

**REVIEW INTO THE REASONS BEHIND THE RESIGNATIONS OF**

**LUCIANA BERGER, MITCH SIMMONS AND JONNY WARREN**

**FROM**

**THE NATIONAL EXECUTIVE COMMITTEE (NEC)**

**AND**

**STEERING COMMITTEE OF THE NATIONAL UNION OF STUDENTS (NUS)**

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## **1. TERMS OF REFERENCE FOR THE REVIEW**

- 1.1 The terms of reference for this review have been formulated in response to the reasons given for the resignation of Luciana Berger and Mitch Simmons from the National Executive Committee of the NUS and the resignation of Jonny Warren from the Steering Committee. They also take into account the issues identified in a letter from the Campaigns Organiser of the Union of Jewish Students (Danny Stone) dated 18 April 2005.
- 1.2 The terms of reference for this review are as follows:-
  - 1.2.1 The situation surrounding leaflets at NUS Conference, including action taken by Steering Committee in relation to this action;
    - 1.1.1 The situation around the material produced concerning Hizb-ut Tahrir;
    - 1.1.2 The failure to comply with Extraordinary Conference policy of provision of Kosher food;
    - 1.1.3 The position surrounding actions taken as a result of the allegation of Anti-Semitic comments by the member of the NEC;
    - 1.1.4 The involvement of the NUS at SOAS;
    - 1.1.5 The general principles and policies of the NUS in relation to Anti-Semitic behaviour and the role in working with student's unions in dealing with any incidents.

**1.3** The written submission presented by the UJS also contains three further matters of concern to the UJS and which I decided should be considered as part of this review as they either link to the original terms of reference, or they demonstrate the concerns felt by the Jewish students who resigned about their relationship with the Executive of the NUS.

These concerns are set out under three heads, and I propose to consider the following:-

1.3.1 Ken Livingstone incident;

1.3.2 The perceived use of Anti-Semitism as a political tool;

1.3.3 Events following the resignations.

## **2 THE SITUATION SURROUNDING LEAFLETS AT THE NUS CONFERENCE INCLUDING THE ACTION TAKEN BY THE STEERING COMMITTEE IN RELATION TO THIS and THE SITUATION AROUND MATERIAL PRODUCED CONCERNING HIZB-UT TAHRIR**

### **2.1 BACKGROUND**

- 2.1.1 Two leaflets were distributed from the stall of the General Union of Palestinian Students (GUPS) at the NUS Conference in April 2005. The UJS submission regards these leaflets as examples of Anti- Zionist sentiment evolving into blatant Anti-Semitism.
- 2.1.2 A complaint was made about midday on the first day of conference (Tuesday) in relation to a leaflet entitled 'The Jews are not a Race'. The tenor of this leaflet is that Jews do not really exist. A request to the GUPS stall for the removal of the pamphlet was refused on the grounds that there was no-one present with the authority to make the decision.
- 2.1.3 The UJS Campaigns Organiser (Danny Stone) took the leaflet to the NUS President who referred the matter to the Steering Committee. On approach to a member of Steering, UJS representatives were advised that Steering would be dealing with the matter and were informed that a complaint had also been received about a leaflet produced by UJS regarding Hizb- ut Tahrir which would also be looked at.
- 2.1.4 Jonny Warren explained that Steering Committee met on Wednesday morning, but because members were called away from the meeting, the meeting kept on being adjourned. When it came to light that there had been a complaint about a leaflet on the UJS stall, the Chair of Steering decided that the leaflets should be discussed together.

- 2.1.5 At the meeting Jonny Warren pointed out that the leaflet on the UJS stall describing Hizb-ut Tahrir was based on NUS policy and was endorsed by various groups, including the NUS. He was then, as he describes it 'chastised' by another member of Steering. The Chair of Steering Committee considered the reaction to Jonny Warren's observations to be inappropriate and advised him that she would speak to the member concerned. The UJS submission incorrectly assumes that the Chair (Ruth Bannister) did not do this. In fact Ruth Bannister confirms that she did speak to the member concerned about the inappropriate nature of her response to Jonny Warren.
- 2.1.6 The UJS leaflet described the activities of Hizb-ut Tahrir and the Muslim Public Affairs Committee, both organisations subject to the NUS 'No Platform' policy. The leaflet also makes a passing reference to the Muslim Association of Great Britain. The complaint was that the leaflet did not sufficiently distinguish between the banned groups and the Muslim Association of Great Britain, which was a perfectly legitimate organisation.
- 2.1.7 The outcome of the discussion was that both leaflets were banned. The Chair of Steering explained that the decision was partly motivated by a desire to resolve the matter before members of the Steering Committee were called away to other duties.
- 2.1.8 The appearance of a leaflet headed 'Zionism' came to light during Tuesday and was considered by Steering on Wednesday evening and banned. Besides other things the leaflet refers to the Jews establishing the 'Protocol of the Elders of Zion'. This refers to a forged document used as an attempt to show Jews aimed for world domination. This pamphlet had

appeared on the GUPS stand, apparently without authority, but there is disagreement as to whether and when the document was removed.

- 2.1.9 On 18 April 2005 GUPS put out a press release disassociating itself from the Zionism leaflet, which it said did not represent GUPS's views in any way. It was explained that the leaflet had not been authorised by GUPS and had been removed. GUPS condemnation of any act of racism or discrimination was re-affirmed.

