

Submission to the
Senate Standing
Committee on
Legal and
Constitutional
Affairs -
Legislation
Committee



THE UNIVERSITY OF
MELBOURNE

Commission of Inquiry into Antisemitism at Australian Universities Bill 2024 (No. 2)

Introduction

The University of Melbourne welcomes the opportunity to respond to the Senate Legal and Constitutional Affairs Legislation Committee's inquiry into the *Commission of Inquiry into Antisemitism at Australian Universities Bill 2024*.

The University of Melbourne champions the values and principles of an inclusive multicultural Australia. It is made up of more than 80,000 students and staff from over 150 different countries across the globe. The University is proud of the significant intellectual, economic and social contribution it makes to Victoria, Australia and the world, delivering transformative education and bringing together outstanding researchers to solve globally significant problems.

As a diverse, multi-cultural and multi-faith community, the University stands against all forms and manifestations of racism and racial discrimination and condemns all racist actions and behaviours. We recognise the destructive impact racism has on individuals as well as the damage it causes our community, our institution and wider society. The University is also bound by the law and its obligations under the *Victorian Charter of Human Rights and Responsibilities Act 2006* in shaping its policies and its responses.

A central tenet of the University's mission is fostering and strengthening social cohesion among our diverse population. This commitment is articulated in the University's [Diversity and Inclusion Strategy 2030](#), which was released in January 2021 and that identified anti-racism and an anti-racism action plan as a priority for the University.

The University is taking action to respond to and prevent racism at the University of Melbourne through its [four-part anti-racism commitment released in January 2023 and the supporting Anti-Racism Action Plan](#).

The University recognises that Jewish members of our community experience particular forms of prejudice or hate that constrain their freedom to live, work, study, worship, and identify as Jewish in Australian society. To support the safety and inclusion of these members of our community, and to assist the University in understanding and responding to antisemitism on campus and within our community, the University adopted the International Holocaust Remembrance Alliance 'working definition of antisemitism'¹ in January 2023.

The University has drawn on its published policies and procedures to guide its work, supported by open communication with staff and students. A University is founded on, and draws its enduring strength and societal value from, the principles of academic freedom and freedom of speech. The University of Melbourne reviewed its policies supporting these principles in light of the French Review of free speech in higher education and the ensuing model code developed in 2019. The model code, and indeed our policies, includes the right to protest, with the caveats and protections that it is done safely, appropriately, within the law and that it complies with our various codes of conduct and other relevant policies.

As outlined in University policy, the University does not support the exercise of freedom of speech when the speech undermines the capacity of individuals to participate fully in the University, is unlawful, prejudices the fulfilment by the University of its duty to foster the safety and wellbeing of staff and students, or unreasonably disrupts activities or operations of the University. The University has been challenged at times in ensuring a careful, reasonable and proportionate balance, in line with the *Victorian Charter of Human Rights and Responsibilities Act 2006*, between the rights to peaceful assembly and freedom of speech, including the right to protest, and the right for students and staff to go about their work and learning unimpeded and in safety.

¹ The University of Melbourne issued a media release announcing a four-part anti-racism commitment including adopting the IHRA working definition of Antisemitism on 24 January 2023. <https://about.unimelb.edu.au/diversity-inclusion/anti-racism-commitment>

The University's governance and operating frameworks are robust and clear in the expectations they set around appropriate and acceptable behaviours and actions for staff and students. These are supported by procedures which are actionable, fair and proportionate. Students and staff must comply with our overarching Policy frameworks governing codes of conduct and behaviours such as our Student Conduct Policy and the Appropriate Workplace Behaviours Policy. Where individuals have behaved in ways that contravened our policies, disciplinary action was instigated.

Overall, the University's staff and student communities have remained peaceful in their approach and respectful in their behaviours, notwithstanding localised instances of tensions and escalated actions on campus in response to the current Gaza conflict. Throughout, the University has remained in close and regular communication with representatives of groups affected by current events, including our Jewish students and those participating in peaceful protest, to discuss their concerns. The University remains open to continued dialogue.

