and that freedom of expression is ensured along with compliance with Article 10 of the European Convention of Human Rights. Most fundamentally however, I do not consider that revisiting the definition of antisemitism is going to move the NUS towards more meaningful, and less harmful engagement between students on the topic of Israel/Palestine.

#### *8.4 Breached duties under law or NUS policy?*

There are occasions on which Jewish students have been subjected to harassment related to their race and or religion as defined by the Equality Act 2010, and occasions on which the NUS policies – in particular the Code of Conduct and the Social Media policies – have been breached. The implementation of NUS policies when there have been breaches has generally been at the instigation of Jewish students. When other policies are drawn up and reviewed, it is necessary to consider proactively whether current policies continue to be fit for purpose and how they should be proactively utilized.

#### *8.5 Election rules*

As set out in the section of this report dealing with allegations of antisemitism against candidates and officers, the NUS election rules require candidates to have “*a commitment to anti-racism including tackling Islamophobia (as per the APPG Definition) and Antisemitism (as per the IHRA definition)*”. However, a commitment to this is only examined in relation to statements and actions which took place during the election period. This means that a person who had a history of blatantly discriminatory statements and conduct prior to the election period (e.g. taking an extreme example, a ‘white supremacist’) could give an appropriate commitment on the first day of the election period and still be within election rules, notwithstanding their previous history. This is unsatisfactory and I make recommendations below to alter this status quo. Consideration must be given to the ‘commitment to anti racism’ prior to individuals being confirmed as candidates; this is far more efficient than the status quo which encourages Code of Conduct complaints being considered for conduct prior to the election period.

#### *8.6 Culture*

It is apparent from this report – and indeed from other reports over the last 17 years - that the culture within NUS and at NUS events has been perceived by many Jewish students, for good reason, as hostile. The rhetorical question which has frequently been posed to me is to ask why the NUS has attracted so many candidates and elected officers whose pro - Palestinian advocacy has crossed the

line and amounted to antisemitism. It is essential that would be candidates are very clear about NUS's principles, expectations and boundaries, and that it is made clear to everyone within the student movement that the NUS must have a zero tolerance response to antisemitism – as it must to other forms of discrimination.

Altering a culture is a notoriously difficult task— and it will be important, when ensuring that NUS is a welcoming environment for Jews, to ensure that other student groups are not alienated. My view is that this will only be achieved if students are facilitated to engage in more nuanced debate, and to be able to disagree in an agreeable manner. I do not underestimate this task in our increasingly polarised society, but there must be concerted efforts for this to start within the student movement so these young leaders take the learning with them into wider society.

### *8.7 Sanctions*

On the basis of the incidents which I have investigated I do not consider it would be of benefit to anyone to have any further disciplinary investigations against former elected officers or volunteers or to impose any sanctions. While there are some historic matters which I consider ought to have resulted in the imposition of sanctions (such as the refusal of an NEC member to apologise for referring to “the final solution” in the context of Jewish places on a committee, even when faced with an explanation as to why the term caused such offence), the passage of time makes this impractical. I have considered in particular the age of the complaints, that the individuals concerned are no longer students and not therefore members of the NUS, no longer serve as elected officers or volunteers, and are highly unlikely to be eligible to stand. In so far as any of my findings refer to current NUS staff, I have provided a supplementary confidential report to the Director with responsibility for HR matters.

## 9. Recommendations

**Advisory panel:** Previous reviews have made recommendations which have not been implemented, and any reflections and lessons learned from such exercises have been short-lived. One of the recommendations of the 2016 Runnymede review was to have officers elected for two-year terms rather than one, but even with this longer period of office there may be changes in political priorities. And in recent years a high turnover of senior staff has hindered NUS's ability to have a long term institutional memory, exacerbated by reforms resulting in many redundancies. I therefore recommend that NUS UK and NUS Charity Boards should jointly appoint an advisory panel to serve for a minimum period of five years to monitor implementation of these recommendations. It should meet at least three times per annum in the first two years. The UJS should be invited to send a representative to sit on this panel – preferably an individual who can commit to a full five-year period (e.g. a former officer or trustee).

**Record Keeping:** at present the NUS data protection policy requires the retention of data relating to employees for 18 months after their employment ends. This period is well below best practice for any organisation. NUS should review this period and decide on the most appropriate period for data retention, so that records are available for any necessary subsequent investigation, as well as ensuring data is available should NUS face litigation.