## 2.2 CONSIDERATION OF THE COMPLAINT

- 2.2.1 The complaint submitted by the UJS is essentially in three parts:-
- a) that Anti-Semitic literature was on display on the GUPS stand at the NUS conference;
  - b) that action to remove this material was not accorded sufficient priority, and the material remained even after a decision had been taken that it should be removed;
  - c) that Anti-Semitic leaflets were treated with an equivalence to the UJS document describing the activities of organisations subject to the NUS 'No Platform' policy.
- 2.2.2 The UJS submission also refers to the lack of organisation, process or support in dealing with the removal of the material from the GUPS stand and the lack of effort to enforce the decisions of the Steering Committee.
- 2.2.3 This comment raises issues about the respective roles of Officers of the NEC and of the Steering Committee. The UJS submission registers disquiet that the matter was not simply dealt with by the President or National Secretary rather than being referred to Steering.

- 2.2.4 The primary responsibility of the Steering Committee is to ensure the smooth running of Conference and to facilitate debate. The question of whether Steering Committee's remit extends to control over the foyer area was in some doubt. Ruth Bannister (Chair, Steering Committee) advised that dealing with the complaints about leaflets was not enshrined in the Constitution as a responsibility of Steering.
- 2.2.5 The National President (Kat Fletcher) regards it as essential to the democracy of the NUS that the President and the NEC do not direct the working of any part of Conference, and is clear that it is the duty of the Steering Committee to deal with any transgressions at Conference. The ability of the Steering Committee to respond as quickly as they would like being a flaw in the process.
- 2.2.6 Paragraph 30(b) of the Constitution, dealing with the power and duties of the National Executive states that the National Executive shall be responsible for the management of the affairs of the National Union generally EXCEPT when conference is in session.
- 2.2.7 The functions of the Steering Committee are set out in Standing Orders and refer to the business of Conference. Their remit beyond the conduct of debates and the procedural processes applicable at conference are not specifically set out.
- 2.2.8 There needs to be clarity about the roles and responsibilities for managing all aspects of Conference. If on strict interpretation of Paragraph 30(b) of the Constitution, the Executive is excluded from all aspects of running Conference the role of Steering should be clarified and arrangements put

into place that enable the Steering Committee to carry out its range of responsibilities promptly and efficiently.

- 2.2.9 With regard to the equivalence of the leaflets considered by the Steering Committee, the UJS document described the activities of organisations to which Conference had resolved to apply the 'No Platform' policy. The documents on the GUPS stand were Anti- Semitic. The document headed Zionism was particularly offensive.
- 2.2.10 The Steering Committee was right to consider a document Muslim students considered to be offensive but it does not appear that there was time to properly examine the reasons why it should have been considered so. Presumably there would be no objection to the republication of the current 'No Platform' policy, which contains much the same information as the UJS leaflet but without reference to the Muslim Association of Great Britain.

### 2.3 CONCLUSIONS

- 2.3.1 There is no criticism of the Steering Committee about the way they sought to deal with the complaints about the leaflets. There does, however, need to be clarity about the role and responsibilities of the Steering Committee at Conference. If, in order to comply with paragraph 30(b) of the Constitution, there is no role for the Executive Committee in the management of affairs at Conference, the Union should look to determining the role of Steering in a way that is clearly understood and which does not place impossible demands upon the Committee.
- 2.3.2 If Steering Committee is to have its remit formally extended, beyond ordering events on conference floor, support should be provided to the

Committee. One of the difficulties for Steering was dealing with the complaints of Anti-Semitism at the same time as running Conference debates smoothly. The National Union needs to consider how best Steering can discharge their required duties quickly and efficiently. Responsibility for enforcement of its decisions will also be necessary for effectiveness.

- 2.3.3 Consideration should be given to the structure of the Steering Committee to enable it to properly undertake the duties delegated to it. The size of the Committee and the formation of sub groups with specific responsibilities could be looked at. Quick decision making is a key requirement.
- 2.3.4 It was suggested to me that information could be included in the mailing to stall holders re-affirming National Policy and stating that material considered in breach of National Policy will be removed. Rules could also be included about the future participation of offending organisations.
- 2.3.5 The material on the GUPS stall breached Conference Policy and conflicted with its own position of condemning any form of racism and discrimination. Care is needed to ensure these policies are not breached in the future.
- 2.3.6 Whilst the UJS leaflet on Hizb-ut Tahrir was broadly in line with the NUS 'No Platform' policy, the content can be reviewed to highlight the point that the banned organisations are not representative of the UK Muslim Community. The NUS should then consider whether to endorse a re-edited leaflet.

### **3 THE FAILURE TO COMPLY WITH THE EXTRAORDINARY CONFERENCE POLICY OF PROVISION OF KOSHER FOOD**

#### **3.1 BACKGROUND**

- 3.1.1 As an element of the programme to cut costs NUS has undertaken an overhaul of the National Conference, cutting the number of days for debate, cutting the number of delegates, and reducing its overall catering provision.
- 3.1.2 At a conference held in June 2004 it was decided that the NUS would provide Bed and Breakfast at the Annual Conference, with a fund to assist delegates with diets that could not be catered for locally, and to assist delegates not able to fund their own meals.
- 3.1.3 In order to provide Kosher food, orders were placed for the delivery of breakfasts to the hotels where delegates had indicated a requirement on the booking form. 40 such meals were requested and 80 more were ordered from the caterer to cover any under provision.
- 3.1.4 In addition to breakfasts an arrangement was entered into with the Winter Gardens to provide Kosher food at Conference which would be on sale at the canteen. Winter Gardens made an assessment of Kosher food requirements but were unable to obtain a delivery because their order was too small. When concerns were first raised an assurance was given that Kosher food would arrive, but in the event it was not forthcoming. Attempts were then made to gather any excess breakfast provision to be made available at conference.

