

Discussion Paper for VC on IHRA Working Definition of Antisemitism Request
Chair, Academic Freedom Reference Group

This paper identifies questions, issues and options concerning the likely impact on the ANU Academic Freedom and Free Speech (AF and FS) Policy of including the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism in ANU's policy and procedures matrix. This paper will not discuss the political ramifications for ANU of doing so or not doing so.

Threshold question

s22 - Access to edited copies with exempt or irrelevant matter deleted requested that the ANU

“adopt formally the IHRA definition of antisemitism, and...incorporate it into your university's internal processes and policies, such as student and staff conduct guides.”

There is currently no explicit mention of antisemitism in any ANU policy, procedure or guideline. Formally adopting the IHRA Definition alone without at the same time providing it with a normative context in policy or procedure would be of limited usefulness.

Therefore, a precondition for formal adoption of the IHRA Definition is to amend ANU policies and procedures so as to **specifically regulate antisemitic actions** on campus. This would entail amending ANU policies and procedures so as to make explicit reference to antisemitism. - for example, adding antisemitism to the list of prohibited actions in the ANU Code of Conduct or Student Code of Conduct (eg discrimination, harassment, bullying).

Although the ANU's AF and FS Policy would not itself require amendment of this kind, the inclusion of antisemitism in the codes of staff and student conduct (and, potentially, other wellbeing policies and procedures) would indirectly affect the interpretation and operation of the AF and FS Policy in cases where the question of antisemitism arises or is claimed to arise.

This is because the exercise of academic freedom and free speech under the AF and FS Policy is subject to limits imposed by those University policies and procedures which “foster the wellbeing of students and staff.”

Therefore, a threshold question arises:

Should ANU agree to regulate and include explicit reference to antisemitism (with or without an associated definition) in our system of policies and procedures;

OR

Should ANU maintain that our historical culture, practices and values, as well as our current system of policies and procedures, already adequately address the threat of antisemitism?

If the first course of action here is taken, then a series of associated questions and issues arise which are discussed below.

If the second course of action here is taken, then no question of independently adopting the IHRA Definition arises.

Issues relevant to this question

In relation to this second course of action, two points are relevant:

1. This option will have the least impact upon our current AF and FS Policy.
2. There is in Australia at present no legislation which specifically and explicitly regulates antisemitism, or which makes explicit reference to antisemitism. It is and has historically been presumed by Australian governments and parliaments that **general** criminal, anti-discrimination and anti-vilification laws are sufficiently effective in prohibiting and punishing antisemitism, understood as a species of ethnically, racially, or religiously oriented violence and harm.

Maintaining that ANU's historical culture, practices and values, as well as our current system of policies, procedures and principles, already adequately address the threat of antisemitism on campus would be consistent with the approach taken by governments and parliaments for decades and could be justified on grounds similar to those which justify that approach.

Further questions and issues

If ANU **does** agree to include explicit reference to antisemitism (with or without an associated definition) in our system of policies and procedures, in what **manner** should that reference and definition be included?

By means of a **formal statement** on antisemitism supplementary to our policies and procedures;

OR

By means of explicit inclusion of one or both of these into all our current codes of conduct and other relevant wellbeing **policies and procedures**?

Note that an option here is to include explicit reference to antisemitism in our policies and procedures but **without a definition** and to leave interpretation of what constitutes antisemitism to the University on a case by case basis.

Further, if ANU does agree to include explicit reference to antisemitism **with an associated definition** in our policies and procedures, what **content** should any such definition take?

- IHRA working definition?
- An **alternative** definition? Eg Jerusalem Declaration?

- A **combination** of both of these?
- A definition crafted by the ANU?

Issues relevant to this question:

- in late 2021, the Australian Prime Minister, with the support of the Federal Opposition, stated that Australia would **adopt** the IHRA Working Definition of Antisemitism. It is not clear, at this stage, what such adoption will entail but it is possible that all Federal government departments and agencies – and potentially, the ANU – will by legislation or executive order be required to utilise this definition in their engagement with issues of antisemitism. The New South Wales government has also endorsed the IHRA Working Definition.
- A number of governments, law enforcement agencies, NGO’s and universities overseas have adopted the IHRA Working Definition.
- **Not all** Australian or international Jewish groups support the adoption of the IHRA Working Definition. Some support alternative and, arguably, more ‘liberal’ definitions of antisemitism (for example, **the Jerusalem Declaration on Antisemitism**) and some have publicly pointed out the risks of adopting **any definition** for fear of its use to proscribe legitimate criticism of the State of Israel.
- The IHRA Working Definition may be considered potentially **more limiting of criticism** of the State of Israel than **either** our current policies and procedures **or** the inclusion of a non-defined reference about antisemitism would be.
- The **Jerusalem Declaration** on Antisemitism is widely considered to be a **more ‘liberal’** definition of antisemitism than the IHRA Working Definition, less limiting of criticism of the State of Israel (see below).
- Concern about the potential limiting effects of the IHRA Working Definition might be addressed by:
 - Adopting the Jerusalem Statement only:
 - Crafting a distinctive ANU definition which combines elements of both the IHRA and Jerusalem Declaration definitions.