**Due Diligence Process for Election Candidates:** The NUS should have a due diligence process through which it considers whether candidates genuinely have a "commitment" to anti-racism, including to tackling antisemitism and Islamophobia as required by their Core Election Rules. This should go well beyond the election period to include the reasonably recent past, and to consider candidates' digital footprints, including confirming that the information on candidates' social media accounts reflects their current views.

Consideration should also be given to giving advice to potential candidates about engagement with social media. Some social media platforms can be abusive, particularly towards women (especially women of colour). Appropriate support

should be identified for candidates and officers. This process should be put into place as a priority so that it is active ahead of the next officer elections.

**Election and Code of Conduct Complaints:** A review should be undertaken of the complaints process, which has been consistently interpreted by the Returning officers as only considering the electoral period. This is inadequate and has led to parallel complaints under the Code of Conduct. It is important that the two are interpreted consistently and vital that behaviour before the election period is capable of being considered by NUS.

This review must require consideration should be given to how NUS will consider any matters which come to light during an election period and which were undiscovered through the due diligence process (see previous recommendation). All NUS members (i.e. SUs) and associate members should be eligible to present election complaints. Furthermore, when complaints are made, those who are the subject of a complaint should be informed of the substance of the complaint to enable them to provide a full response.

**Antisemitism Training:** The 2019 NUS Conference mandated antisemitism training for elected officers, to be provided by UJS. This should continue, be undertaken at least once every two years, and incorporate all NUS staff as well as officers.

Additionally, NUS staff members should be given specific training on how to identify, support and respond to issues of antisemitism (which may be appropriate escalation to a named individual).

The NUS should also provide materials on its website on antisemitism, including a section about Israel and Palestine, and the importance of not holding Jewish students responsible for the acts or omissions of the state of Israel.

**Educational Materials:** Three previous reviews have recommended the development of educational materials concerning Israel/Palestine:

- The HASC Report on Antisemitism published in October 2016 highlighted that many students encounter campaigning and debates about Israel and Palestine for the first time at university, and

recommended the development of resources and guidance “to assist in developing a sensitive, nuanced approach to Middle Eastern politics”.

- The Experience of Jewish Students Survey of 2017 recommended that the NUS “explore example models of dialogue around Israel/Palestine and disseminate good practice guidance to its membership”.
- The Race Equity Plan 2017-22 provided for collaboration to provide guidance for NUS SUs and others to better understand the impact of language in debating topics such as Israel, Palestine, Islamophobia and antisemitism. This should include models of dialogue and other good practice guidance for NUS and the student movement.

I do not underestimate the challenges of developing “resources and guidance” which are acceptable to all stakeholders on this highly polarising topic. However, given the overwhelming evidence that antisemitism is being endured by Jewish students which arises (at least initially) from campaigning and comment concerning Israel/Palestine, I have reached the conclusion that NUS needs to lead the way in creating change.

I recommend that the NUS begins with the 2017 recommendation of exploring “example models of dialogue around Israel/Palestine and disseminate good practice”. Having created these materials, it should put in place a mechanism to measure the impact of the resources created (see below, this must include surveying Jewish students). If the resources are found to be beneficial – both to Jewish students and to those who want to campaign for Palestinian rights, for example in supporting BDS – then NUS should embark upon the development of resources to – in the words of the HASC – “assist in developing a sensitive and nuanced approach to Middle Eastern Politics”, This could be with the assistance of Universities UK, as recommended by HASC, if they are willing to be involved.

**Discussions about Israel/Palestine:** As stated above, criticism of the Israeli government, its actions and policies will be the subject of student activism, as has been the case for decades. This however must take place within NUS in a manner which recognises that Jewish students are a welcomed and valued group, that many of them may be Zionists, and that there is no place for antisemitism. I

recommend that for at least the next 2 years when this topic is considered, whether at conference, ARAF or elsewhere, an experienced facilitator is engaged. The advisory panel thereafter should consider whether this has been utilised and whether the practice should continue, or whether there are alternative resources to act as facilitators with the appropriate expertise and confidence.

**ARAF:** For very many years NUS's "Anti Racist Anti-Fascist" Committee was co-convened by a student nominated by UJS and a student from the Black Students' Campaign. This Committee has not functioned since the pandemic. It is provided for in the current NUS structure under the National Scrutiny Council ('NSC'), which states that its convenors should be elected by the NSC. I recommend that this Committee be revived, and that one of its co-convenors be a student nominated by UJS. This should allow students to join in solidarity against racism and fascism, and to engage in campaigning which unites rather than divides them.