- 3.1.5 Kosher food is not available at Blackpool. I have been advised that attempts were made to order from Manchester but the one supplier open only catered for larger orders. Consequently Kosher food remained unavailable at Conference to the personal inconvenience and discomfort of those with strict dietary requirements.
- 3.1.6 The National Secretary made an apology to Conference. He was keen that NUS staff should not be blamed for a problem outside their control, although there were continuing efforts to rectify the situation, albeit these were unsuccessful.

## 3.2 CONSIDERATION OF THE COMPLAINT

- 3.2.1 The UJS recognise that the failure to provide Kosher food at Conference was the result of an unfortunate oversight, but remain concerned both at the way complaints were dealt with, and the apparent failure to rectify the non-provision of Kosher food.
- 3.2.2 This was the first year the revised catering arrangements were put in place and they did not work as well as expected. Breakfast provision was organised successfully by NUS staff, but the Winter Gardens underestimated the difficulty in obtaining Kosher food in the quantities they expected to sell.
- 3.2.3 The NUS is confident that with awareness of the potential supply problem, the same situation can be avoided at future conferences, with Kosher food requirements being catered for.

### **3.3 CONCLUSION**

- 3.3.1 I agree with the UJS analysis that the non-provision of Kosher food was an unfortunate oversight. I accept that attempts were made to rectify the situation and an apology was given to Conference. There is no indication of Anti-Semitism in relation to this matter.
- 3.3.2 It is now important that effort is concentrated on ensuring that future catering arrangements meet all the dietary needs of delegates to next years conference.
- 3.3.3 There should be an identified individual officer with responsibility for all aspects of catering at Conference, and delegates should be clearly advised in advance who they should approach if there are any problems.

## **4 THE POSITION SURROUNDING ACTIONS TAKEN AS A RESULT OF THE ALLEGATION OF ANTI-SEMITIC COMMENTS BY THE MEMBER OF THE NEC**

### **4.1 BACKGROUND**

- 4.1.1 Benson Osawe is the International Students Officer and a member of the National Executive Committee. He formed the Council of International Students and is a former Chair of that organisation. To better understand events it should be noted that Benson Osawe has very strong views about the political affiliations within the NUS. He believes more should be done to look after the interests of students generally, rather than the promotion of what he regards as political agendas. The Council of International Students was formed with these principles in mind, and the Council does not represent or promote any political view.
- 4.1.2 In 2004, Benson Osawe arranged a workshop for International Students to obtain their views on the application of visa charges. The workshop was arranged on a Saturday, thereby potentially excluding any Jewish international student from attendance.
- 4.1.3 At a meeting of the NUS National Council, which was held prior to the workshop being held, a motion was put forward and debated on the same day proposing that the workshop should not be supported as it had been arranged for a Saturday, contrary to Conference policy.
- 4.1.4 No prior consultation had been held with Benson Osawe prior to the motion. During the debate he offered to arrange a further workshop to be held on a Wednesday for those who were unable to attend the Saturday

event. This offer was not taken up. The National Council voted against the workshop being held on a Saturday.

- 4.1.5 Benson Osawe was upset that what he regarded as a practical solution had not been accepted. The effect of the National Council decision he regarded as detrimental to the interests of International Students, and subsequently the event was hosted by the Council for International Students.
- 4.1.6 On 17 November 2004 Benson Osawe and Hannah Essex, Vice President, Education, both attended a student services conference at Earls Court. During the panel debate Benson Osawe was reported as saying 'when Jewish students cough and sneeze within NUS everyone jumps but it's not the same for International students'. He was reported as going on to say that the NUS is 'pandering to Jewish students'.
- 4.1.7 When I interviewed Benson Osawe he was insistent that his reference was to factions, which he believes are damaging to the NUS, not to Jewish students. He had spoken about factions generally and had given the example of the National Council decision to remove support for the Saturday workshop. He went on to deny making, or intending to make, Anti-Semitic remarks. He questioned whether his opposition to the UJS as organisation made him Anti-Semitic. In his view attacking factions did not mean he was attacking Jewish students.
- 4.1.8 A formal complaint was registered by the UJS Campaigns Organiser (Danny Stone) on behalf of Jewish students in a letter dated 22/11/04 addressed to the National President of NUS. The letter referred to the reported comments, and also to a subsequent e-mail from Benson Osawe to some

NEC members in which he said that he was not in a position to ‘bootlick any group’ and alleged that the UJS was conspiring with political factions to ‘stab him in the back’.

- 4.1.9 The UJS letter points out that in defending Jewish student rights and ensuring equal opportunities for them would not be ‘bootlicking’ and Benson Osawe’s implication that Jewish students have some form of special treatment must not be allowed. A copy of this letter was sent in the same day by post and E-mail to all members of the NEC. A further copy was sent to the National Secretary on 19 January 2005. The letter demanded an apology, investigation and subsequent report to the National Executive Committee. No reply was received to this letter.
- 4.1.10 A disciplinary hearing of the NEC was arranged and held on 28 February 2005. There was difficulty in arranging the meeting as it was considered that NEC members who had received copies of the letter of complaint from the UJS Campaigns Organiser would be ineligible to hear the complaint.
- 4.1.11 The NEC disciplinary panel received the written complaint from the UJS and a written submission from Benson Osawe. Procedure does not provide for attendance of the parties. The decision of the panel was to warn the respondent (Benson Osawe) about the offence the comments caused, request a letter of apology be sent to the UJS, the NEC and the National President, and to refer the complaint back to the National President.
- 4.1.12 There was no formal written communication of the decisions of the disciplinary panel to either complainant or respondent, and no action has been taken to implement their decisions.