The protection of the right to freedom of speech requires vigilance and so too does the responsibility to stand up against racism in all of its forms. While this has been challenging during recent campus protest activity, on balance the University has sought to steer a principled and compassionate path and comply with our obligations to protect freedom of speech and provide a safe place for work and study,² and in accordance with the *Equal Opportunity Act 2010 (Vic)*³ and the *Victorian Charter of Human Rights and Responsibilities*. The University has been determined wherever possible to deescalate conflict on campus in the interests of the safety and security of our community, and in particular, our Jewish staff and students.

The University welcomes the appointment of Ms Jillian Segal AO as Special Envoy to Combat Antisemitism in Australia and looks forward to working closely with her to address in practical ways the increase in antisemitism in segments of the Australian community.

This submission provides information to the Committee to inform its review of the Bill. For further information or to discuss this submission Professor Duncan Maskell, Vice-Chancellor, can be contacted at vc@unimelb.edu.au.

² Pursuant to section 6.1.4 of the Higher Education Framework (Threshold Standards) 2021, and occupational health and safety legislation.

³ The University has a positive duty to eliminate discrimination under section 15(2) of the Act, including based on race, religion, and lawful political belief or activity.

The University's approach to identifying and addressing antisemitism

Overview

The University remains vigilant in identifying and addressing antisemitism as part of our Anti-racism commitment and action plan. This work has been critical since 7 October 2023, but was recognised in January 2023 when the University, after consultation with stakeholders, announced its adoption of the International Holocaust Remembrance Alliance (IHRA) 'working definition of antisemitism'. Through this work and the development and updating of our policy and processes, the University unequivocally condemns antisemitism and actively stands against it. The University understands the Parliament's interest in universities' management of racism, particularly in relation to the conflict in Gaza since October 2023. The information in this submission is provided to address the issues raised in the Bill and the matters that are listed for the Commissioner's inquiry. More broadly, the University continues its work to address racism in all its forms.

1. University acknowledgement and understanding of antisemitism

The University recognises that Jewish members of our community can experience particular forms of prejudice or hate. The University's Executive, its management body, endorsed the adoption of the IHRA "non-legally binding working definition of antisemitism" in late 2022:

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

Subsequently, the University Council, the University's governing body, noted that the University had adopted the IHRA in December 2022, ahead of a public [announcement](#) in January 2023.⁴ The context for this acknowledgement stems from the University's deep commitment to taking action to respond to and prevent racism in all its forms within its community and on its campuses. Strong and robust action in this area was identified as a priority in May 2021 when the University released its *Diversity and Inclusion Strategy 2030*, which formed the basis for the University's [Anti-racism Commitment](#) published in January 2023. It states the University's vision "to understand racism in all its forms and make full use of diverse perspectives and frameworks to develop our policies, and to remain in dialogue with our students and staff to make sure that our approach continues to evolve." The four-part commitment includes a definition of racism, a statement on racism in the University of Melbourne context, our anti-racism vision and commitment, and the [Anti-Racism Action Plan](#).⁵

⁴ <https://holocaustremembrance.com/resources/working-definition-antisemitism>

⁵ <https://www.unimelb.edu.au/newsroom/news/2024/august/anti-racism-action-plan-to-acknowledge,-understand,-prevent-and-respond-to-campus-racism>

2. Preventing and responding to instances of antisemitism within the University Community

The University takes an active and informed role in seeking to prevent and respond to antisemitism and other forms of racism within our University community.

Policies and Prevention

The University's [policies](#) provide a framework for ensuring that it operates fairly, transparently and in accordance with the law. They provide the basis for setting expectations around appropriate and acceptable behaviours, and the penalties and consequences where behaviours or actions are contrary to Policy or adversely affect other members of the University community. The University regularly reviews and updates its policies to ensure that they comply with changes in the law and remain fair, equitable and free from any inherent or inadvertent bias.

Our policies to govern student and staff conduct and behaviour are well documented. Throughout the recent on-campus protest action in relation to the Gaza conflict, the University has re-communicated relevant policies and expectations to staff and student communities to ensure clarity on acceptable and appropriate behaviours. These have been communicated via emails to staff and students and through a [dedicated website](#). The University's policies also detail the settings for disciplinary action, which have been applied where there has been evidence of proven contravention of the policy, including where this has resulted in harm or disadvantage to an individual or group.