**Surveying Jewish Students:** I recommend the surveying of Jewish students to test the effectiveness of its actions, carried out pursuant to these recommendations, in making the NUS a welcoming environment for Jewish students, and one in which they have confidence that any allegations of antisemitism will be handled fairly and robustly. The Advisory Panel should consider the regularity of such surveys and content. The 2017-22 Race Equity Plan identified a key measure of success being that *"80% of our Jewish staff, officers and volunteers feel that NUS understands and takes action on antisemitism"*; measuring success among this cohort is necessary, but not sufficient, and there must be more broad engagement with the Jewish student body.

**Conference speakers / guests:** NUS does not have an external speaker policy or any process which it adopts before inviting speakers. NUS should reflect on whether it would benefit from such a policy. I do not however make any recommendation in this regard as such a policy would need to consider issues around freedom of speech and consistency with other policies, such as its 'no platforming' policy and any 'safe space' issues.

**Governance Review:** NUS was restructured after 2019. There should be a review to consider the effectiveness of the new arrangements, involving members of both NUS UK and NUS Charity Boards. In particular, the demarcation between 'political

decisions' and operational issues (i.e., ensuring compliance with NUS policies) should be considered and clarified, so that the respective responsibilities of elected officers and permanent staff are clearly demarcated. The Staff Protocol Policy must be understood and not preventing appropriate challenges being made when discriminatory language or action is witnessed by staff.

It is fundamental to the ethos of NUS that it is a student-led organisation. This should not be changed, but the review should include consideration of whether the NUS President should continue to be the sole chair and also line manager of the Directors of NUS UK and NUS Charity, given the likely relative experience of those individuals, and alternative models for how those Directors could be managed, assessed and supported.

Rebecca Tuck KC

Dated 12 January 2023

## **Privacy Notice**

*Last updated: 24 May 2022*

An independent investigation is taking place into allegations of antisemitism within the NUS ("the Investigation"). The Investigation is being conducted by Rebecca Tuck QC ("the Investigator"). The purpose of the Investigation is to enable the NUS Board of Directors to understand:

- a) Whether the NUS has breached its duties under law or under its own policies in relation to Jewish students; and
- b) Otherwise conducted itself in an antisemitic manner or failed Jewish students.
- c) To recommend any appropriate sanctions and other actions, including restorative actions that NUS should take, and identify any required lesson learning.

This Privacy Notice explains how the Investigator will use personal information about you, who it may be shared with and how you can exercise your privacy rights. If you have any questions or concerns about the use of your personal information, then please use the contact details provided at the bottom of this Privacy Notice.

### **What personal information will the Investigator collect and what is the legal basis for doing so?**

#### **Purposes of collection of personal information**

The purposes for which the Investigator collects and processes your personal information are to investigate and report on the nature and extent of any antisemitism within the NUS, and to make any appropriate recommendations.

The Investigator is requesting individuals to report antisemitism complaints of any kind.

This Investigation is not a statutory inquiry. The Investigator has no power to summon witnesses if they do not wish to appear or submit evidence.

The Investigator is intending to use personal information in a number of ways. For example, the Investigator will:

- collect and examine information submitted to her
- seek interviews with relevant witnesses

- communicate with individuals
- provide updates on the progress of the Investigation to the Supervising Director.
- submit the Report to the Board, which will be published in full save for any redactions required by law or policy.

Personal information may also be used by the Investigator to comply with the law.

Anyone who may be criticised in the Report will have the opportunity to respond to any criticism prior to the Report being finalised.

### **Personal information collected**

Personal information will be collected, recorded and organised by the Investigator. Personal information may be requested by the Investigator from relevant individuals or submitted in response to NUS's request for anyone who has knowledge of matters relevant to the Investigation to report these matters to the Investigator. The Investigator will also receive notes, documents and reports of any previous investigation(s) undertaken by NUS relating to allegations of antisemitism and any recent file notes or letters which relate to the subject matter of the Investigation. These notes, documents, reports and letters will also contain personal information.

The categories of personal information which will be processed in relation to the Investigation, the Interim Report, Report and Public Statement include:

- Biographical personal information such as name, date of birth, contact details, job description, educational history, disciplinary records and findings; and
- Special category personal information such as information relating to physical or mental health as well as information about criminal allegations.

### **Legal basis**

The primary legal basis relied on for lawful processing by the Investigator is Article 6(1)(f) of the United Kingdom General Data Protection Regulation ('UK GDPR'), processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data.