## **4.2 CONSIDERATION OF THE COMPLAINT**

- 4.2.1 The UJS complain that the alleged comments deserved investigation, but have not been informed of anything in relation to this incident in the nine months since it took place. The UJS believes that NUS has failed its disciplinary and complaints procedure and seeks a full disciplinary investigation.
- 4.2.2 The complaint of alleged Anti-Semitic comments was not dealt with satisfactorily. There was no response to the original letter from the UJS, dated 22 November 2004, nor was the UJS advised of arrangements for a disciplinary hearing in February 2005. Following the NEC disciplinary hearing, neither complainant nor respondent were advised of the outcome, and no action was taken to put the disciplinary panel's decisions into effect.
- 4.2.3 The National Secretary (James Lloyd) accepts that he failed to confirm the outcome of the hearing in writing and apologises. In mitigation he cited a very heavy workload for the approaching Conference, combined with a lack of administrative support.

### **4.3 CONCLUSIONS**

- 4.3.1 The President of the NUS should apologise on behalf of the NUS for lack of communication and failure to follow up and implement the NEC disciplinary panel's decisions.
- 4.3.2 Despite the time lapse the outcomes of the NEC disciplinary panel of 2 February 2005 should be properly reported and the decisions put into effect.
- 4.3.3 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 Anti-Semitism. The response, or lack of it, to the complaint relating to Benson Osawe would have heightened this belief.

## **5 THE INVOLVEMENT OF THE NUS AT SOAS**

### **5.1 BACKGROUND**

- 5.1.1 The UJS, representing Jewish students at the School of Oriental and African Studies (SOAS) arranged a meeting with the Director of SOAS (Colin Bundy) because of concerns relating to the activities of the SOAS Student Union, which were seen to affect Jewish students at the University adversely. Luciana Berger was invited to attend the meeting by the UJS.
- 5.1.1 The UJS submission explains that their invitation to Luciana Berger to attend this meeting was in her capacity as a Jewish student at a London University and as a key UJS activist. Luciana Berger also reported that she had been approached by several students at SOAS in her official capacity as Co-Convenor of the Anti-Racism/Anti-Fascism campaign. At the time, she was also a member of the NEC of the NUS.
- 5.1.2 The UJS submission states that Luciana Berger's NUS responsibilities were only brought to the attention of the Director (Colin Bundy) at the end of the meeting, and I was informed that in terms of Policy, Luciana Berger did not openly criticise the Constituent member (the Students Union) at the meeting.
- 5.1.3 Following the meeting with the Director of SOAS a formal complaint was made by the Co-President of the Student Union at SOAS that Luciana Berger had not made any attempt to contact members of the SOAS Students Union before attending the meeting with the Director, although she should have done so as a member of the NEC.

5.1.4 Reference was made to a motion passed at a National Council on 1 March 2005 headed 'Black Students Officer' which stated that Conference believed:-

- '1. NUS NEC members should not criticise constituent members openly without speaking to that constituent member;
2. That the NUS is here to support, not undermine and damages (sic) its members'

5.1.5 The complaint against Luciana Berger was that although a member of the NEC, she had not had prior contact with the SOAS Student Union before meeting the Director of SOAS and that she had not complied with the National Council resolution in that she had criticised the SOAS Students Union without speaking to the Union first, and that she had attempted to undermine and damage an organisational (constituent) member.

5.1.6 In a letter dated 16 March 2005 to the National Secretary (James Lloyd) who was by now looking into the complaint from SOAS, Luciana Berger argued that the situation at SOAS was a matter within the remit of the Co-Convenor of the NUS Anti-Racism campaign. Jewish students at SOAS had lost confidence in the ability of their Union to represent them, and had approached her to help them resolve the situation.

5.1.7 In conclusion, Luciana Berger made the following points:-

- a) she attended a closed meeting of SOAS. She did not openly criticise a constituent member;

- b) she was supporting a constituent member union in opposing intimidation of its students;
  - c) she was implementing National Conference Policy on Racism and Anti-Semitism that would override National Council Policy
- 5.1.8 The Co-President of the SOAS Students Union (Kavita Meelu) wrote a long letter to the National Secretary in response to Luciana Berger's letter re-iterating the complaint was on the basis of Luciana Berger's position as NUS NEC member. SOAS Students Union had not been consulted, or notified and had been totally disregarded by an NEC member. She also vigorously responded to the assertion that Jewish students at SOAS were not properly represented by the Union.
- 5.1.9 The matter remained unresolved and there was consideration of a referral to the NEC. It was confirmed by the President that the NEC meeting was not a formal constitutional arrangement and that no vote would be taken. Informally it was proposed that there should be a process of mediation between SOAS and Luciana Berger. This process was overtaken by the resignations at Conference.

## 5.2 CONSIDERATION OF THE COMPLAINTS

- 5.2.1 The UJS submission raises concerns about the alleged victimisation of Luciana Berger by SOAS, and the perceived failure of the NUS to represent their Jewish members at SOAS, or consult with the external organisation representing them (i.e. UJS).