Antisemitism, and any other form of racist behaviour, is managed in accordance with these policies and, where proven, may constitute an actionable contravention of the University's [Student Conduct Policy](#), [Appropriate Workplace Behaviour Policy](#), or [Property Policy](#). The University also maintains a [Student Charter](#) that outlines the principles that underpin the partnership between students and the University community, which includes staff, students, alumni, visitors and guests of the University. The Student Charter reflects the values of the University and sets out what students are responsible for and what they are entitled to expect. The University is bound to act according to its policies and the law. Transparency and due process are a fundamental part of this responsibility.

Support for Jewish students and staff during the current Gaza conflict

The University has provided ongoing support and communications to its community including reinforcing the need for any disagreement between members of our community to be respectful, while also providing clear direction on where and when actions and behaviours may contravene our policies. The University has put in place a range of supports tailored to the needs of various groups of our students affected by the conflict in Gaza. In relation to the issues being reviewed by the Committee, for Jewish students this has included:

- Activation of revised eligibility for Special Consideration for students more directly affected, with the Academic Registrar approving temporary use of a Statutory Declaration
- Activation of the Student Support Fund to support individual students affected by these events, with a one-off non-repayable grant of \$1,000 (students may be eligible for further Financial Aid as the situation evolves)
- Increased awareness of the supports and resources available through Counselling and Psychological Services (CAPS) and the University Health Service.

Working with the Melbourne University Jewish Students' Society the University has:

- Gained approval from the Academic Registrar for the use of a personalised letter from the *Australasian Union of Jewish Students (AUJS)* as evidence of eligibility for Special Consideration
- Provided a room for members of the Jewish Students' Society to use as a private safe space on campus, especially throughout SWOTVAC and the exam period
- Provided additional support via the University's Chaplaincy team.

The University has continued to be proactive in its outreach to the University of Melbourne Student Union (UMSU) and Graduate Students Society (GSA). This engagement has helped to identify several student clubs and groups that have members who were in need of direct communications and support. Meetings with the *Jewish Students Society*, *Egypt Club* and the *Islamic Society* have focussed on the range of support services available to students and resulted in the co-development of two webpages that list these supports and the relevant information for different student communities:

<https://students.unimelb.edu.au/student-support/support-for-jewish-students>

<https://students.unimelb.edu.au/student-support/israel-gaza-middle-east>

Managing complaints

Management of complaints follows the University's standard operating procedures, which are underpinned by the Student Complaints and Grievances Policy, Student Conduct Policy, Appropriate Workplace Behaviours Policy, and Property Policy.

The University's approach to managing instances of racism, racist actions, behaviours, material or content follows the processes and procedures set out in our Policy frameworks governing behaviours, complaints and grievance processes, property damage or vandalism.

In most instances the complaints process involves the University's [Safer Community Program](#) which receives complaints or disclosures related to inappropriate conduct. The Safer Community Program team is available to support staff and students by providing advice and support about inappropriate, concerning or threatening behaviour. Through the Safer Community Program, staff and students can also access the [Speak Safely Portal](#), which allows individuals to make complaints about different forms of inappropriate behaviour (in particular sexual assault and harassment) with the option of remaining anonymous, while preserving evidence.

The University has also introduced a fast-track response (via the SafeZone App) for removing offensive posters, stickers and graffiti on campus that have been reported to University Security.

The University maintains the [Employee Assistance Program](#) which provides confidential, personal and professional resources to all employees and their immediate family members, and it provides staff and students with [Counselling and Psychological Services](#) offering counselling, training and support services.

Where an incident involves external agencies, such as Victoria Police, the University complies with its obligations and the directions of the agency, as required.⁶

Prevention

The University has remained active in educating our community to prevent racism and harm in all its forms. Throughout Semester 1, 2024 when campus protest in relation to the current Gaza conflict increased, the University was proactive in its communication and engagement with staff and students. The intention has been to ensure that the University community is both aware of acceptable and unacceptable behaviours and actions, as well as being aware of where to find support, and how to report issues or grievances.

⁶ For example, the instance of vandalism to the University's Baillieu Library by a group purporting to be in support of the pro-Palestinian group Lions' Den, was managed directly by Victoria Police. The University supported the investigation but Victoria Police were unable to identify any perpetrators.

