

# Independent inquiry into antisemitism – terms of reference

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## 1 Background

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- 1.1 Further to a resolution of the Governing Body of Goldsmiths' College ("Goldsmiths"), Mohinderpal Sethi KC of Littleton Chambers ("Independent Inquiry Chair") is appointed to conduct an independent inquiry into concerns pertaining to antisemitism which may have been experienced by Jewish students and staff in the course of their studies or work at Goldsmiths ("Inquiry").
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## 2 Process

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- 2.1 The Independent Inquiry Chair will consider concerns relating to antisemitism which may have been experienced by Jewish students and staff in the course of their studies or work at Goldsmiths in accordance with the procedure set out below.
- 2.2 The Independent Inquiry Chair will liaise with the Director of Governance and Legal Services in conducting the Inquiry.
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## 3 Purpose

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- 3.1 The purpose of the Inquiry is to determine whether Goldsmiths has since 1 September 2018:
1. breached its duties under the Equality Act 2010 in relation to its Jewish students and staff;
  2. failed to follow its own policies in relation to its Jewish students and staff; and/or

3. failed to support Jewish students and staff who have experienced antisemitism in the course of their studies or work at Goldsmiths.
  - 3.2 To recommend any appropriate actions, including restorative actions, that Goldsmiths should take.
  - 3.3 To identify any lessons to be learnt.
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## **4 Scope**

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- 4.1 The following concerns fall within the scope of the Inquiry and the Independent Inquiry Chair will undertake enquiries into these matters (in so far as they occurred on or after 1 September 2018):
    1. Whether Jewish students and staff have been subjected to antisemitism in the course of their studies or work at Goldsmiths.
    2. Whether complaints by Jewish students and staff of Goldsmiths that they have been harassed or discriminated against or subjected to antisemitism have been handled in accordance with Goldsmiths' own policies and procedures.
    3. Whether Goldsmiths' policies and procedures for resolving complaints of antisemitism by Jewish students and staff are adequate.
    4. Whether Goldsmiths has done enough to make its Jewish students and staff (or Jewish applicants seeking to become students or staff of Goldsmiths) feel welcome, included and safe from antisemitism.
  - 4.2 The Independent Inquiry Chair will consider any other matters he deems to be materially relevant to the stated purpose of the inquiry.
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## **5 Procedure**

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- 5.1 The Director of Governance and Legal Services in consultation with the Independent Inquiry Chair will publish on Goldmine (Goldsmiths' staff intranet) and at gold.ac.uk (Goldsmiths' public website), a call for evidence enabling individuals and organisations to submit evidence to the Independent Inquiry Chair for the purposes of the Inquiry of concerns pertaining to antisemitism which may have been experienced by Jewish students and staff in the course of their studies or work at Goldsmiths.
- 5.2 The Independent Inquiry Chair may at any stage recommend amendments or additions to the published call for evidence to ensure the Inquiry is fair, prompt, and effective. They will be published in the same manner.
- 5.3 The Independent Inquiry Chair has authority to take all lawful, necessary, or appropriate steps, including but not limited to:

1. requesting participants to attend an interview. Those participants may include, but are not limited to, students, officers of Goldsmiths' students' union, former and current members of the Senior Management Team ("SMT"), academic staff, professional service staff, and officers of its recognised trade unions; and
  2. requiring Goldsmiths' staff to produce documents and evidence relevant to the Inquiry.
- 5.4 If a participant does not wish to have their name disclosed, they should notify this to the Independent Inquiry Chair as soon as possible. The Independent Inquiry Chair will consider whether he is able to agree to the participant's request or whether he requires further information to understand why the participant has made a request for anonymity before determining the request. However, it may not be possible for the Independent Inquiry Chair to make findings or draw conclusions in relation to evidence provided anonymously. This in turn may prevent Goldsmiths from taking disciplinary or other action in connection with that evidence.
- 5.5 Any report of findings, determinations and recommendations intended for publication may, if appropriate, be subject to a Maxwellisation process for potentially affected parties to correct any errors of fact in relation to any draft criticism of those parties in respect of which they have not already had an opportunity to respond.
- 5.6 The Independent Inquiry Chair will aim to conclude the Inquiry as soon as reasonably practicable.
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## **6 Findings**