- 5.2.2 The submission also identifies the need to review disciplinary procedures and for the NUS to investigate the SOAS Students Union.
- 5.2.3 The National Council decision that NEC members should not openly criticise constituent members without speaking to them first and the re-affirmation of the role of the NUS being to support, not undermine its members should be readily acceptable.
- 5.2.4 The UJS submission argues that Luciana Berger did not attend the meeting with the Director of SOAS in her capacity as a member of the NEC. Luciana Berger's letter of 16 March 2005 makes it clear that she was acting as a Co-Convenor of the NUS Anti-Racism campaign.
- 5.2.5 I do not accept the distinctions. When undertaking business associated with the NUS or its constituent or student members, a member of the NEC should be acting in that capacity and will be regarded as doing so.
- 5.2.6 Setting aside the issue of whether the National Council decision was communicated to NEC members, I would expect an elected officer of the NUS to inform and consult with the constituent member before involvement in the business of that union. That this did not happen was a matter of concern to the SOAS Students Union and their subsequent pursuit of a complaint should not be regarded as victimisation.
- 5.2.7 It is regrettable that procedural issues have deflected from the concerns expressed by the UJS in respect of the Jewish students they represent at SOAS. The role of the NUS as mediator should not be lost sight of.

5.2.8 The issues raised by the UJS lead to consideration of the relationship the National Union has with its constituent and student members. The primary aims of the NUS include:-

- a) representing the students of the UK locally, nationally and internationally;
- b) to promote and maintain educational, social, cultural and general interests of the students

The Constitution provides that these primary aims shall be preserved without regard to race, sex, sexual orientation, disability, ethnic origin, religion, age or creed.

5.2.9 Rule 11(a) of the Constitution states that 'organisation members are obliged to abide by the constitution of the National Union and are requested to contribute to the carrying out of the decisions of Conference'

5.2.10 The relationship between the NUS and its members is relevant to the National Union's involvement with SOAS. Two issues are raised in an E-mail dated 10 March 2005 from the National Secretary (James Lloyd) to Luciana Berger in which he reports the outcome of a meeting held with the Director of SOAS (Colin Bundy):-

- a) that Unions are free to decide their own policy and all constitutional changes are to be ratified by the governing body
- b) that steps need to be made by all parties in mediating to stop the polarisation of student politics

5.2.11 Whilst Student Unions may be free to decide their own policy, these policies should not conflict with the primary aims of the NUS. Constituent members should be aware of their obligation to abide by the Constitution of the NUS and the NUS should be proactive in supporting student members by ensuring that Student Unions do so.

### **5.3 CONCLUSIONS**

- 5.3.1 The NUS has a responsibility to act in support of its primary aims, including the promotion and maintenance of the interests of all students. Where concerns are raised about whether these interests are being fully respected the NUS should be proactive in support.
- 5.3.2 There is an identified role for the NUS in mediating between the UJS representing Jewish students at SOAS and the SOAS Students Union.
- 5.3.3 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.

## **6 THE GENERAL PRINCIPLES AND POLICIES OF THE NUS IN RELATION TO ANTI-SEMITIC BEHAVIOUR AND THE ROLE IN WORKING WITH STUDENT UNIONS IN DEALING WITH ANY INCIDENTS**

### **6.1 BACKGROUND**

6.1.1 The elements of the Constitution relevant to this review have already been referred to. The primary aims include:-

- a) Representing the students of the UK locally, nationally and internationally
- b) Promoting and maintaining the educational social, cultural and general interests of the students

These aims shall be pursued without regard to race, sex, sexual orientation, disability, ethnic origin, religion, age or creed, independent of any party political organisation or religious body.

- 6.1.2 Organisational (constituent) membership is open to Student Unions to which students in post sixteen education belong, and also to individual students who are members of a constituent member of the National Union.
- 6.1.3 Organisational members are obliged to abide by the Constitution of the National Union and are requested to contribute to the carrying out of the decisions of Conference. Organisational members may be expelled by a resolution of Conference by a two thirds majority.

6.1.4 If an organisational member takes action which, in the opinion of the Conference, discriminates between its members on the grounds of race, sex, sexual orientation, disability, ethnic origin, religion, age or creed, Conference may by resolution deprive that organisation and/or its members of some or all of its rights, privileges, facilities or benefits. Suspension shall be for as long and upon such terms as may be determined by Conference.

6.1.5 In 1997 NUS also adopted a 'No Platform' policy. The 2004 Conference resolved to:-

- Re-affirm support for the NUS 'No Platform' policy for racists and fascists;
- Apply the 'No Platform' policy to:-
  - The Muslim Public Affairs Committee (MPAC)
  - Hizb-ut Tahrir (HUT)
  - Al-Muhajiroun  
(and all proven associated front groups)
  - The BNP and holocaust deniers

6.1.6 The 'No Platform' policy applies to NUS events and activities. It does not automatically apply to Student Unions. An NUS briefing for organisational (constituent) members explains the policy and its intention to ensure a safe environment for all student members, and provides a model 'No Platform' policy for consideration of adoption by constituent members.

## **6.2 CONCLUSIONS**

- 6.2.1 Student Unions are autonomous and have their own Constitutions, which may or may not follow the Constitution of the National Union. There is a view that Student Unions do not have to abide by the NUS Constitution and that the NUS cannot tell Student Unions what to do, or challenge their autonomy.

Whilst Student Unions may be fully autonomous, paragraph 11 of the NUS Constitution provides that organisations members are obliged to abide by the Constitution of the National Union. It follows that Student Unions should accept and comply with the aims and objectives of the National Union as set out in the Constitution, particularly in promoting and maintaining the general interests of all the students the constituent unions represent.

- 6.1.2 The welfare of students is a primary aim of both the NUS and Student Unions. In this context careful consideration should be given to the potential effects of all political initiatives on the general well being of students. Within the context of this review, care should be taken to ensure that the Israel/Palestine debate does not spill over to disadvantage either Jewish or Muslim students on campus, and where complaints are received these should be responded to positively to eradicate any adverse effects.
- 6.1.3 The role of the NUS has been identified as that of providing advice and support to Student Unions, although I have been informed of a small number of occasions where it has been necessary to draw the attention of University authorities (the parent organisation) to unconstitutional activities by particular Student Unions. Each input will

depend on the particular circumstances of the individual case, but the primary aims of the NUS provide a constant reference point for judgement.