Many of the strategies that have informed the approach to managing tensions on campus have stemmed from the principles within the University's [Diversity and Inclusion Strategy and its associated Action Plans](#). These outline the University's aspiration to be a place where all people are valued and respected, have equal access to opportunities and are encouraged to fulfil their talents and potential.

A central tenet of the Diversity and Inclusion Strategy is the Anti-racism Action Plan. Building on the foundations of the Diversity and Inclusion Strategy, the Action Plan has been developed in close and sustained consultation with our University community and informed by the lived experience of our students and staff.

As part of the Four-Part Anti-racism commitment, the University has adopted the Australian Human Rights Commission definition of racism as the foundation upon which our anti-racism work can be built:

Racism is the process by which systems and policies, actions and attitudes create inequitable opportunities and outcomes for people based on perceived [racial difference]. Racism is more than just prejudice in thought or action. Racism – whether individual or institutional – includes the power to discriminate against, oppress or limit the rights of others.

Various Australian and Victorian legislation has been enacted to further Australia's international human rights commitments, including under the International Convention on the Elimination of all Forms of Racial Discrimination. The laws set out a range of exemptions, in an attempt to balance competing rights, in particular, the right to freedom of expression.

The University notes that different racisms are heightened at different times, often driven by events in the external environment such as 9/11, Covid, the Voice referendum, and the war in Gaza.

In developing our Anti-Racism Action Plan, we assessed ways in which our anti-racism commitments need to be reflected in action across a range of areas of work, including:

- policies, procedures, and practices affecting both students and staff
- curricula, broadly conceived to include what we teach, the materials we use, and our pedagogies
- hiring practices, including how we determine and assess the capabilities we seek in leaders and colleagues, and
- student selection procedures, including the attributes we stipulate for our students and how we assess them.

As part of a suite of initiatives under the Action Plan, the University has committed to develop and deliver anti-racism and cultural competency education programs for students, staff and leaders which builds on existing programs such as the University's [Respect program](#). Focus will be on development of actionable definitions of racism to enable clear and communicable responsibilities, and consequences of inappropriate behaviour including all forms of racism. The University of Melbourne expects that students, staff, visitors and our partners of all ethnicities, nationalities and faiths feel welcome, safe and that they belong.

Respectful debate and disagreement

With the intention of supporting and fostering social cohesion, in Semester 1 2024, the Faculty of Arts introduced a series of seminars, panels and roundtables to model and explore respectful disagreement, which augmented the wide-ranging public engagement program of the University. In Semester 2, the University will hold a program of panel discussions, over and above its continuing lectures, seminars, and roundtables with the aim of giving expression to building and preserving robust debate and respectful disagreement within our community. This panel series, [In Pursuit of Knowledge](#), will demonstrate and provide a working framework for managing respectful disagreement within the academy focusing on some of the most difficult and sensitive topics of our times.

Supporting collaborations with academics and institutions

The University does not support what the Bill describes as “de facto boycotts against collaborations with Jewish or Israeli academics, institutions, students or staff.” Further, the University complies with the Australian government’s sanctions laws. The University has over [300 international agreements](#) with partners across the globe, at both institutional and Faculty levels, including with Hebrew University of Jerusalem and Technion Israel Institute of Technology. The University also hosts distinguished visitors on campus, including to deliver occasional addresses. For example, on 30 July 2024, the University welcomed Mr Josh Burns, Member for Macnamara and Chair of the Parliamentary Joint Committee on Human Rights, to deliver the annual Melbourne Law School Alan Missen Oration.

Conclusion

The University has in place robust policies and procedures that provide the governance to guide the decision-making that is necessary to address antisemitism, to support freedom of speech within the law, and to keep our community safe. We have amended these policies where that has been necessary and we have developed an Action Plan that will see further engagement across the University community on combatting racism. Antisemitism is a societal scourge and the University is working hard to play its part in addressing it and to support our Jewish staff, students, collaborators and visitors. We also welcome working in collaboration with the university sector and Ms Jillian Segal AO, the special envoy to combat antisemitism, to develop further practical measures and to improve policy and practice where that is warranted.

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