The legitimate interests in this context include:

- The ability of the Investigator to examine and to produce an evidence-based, balanced analysis of the allegations;
- The ability of the Investigator to make robust recommendations in relation to any findings of antisemitism.

Where applicable, personal information may be processed on the basis of the consent of the data subject under Article 6(1)(a) of the UK GDPR.

Personal information may also be processed on the basis that it is necessary to comply with a legal obligation under Article 6(1)(c) of the UK GDPR.

In relation to special category personal information and personal information relating to criminal allegations, the additional legal bases for processing under Article 9 and 10 of the UK GDPR and section 10 of the Data Protection Act 2018 include:

- Processing is necessary for the purposes of the prevention or detecting of an unlawful act (see paragraph 10 of Schedule 1 to the Data Protection Act 2018);
- Processing is necessary for the purposes of complying with, or assisting other persons to comply with a regulatory requirement (see paragraph 12 of Schedule 1 to the Data Protection Act 2018);
- Processing is necessary for protecting an individual from neglect or physical, mental or emotional harm or protecting the physical, mental or emotional well-being of an individual (see paragraph 18 of Schedule 1 to the Data Protection Act 2018); or
- (where applicable and appropriate) the data subject has given explicit consent to the processing.

### **Who your personal information be shared with and why will it be shared?**

Your personal information may be shared with other individuals who are taking part in the Investigation, and may be included in the Report. The Investigator will protect your personal information, including removing identifiers and redacting details which could be used to identify you, where it is appropriate to do so.

During the course of the Investigation your personal information may be shared with the following groups of individuals:

- The Investigator and anyone appointed to support the Investigator;
- Other witnesses to the Investigation, where this is important to examine the evidence and to make relevant findings of fact;
- Third party processors (such as providers of IT infrastructure or services);
- The Supervising director, the Administrative Committee facilitating the Independent Investigator, the NUS Board of Directors; and
- Any competent law enforcement body, regulatory, government agency, court or other third party where we believe disclosure is necessary (i) as a matter of applicable law or regulation, (ii) to exercise, establish or defend our legal rights, or (iii) to protect your vital interests or those of any other person.

Should you wish to share information with the Investigator anonymously your wishes will be respected. However it may not be possible for the Investigator to make findings in relation to information provided anonymously. This in turn may prevent the NUS from taking action in relation to information shared anonymously.

### **Data retention**

Your personal information will be held by the Investigator until the conclusion of the Investigation. At the end of the Investigation, your personal information will be retained until any relevant limitation periods in relation to the Investigation have expired. It will then be deleted.

### **International Transfers**

Your data will not be transferred overseas.

### **Your data protection rights**

You have the following data protection rights:

- If you wish to **access, correct, update or request deletion** of your personal information, you can do so at any time using the contact details provided under the "How to contact us" heading below.
- In addition, you can **object to processing** of your personal information, ask the Investigation to **restrict processing** of your personal information or **request portability** of your personal information. Again, you can exercise these rights by contacting us using the contact details provided under the "How to contact us" heading below.

- Similarly, if the Investigator has collected and processed your personal information with your consent, then you can **withdraw your consent** at any time. Withdrawing your consent will not affect the lawfulness of any processing conducted prior to your withdrawal, nor will it affect processing of your personal information conducted in reliance on lawful processing grounds other than consent.
- You have the **right to complain to a data protection authority** about the collection and use of your personal information. For more information, please contact the Information Commissioner's Office at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel: 0303 123 1113. Email: [Casework@ico.org.uk](mailto:Casework@ico.org.uk).

The Investigation will respond to all requests we receive from individuals wishing to exercise their data protection rights in accordance with applicable data protection laws.

### **Updates to this Privacy Notice**

This Privacy Notice may be updated from time to time. When the Privacy Notice is updated, appropriate measures will be taken to inform you, consistent with the significance of the changes made. We will obtain your consent to any material Privacy Notice changes if and where this is required by applicable data protection laws.

You can see when this Privacy Notice was last updated by checking the "last updated" date displayed at the top of this Privacy Notice.

### **How to contact us**

If you have any questions or concerns about our use of your personal information, please contact us using the following details: [clerks@oldsquare.co.uk](mailto:clerks@oldsquare.co.uk)

The data controller of your personal information is Rebecca Tuck QC. She is registered with the Information Commissioner's Office (registration number Z2776326).