- 6.1.4 Bearing in mind the primary aims of the NUS, all forms of discrimination must be treated with equality of response and equal urgency. To facilitate this the necessary procedural mechanisms need to be in place. There is general acceptance of the need for a review of procedures, which when completed should improve the speed and effectiveness of tackling any breach of the Constitutional aims.

## **7 BEYOND THE ORIGINAL TERMS OF REFERENCE**

### **7.1 BACKGROUND**

7.1.1 3 matters are included in the UJS submission, which did not form part of the original terms of reference for the review. These are being dealt with because they are of concern to the Jewish students and are put forward as examples of what they see as further incidents of Anti-Semitism, and because they link back to those issues which form the original terms of reference.

### **7.2 THE KEN LIVINGSTONE INCIDENT**

7.2.1 Following an NEC meeting where it was decided not to officially welcome the Mayor of London (Ken Livingstone) to speak at the NUS Conference, a letter was sent to the Mayor's office explaining the NUS position. This letter was to be made available to delegates at Conference. The National Secretary (James Lloyd) declined to print a sufficient quantity of letters to be circulated to all delegates. It was suggested that A3 copies be printed and displayed around Conference. The UJS submission contends that this did not happen. The National Secretary is clear that copies were on display.

7.2.2 Later the National Secretary spoke at a fringe event held by the Federation of Student Islamic Societies (FOSIS) where a message from the Mayor of London was relayed by video link.

- 7.2.3 The UJS complain that NUS Policy was ignored by the National Secretary and that the lack of fervour in reacting to Mr Livingstone's comments highlights the double standard with which Anti-Semitism is treated.
- 7.2.4 The UJS submission claims that the National Secretary actively broke NUS Policy by not printing letters for all delegates, and by attending the meeting of FOSIS.
- 7.2.5 I do not accept this contention. The method of making known NEC policy to Conference was essentially an administrative issue, not policy. Attendance at a meeting where a video message from the Mayor of London was played did not breach the NEC decision, which was not to invite the Mayor to Conference.
- 7.2.6 The perceived 'lack of fervour' in responding to the Mayor's comments is not a strong indicator of double standards to combating racism by the NUS. I doubt that this matter would have been raised in isolation, but in the context of an overall feeling of unease it is understandable that it was felt that the NUS could have taken a stronger position.

### **7.3 ANTI-SEMITISM PERCEIVED AS A POLITICAL TOOL**

- 7.3.1 Luciana Berger was rightly concerned that unauthorised access had been obtained to her mobile phone records. The UJS submission records that whilst she did not want to accuse them, the only people within the organisation who Luciana Berger could think of who might have a motive were Kat Fletcher (President) and Gemma Tumelty (by now National

Secretary) although she accepted that it may also have been a number of people, including those from external organisations.

- 7.3.2 There is no proof whatsoever that the President (Kat Fletcher) or National Secretary (Gemma Tumelty) had anything to do with the incident, and its inclusion in the UJS statement is unfortunate. The conjecture is however indicative of the poor working relationship which by then existed between Luciana Berger and the President (Kat Fletcher).
- 7.3.3 The second incident concerned the NUS Black Student Officer (Pav Akhtar) who is also Co-Convenor of the Anti Racism/Anti Fascism campaign. Pav Akhtar left a message on Luciana Berger's voice mail saying:-

'I.....wanted to talk to you about something else, something I think was actually quite Anti-Semitic that was circulating around election time.....and the forthcoming elections.'

- 7.3.4 There followed a conversation between Luciana Berger and Pav Akhtar during which it is claimed that Pav Akhtar reported a conversation with Jamal El-Shayyal, a representative of FOSIS. The UJS submission reported the conversation in the following way:-

'Jamal indicated to him (Pav Akhtar) that Kat Fletcher had been campaigning for the FOSIS vote in the forthcoming presidential elections and that they should vote for her (in Pav's recollection of Jamal's words, quoting Kat)  
'you wouldn't want Luciana - the Jewish candidate representing the Union of Jewish students – getting in'

- 7.3.5 Luciana Berger spoke to Jamal who denied the conversation. Luciana recalls Jamal saying it was all rubbish. I have taken this as representing Jamal's position without further reference to him, but I have interviewed Pav Akhtar who denied saying this to Luciana Berger.
- 7.3.6 During my interview with Pav Akhtar I formed the impression of someone who would relish the various ramifications that could be associated with the elections. He certainly spoke to a wide variety of people about the possible implications. Pav Akhtar told me that he contacted Luciana Berger to discuss the rumour that she intended to stand for President. As a friend he wanted to talk through the implications of this and to warn her of the potential for Anti-Semitism being a factor if she did decide to stand. In his view this conjecture became distorted and he consistently denied ever telling Luciana that Jamal had told him of an Anti-Semitic remark by the President (Kat Fletcher).
- 7.3.7 The President (Kat Fletcher) was informed of the accusation being made against her by FOSIS. She was aware of how damaging an accusation of Anti-Semitism could be to her presidential election campaign and she was consequently both angry and upset by the accusation, which she flatly denies.
- 7.3.8 A meeting was held which Pav Akhtar did not attend. The question of disciplinary action against Pav Akhtar was raised. Luciana Berger confirms that she submitted a complaint against Pav Akhtar in writing. The President and National Secretary are convinced that no formal complaint has been received. If it is to be pursued the matter requires to be reactivated.