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- 6.1 The Independent Inquiry Chair will produce a report addressed to the Chair of Council, Goldsmiths' governing body, the Warden, and any chair and co-chair of Goldsmiths' Race Justice Strategy Board and containing all findings necessary to discharge the Terms of Reference and the stated purpose of the Inquiry.
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## **7 Actions**

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- 7.1 On the basis of the findings reached by the Independent Inquiry Chair, and considering Goldsmiths' Articles, Statutes, Rules and policies, the report may recommend all or any combination of the following:
1. The issuing of a public statement by Goldsmiths;

2. Changes to any of Goldsmiths' constitutional documents, including its Charter, Statutes, Regulations and Ordinances as well as its policies, procedures and statements of institutional values;
  3. Operational, strategic, and/or cultural activities that Goldsmiths may take forward in an action plan; and
  4. The instigation of any internal disciplinary or other procedure.
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## **8 Publishing the inquiry report**

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- 8.1 The Independent Inquiry Chair's report will be published by Goldsmiths on Goldmine (Goldsmiths' staff intranet) and at gold.ac.uk (Goldsmiths' public website), save for any redactions the Independent Inquiry Chair considers in his discretion to be necessary or desirable having regard amongst other matters to applicable law or policy, including employment law, confidentiality or data protection obligations.
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## **9 Confidentiality**

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- 9.1 The Independent Inquiry Chair shall keep confidential all confidential information received as a result of the Inquiry and shall not use or disclose that information save:
1. as provided for in these Terms of Reference;
  2. as required for the purpose of communicating with any statutory regulatory authority;
  3. as required by law;
  4. as otherwise agreed between the person providing the confidential information and the Independent Inquiry Chair; or
  5. where that information is already in the public domain other than through an unauthorised disclosure of that information of which the Independent Inquiry Chair becomes aware.
- 9.2 Goldsmiths shall be entitled to use all and any such information and documents that may come into the possession of the Independent Inquiry Chair in the course of the Inquiry in any legal, tribunal or regulatory or internal disciplinary or other proceedings. The Independent Inquiry Chair shall be entitled to share any information and documents he receives as a result of the Inquiry with Goldsmiths for those purposes.

- 9.3 Confidential information shall only be disclosed to those of Goldsmiths' and the Independent Inquiry Chair's respective employees, consultants or agents or any individuals who need to know it for the purposes of the Inquiry or any subsequent disciplinary or other process provided that the recipient of such information is bound by obligations of confidentiality no less onerous than those provided herein and each party shall be responsible to the other in respect of any disclosure to such a person.
- 9.4 The inquiry shall, as far as is reasonably practicable, be kept confidential but neither Goldsmiths nor the Independent Inquiry Chair can give any assurances of confidentiality. Individuals who are interviewed by the Independent Inquiry Chair or otherwise participate in the Inquiry are deemed to agree not to use or disclose any information communicated or received by them in the course of the Inquiry (save with the express written authority of the Independent Inquiry Chair). This is without prejudice to any legal right they have to take independent legal advice.
- 9.5 The Independent Inquiry Chair will consider whether there is a need to refer information he considers to be of a criminal nature to the relevant statutory authorities. In those circumstances, any person whose personal information will be shared will be notified, where it is possible to do so.

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## **10 Support for the independent inquiry chair**

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- 10.1 The Independent Inquiry Chair will be supplied with all of Goldsmiths' policies and procedures and all other relevant documentation and administrative support he requires to conduct the inquiry by the Director of Governance and Legal Services.
- 10.2 The Director of Governance and Legal Services will additionally:
1. liaise with the SMT, students and staff of Goldsmiths and any other individuals or groups who may wish to communicate with the Independent Inquiry Chair in connection with the Inquiry;
  2. facilitate consultation with and the process of receiving evidence from external experts at the instigation of the Independent Inquiry Chair; and
  3. advise the Independent Inquiry Chair on points of information relating to Goldsmiths' governance arrangements, policies and procedures including those which relate to People and Organisational Development, Equalities and Race Justice and Organisational Development.