

We do not have much time to go through things in great detail, so instead of focusing on the mechanics of each remedy, we would like to focus on the *remedies themselves*.

Some might be obvious, but some others might not be. We hope this webinar is just the start of a wider discussion.

### **1. File a complaint to the University (where non-criminal conduct is concerned)**

Unless criminal conduct is concerned, the first and most important thing for any student to do is to file a formal complaint.

You should look up your university's code of conduct and complaints procedure, and follow it meticulously.

Your complaint should include as much evidence as possible; you should set out what you are complaining about, whom you are complaining about (if they can be identified), and you should specifically refer to any university policy that you are relying on, or any legal provision you are relying upon.

There are several grounds on which a complaint could be made. For instance, one might allege that the university is not adhering to their duties under the Equality Act.

If you have experienced something, but you do not know how to draft a complaint, or you do not know how to file a complaint, or you do not know what to base your complaint on, then you should seek assistance. There are many organisations in the Jewish community and beyond who could be able to assist.

You could contact the Pinsker Centre ([info@pinskercentre.org](mailto:info@pinskercentre.org)) or UK Lawyers for Israel, which have published extensive guidance on this subject ([office@uklficharity.com](mailto:office@uklficharity.com)).

### **2. File a complaint via the Students Union**

It could be that the appropriate avenue of complaint is the Student Union (for instance, a student club is violating the student union's rules).

In such cases, you should consult the relevant rules and codes of conduct of the student union, and explain how the student club or society has possibly violated them, supporting your complaint with as much evidence as possible.

### **3. Write to the Trustees of the Student Union**

In cases where the Student Union's behaviour is concerned, you should directly write to the student union.

For instance, a student union could be directing funds and resources for events supporting a boycott of Israel.

A legal opinion prepared by Christopher McCall QC and Raj Desai for the National Union of Students provides extensive guidance on whether student unions are able to expend resources on political matters such as the Middle East, while also adhering to their charitable obligations.

Factors which could be taken into account include:

- \* *Will the debate or event be fair and balanced?*
- \* *Is there likely to be hate speech?*
- \* *Is the speaker connected with an extremist organisation?*
- \* *Is there likely to be threatening, abusive or insulting speech?*
- \* *Is there a risk of disorder at the event?*
- \* *Is the speaker likely to express racist views?*
- \* *Has an anti-BDS or pro-Israel speaker been invited to the event?*

Political debates are permitted provided they further the student union's educational purposes and do not promote a political campaign or unlawful conduct – would these factors or any of the factors above apply?

Most student unions are registered charities with trustees responsible for their governance. A letter of complaint should be written to these trustees. If the trustees do not act, it might be necessary to write to the Charity Commission and explain that the student union is not acting according to its charitable objects.

If you do not know what to do in this situation, you should once again seek advice.

#### **4. Where criminal conduct is concerned, file a report to the police**

This is self-explanatory. If you have been the victim of a criminal act, the police should be your first point of contact, especially in an emergency.

You may also wish to seek assistance from such communal bodies responsible for the safety of the Jewish community such as the Community Security Trust (CST) ([incidents@cst.org.uk](mailto:incidents@cst.org.uk)).

#### **5. Freedom of Speech Complaints**

The Higher Education (Freedom of Speech) Act 2023 provide a new framework in regard to a university's duties to protect free speech.

If you are unable to bring a pro-Israel speaker on campus, it is likely that from August of this year you will be able to file a complaint directly with the Office for Students.

## 6. Alumni Involvement / Media Coverage

Media coverage and alumni involvement are two important and useful tools to seek to pressure universities to act in the right way.

Consider organising an open letter of alumni or consulting broadsheet journalists to see if they might run a story of public interest relating to your university. Newspapers may also be willing to publish comment pieces about student experiences.

See for example:

- <https://www.telegraph.co.uk/news/2023/11/08/torrent-anti-semitism-ucl-must-be-investigated-say-alumni/>
- <https://www.theguardian.com/commentisfree/2023/nov/16/antisemitism-uk-universities-jewish-students>
- <https://www.thetimes.co.uk/article/as-a-jewish-student-at-oxford-i-fear-for-my-safety-c52qprqs>
- <https://www.telegraph.co.uk/news/2024/01/06/grant-shapps-daughter-anti-semitism-campus-leeds-quit/>

## 7. Appeal to Office of the Independent Adjudicator (OIA) or the Scottish Public Services Ombudsman (SPSO)

You can appeal to the OIA against the rejection of a complaint by a university in England and Wales, after exhausting the university's own complaints process and receiving a "Completion of Procedures" letter (you may have to ask for this). There is a time limit of 12 months from the date of this letter for submitting the appeal to the OIA.

An appeal to the OIA must be made on its standard form accessible from its website. The OIA considers first whether the appeal is admissible. If so, it will normally ask the university for its response and for all relevant documents, including internal documents (this can be useful). These are then sent to the student for any comments. The procedure often takes some time. The OIA cannot make binding decisions, but its recommendations are normally accepted by the university.

A similar function is performed in relation to Scottish Universities by the SPSO [www.spsso.org.uk](http://www.spsso.org.uk).

## 8. Freedom of Information Requests / Subject Access Requests

Most universities are public bodies governed by the Freedom of Information Act 2000. If you are seeking information (for instance relating to a university's action on antisemitism), you may lawfully request this.

You also have a right to your data – and may request all correspondence and data specifically relating to you held by a university or student union by making a subject access request.

***nb//: general point – seek help!***

There are several organisations and individuals in the Jewish community with the will and expertise to assist in these issues. If you do not know what to do, you should always seek professional and independent advice.

**Further Resources**

UK Lawyers For Israel Student Legal Guide: <https://uklficharity.com/resources-2/student-legal-guide>

Office For Students' Information on new Free Speech Complaints Scheme: <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/ofs-to-act-to-secure-free-speech-for-students-with-proposals-on-new-free-speech-complaints-scheme>

How to make a freedom of information (FOI) request: <https://www.gov.uk/make-a-freedom-of-information-request/how-to-make-an-foi-request>

How to make subject access request: <https://ico.org.uk/for-the-public/your-right-to-get-copies-of-your-data/preparing-and-submitting-your-subject-access-request/>