7.3.9 The comment alleged to have been made by the President (Kat Fletcher) to Jamal El-Shayyal is denied by both parties to the alleged conversation. Jamal El-Shayyal also dismissed as rubbish his reported subsequent conversation with Pav Akhtar, who also denies that it ever happened. The report can only be regarded as hearsay, and consequently merits no further consideration from this review.

#### **7.4 THE RESIGNATIONS, INQUIRY AND RESPONSE**

7.4.1 The statement notifying Conference of the resignation of Luciana Berger, Mitch Simmons and Jonny Warren was delivered by Luciana Berger to conference on 7 April 2005.

7.4.2 Ruth Bannister, Chair of Steering had been approached to allow a speech by Luciana Berger in her capacity as Co-Convenor of the Anti-Racism/Anti-Fascism campaign. She recalls that the purpose of the speech was to consider harassment of delegates on the Conference floor. The request was put to the Steering Committee who agreed to a three minute presentation.

7.4.3 The speech was delivered, and copies of the speech disseminated to Conference. Some members of the NEC missed the speech as they were not aware of its content or of the intention to resign.

7.4.4 A copy of the speech is attached as Appendix I of the UJS Report. Many of the detailed issues raised are considered within the terms of reference. There was also overall concern expressed of a difference between the values of the NUS and the lack of proactive response to identified Anti-

Semitism. The NUS was seen to be a bystander to Anti-Semitism, hiding behind procedure and bureaucracy.

- 7.4.5 Following the speech formal letters of resignation were sent on 11 and 12 April 2005 by Mitch Simmons and Luciana Berger which the National President (Kat Fletcher) replied to 13 April 2005, regretting that the situation had arisen.
- 7.4.6 On 18 April 2005 the UJS Campaigns Organiser (Danny Stone) wrote a letter to the President (Kat Fletcher) which contains the points which form the basis of the terms of reference for this review. A follow up letter was sent 9 May 2005 as no response had been received. On 18 May 2005 the President wrote to confirm the setting up of a review. Correspondence concerning procedural issues followed and the review commenced on 18 July 2005.
- 7.4.7 The UJS submission points to the lack of response to the resignations of the Jewish students as a further example of the perceived apathy to Anti-Semitism that prompted the resignations in the first place.
- 7.4.8 The resignations had not been expected and it was the National Presidents' view that the reasons for resignation required proper consideration rather than immediate reaction at Conference. Whilst there has been a commitment to a review, the process has taken longer than originally anticipated to get off the ground. Hopefully the outcome will be beneficial.

## **7.5 CONCLUSION**

7.5.1 The identified issues beyond the original terms of reference provide examples of what is perceived as a continuing failure to respond to matters of concern to Jewish students. Conference policy was limited in relation to the Ken Livingstone incident and was complied with. The allegation of a conversation, reporting the conversation of a conversation is all denied. Given this, I am unable to take the matter further. The response to the resignations at Conference has resulted in this review, which will be the subject of NEC consideration.

## **8 RECOMMENDATIONS OF THE UJS**

- 8.1** The UJS submission concludes with a number of helpful proposals for the future support of Jewish students. Many of these recommendations can equally apply to other minority and/or disadvantaged student groups.
- 8.1.1 NUS NEC should undergo annual training on Anti-Semitism, which can be organised or facilitated by UJS.
- 8.1.1.1 I am aware of a training programme for NEC members, which I would expect to include the implications of its commitment to equality of treatment. The input of UJS to deal with issues of Anti-Semitism would be beneficial.
- 8.1.2 The NUS NEC should agree a Code of Practice on eliminating Anti-Semitic rhetoric from student political debate, guided by the EU definition.
- 8.1.2.1 This would be helpful in protecting the interests of Jewish students.
- 8.1.3 NUS staff should receive training on the needs of Jewish students.
- 8.1.3.1 This should be extended to cover the needs of all minority student groups.
- 8.1.4 NUS should develop protocol for dealing with Anti-Semitism in Unions where they fail to deal with it themselves.

- 8.1.4.1 NUS has a role in supporting any student group experiencing disadvantage. A protocol supported by constituent members at Conference could assist the NUS and Student Unions in working together to ensure the general welfare of all students.
- 8.1.5 The NUS should establish reporting mechanisms for Anti-Semitism on campus.
- 8.1.5.1 It would be helpful for students to know how they should report any perceived prejudice, and what role the NUS can undertake on their behalf.
- 8.1.6 The NUS should contact one company recommended by UJS to provide Kosher food at all events rather than doing it on an ad hoc basis.
  - 8.1.6.1 It would be helpful for Events staff to discuss this with UJS.
- 8.1.7 NUS should produce a publication on Anti-Semitism for all members including the dissemination of leaflet on Hizb-ut Tahrir.
- 8.1.7.1 The recommendation in the Report is that NUS should consider dissemination of the 'No Platform' policy, which includes reference to Anti-Semitism.
- 8.1.8 The Inquiry(review) should also bear in mind the recommendations made at the previous sections of the UJS document.
  - 8.1.8.1 These recommendations have been borne in mind, although the conclusions may have a different focus.

8.1.9 NUS should reaffirm its recognition of UJS as a legitimate and authorised interest group and rebut suggestions that its presence in the NUS is unwelcome.

8.1.9.1 I would expect NUS to reassure UJS on this point.

This recommendation provides the opportunity to report an observation made during the course of the review, which was that whilst UJS acts as an interest group, a high proportion of its work relates to the representation of individual students, or groups of students. It is therefore ideally placed to report any concerns expressed by Jewish students on campus.

8.1.10 NUS should readdress its current formal disciplinary and investigation processes and publish them.

8.1.10.1 The inadequacy of existing protocol is recognised and NUS does intend to review them.

8.1.11 The NUS should provide a written response with respect to all of the unanswered complaints, current position and future action.

8.1.11.1 NUS are recommended to respond to the outcome of this review

8.1.12 NUS should issue, through UJS, an apology to all Jewish students for any deliberate or unintended offence caused.

8.1.12.1 Whilst there has been no deliberate attempt to cause offence to Jewish students, NUS will want to reassure those Jewish students who have been offended by the incidents complained of.

## **9      OVERALL CONCLUSIONS AND RECOMMENDATIONS**

- 9.1**     The resignation speech identified a difference between the values of the NUS and a lack of proactive response to Anti-Semitism. It accused the NUS NEC of apathy, and of hiding behind procedure and bureaucracy. Having looked at the background to the incidents there were clearly occasions when matters could have been dealt with more quickly, or more efficiently, but do not demonstrate apathy to Anti-Semitism. The NUS NEC are committed to the stated values of the organisation, and the conclusions of this review will hopefully assist in reinforcing this commitment.
- 9.2**     There has been change in approach to dealing with the business of the NUS as well as a change in the priorities for the organisation. To assist this process and in order to provide consistency and transparency in the way matters are dealt with, attention needs to be given to procedural development. NUS should better define responsibilities and processes as well as informing members of who to approach for responses to issues and problems, and how then can expect these to be dealt with. Many of the recommendations contained in the summary to the UJS Report should assist in this respect.
- 9.3      LEAFLETS AT NUS CONFERENCE**
- 9.3.1    In considering the specific issues identified in the terms of reference, the failure to have the Anti-Semitic leaflets withdrawn more quickly was a matter of serious concern to Jewish students at Conference. There were, however, valid reasons for the matter being referred to the

Steering Committee, and the pressure of business being dealt with by that Committee did not enable a swifter response.

- 9.3.2 It is sensible to have a clear and consistent approach to dealing with issues of this sort at Conference, but the machinery (in this case, Steering Committee) must be able to cope with the demands put upon it. Pressure of work delayed the banning of the leaflets and did not allow sufficient consideration of the complaint against the leaflet on Hizb-ut Tahrir.

#### **9.4 RECOMMENDATIONS**

- 9.4.1 The responsibilities of the Steering Committee should be clearly defined in Standing Orders and the Committee strengthened and provided with the necessary support to effectively undertake its defined functions. Quick decision making is a key requirement.
- 9.4.2 The NUS should consider whether to endorse a re-edited leaflet describing the activities of Hizb-ut Tahrir et al but making it clear the banned organisations are not representative of the UK Muslim community.
- 9.4.3 GUPS will be expected to conform to its position of condemning any form of racism and discrimination.

## **9.5 PROVISION OF KOSHER FOOD**

- 9.5.1 Alternative arrangements should be in place to ensure the provision of Kosher food at next years Conference.

## **9.6 RECOMMENDATIONS**

- 9.6.1 Identify one officer with responsibility for catering.
- 9.6.2 Take up UJS offer of assistance.

## **9.7 ALLEGATION OF ANTI-SEMITIC COMMENTS**

- 9.7.1 The management of the complaint of Anti-Semitic comments by the International Students Officer and NEC member was not satisfactory. It took too long to arrange a disciplinary hearing, and the failure to report the outcome or implement the hearings decisions undermined the process. It also gave rise to understandable concerns that the complaint was not being treated seriously.

## **9.8 RECOMMENDATIONS**

- 9.8.1 The decisions of the Disciplinary Hearing should be reported and implemented.
- 9.8.2 An apology should be provided for the lack of action.

## **9.9 THE INVOLVEMENT OF THE NUS AT SOAS**

- 9.9.1 The NUS involvement with SOAS is an issue, which goes beyond the question of the involvement of an NEC member without prior reference to the Student Union. The outcome of the complaint was the identification of the need for mediation, and this requirement remains. In addition the NEC needs to consider the relationship between the NUS and its constituent members and what the range of responses should be when there is a complaint that a Student Union fails to properly protect the welfare of any of its student members.

## **9.10 RECOMMENDATIONS**

- 9.10.1 Members of the NEC should accept that during their term of office they will be acting in that capacity in their relationships with constituent members and for all NUS business.
- 9.10.2 NUS facilitate mediation between SOAS Student Union and UJS representing the interests of Jewish students at SOAS.
- 9.10.3 NUS to consider how best it can respond to complaints that Student Unions are failing to protect the interest of student members.

## **9.11 PRINCIPLES AND POLICIES OF NUS IN RELATION TO ANTI-SEMITIC BEHAVIOUR AND ROLE IN WORKING WITH STUDENT UNIONS**

- 9.11.1 This issue is referred to in the previous paragraph. The key is the primary aim of the NUS and Student Unions to ensure the welfare of all students. To this end Student Unions should be discouraged from political rhetoric,

which targets student groups, or is regarded as threatening by students themselves.

- 9.11.2 The NUS should be able to demonstrate that it responds to all forms of discriminatory behaviour with equal strength of purpose. The development of Codes of Practice will enable consistency of approach and a framework within which the parties concerned will understand the process and outcomes being sought.

## **9.12 RECOMMENDATIONS**

- 9.12.1 With reference to the Constitution, the NEC and Conference should debate the relationship and range of interactions between NUS and its constituent members. Student Unions, whilst autonomous, should abide by the Constitution of the National Union.
- 9.12.2 The general well being of individual students should be the benchmark for this consideration.
- 9.12.3 Procedures should be reviewed to enable the effective maintenance of the Constitutional Aims of the NUS.