Issues relating to our academic freedom policy

The inclusion of explicit reference to antisemitism (with or without an associated definition) in our system of policies and procedures may be argued to be justified on grounds independent of considerations of academic freedom – for example, of **civic responsibility**, as well as staff and student **wellbeing**.

Our **current AF and FS Policy** enables considerations of the latter to constrain the operation of academic freedom, should a certain threshold of contravention of wellbeing policy provisions be met.

The **most likely scenario** for a conflict or tension to arise between our current AF and FS policy and the inclusion of explicit reference to antisemitism (with or without an associated definition) in our policies and procedures is where **criticism of the State of Israel** is made by staff, students or visitors.

The key question here is whether and to what extent the inclusion of explicit reference to antisemitism would **constrain** any such criticism?

The answer to this question would depend on how the term ‘antisemitism’ is interpreted or defined.

If explicit reference to antisemitism were included in our policies and procedures but **no explicit definition** of antisemitism were adopted, then quite robust criticism of the State of Israel might be interpreted under our AF and FS Policy and associated policies as not constituting antisemitism. Of course, the actual content and circumstances of any such criticism would be relevant here.

If the **IHRA Working Definition were adopted** by the ANU, then things becomes less clear.

The IHRA Working Definition includes the following clause:

Manifestations [of antisemitism] **might** include the **targeting** of the State of Israel, conceived as a Jewish collectivity.

However, criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic.

It is not entirely clear what ‘targeting’ or what conceiving of Israel as a “Jewish collectivity” mean in this clause.

The second sentence, however, does seem to leave room for a **significant range** of criticisms of the State of Israel without incurring a charge of antisemitism.

However, further clauses in the IHRA Working Definition condition this by explicitly classifying the following as antisemitic:

Denying the Jewish people their right to self-determination, e.g., by **claiming that the existence of a State of Israel is a racist endeavor**;

Applying double standards by requiring of it [Israel] a behavior not expected or demanded of any other democratic nation;

Drawing **comparisons** of contemporary Israeli policy to that of the **Nazis**.

A **helpful question** at this point is whether any of these three types of action would **at present** be interpreted as constituting a **breach** of our anti-discrimination and well-being policies.

If not, then these three actions would **at present** be protected by our AF and FS Policy.

If the IHRA Working Definition were included in our policies, however, then these three activities would **not** be protected by our AF and FS Policy (and would be subject to code of conduct or other proceedings).

The hard question here, of course, is **should** actions such as these be protected by our AF and FS Policy?

To put these questions in a more concrete context, the **ANUSA motion of 29 April 2022** concerning the State of Israel included the following statements:

Students from the University of Melbourne Student Union passed a motion on Friday 29th April condemning the **Israeli apartheid** and its occupation and **ongoing colonisation** of Palestine...

The motion points out that "Many student unions and associations across Europe, North America, and Australia have formally endorsed Boycott, Divestment and Sanctions or some version of solidarity [and] it's long overdue for a clear and firm stance by University of Melbourne Student Union on **these crimes**."

ANUSA supports Palestinian resistance, *including the **international BDS campaign***. Israel is an internationally recognised **apartheid, settler-colonial state** engaging in the **ethnic cleansing** of Palestinians. The Israeli government has committed **innumerable war crimes**, including the recent *murder* of Al Jazeera journalist Shireen Abu Akleh.

ANUSA recognises that at a time when **far right politics** is growing around the world, using *false accusations of antisemitism* in order to discipline the left and misconstrue and justify Israel's **apartheid regime** is disingenuous and *dangerous*, aiming to weaken the political **opposition to the growing far-right**

Some might argue that these statements fall into one or more of the three types of antisemitism mentioned above the IHRA Working Definition. If that definition were adopted by the ANU, these statements would, arguably, **no longer be protected** by the AF and FS policy.

By contrast, the **Jerusalem Declaration** on Antisemitism describes the following activities as **not** antisemitic:

Supporting the Palestinian demand for justice and the full grant of their political, national, civil, and human rights, as encapsulated in international law

Criticizing or opposing Zionism as a form of nationalism...

Evidence-based criticism of Israel as a state. This includes its institutions and founding principles. It also includes its policies and practices, domestic and abroad, such as the conduct of Israel in the West Bank and Gaza, the role Israel plays in the region, or any other way in which, as a state, it influences events in the world.

It is **not** antisemitic to point out **systematic racial discrimination**. In general, the same norms of debate that apply to other states and to other conflicts over national self-determination apply in the case of Israel and Palestine.

Thus, even if contentious, it is **not** antisemitic, in and of itself, to compare Israel with other historical cases, including **settler-colonialism or apartheid**.

Boycott, divestment, and sanctions are commonplace, non-violent forms of political protest against states. In the Israeli case they are **not**, in and of themselves, antisemitic.

Political speech does not have to be measured, proportional, tempered, or reasonable to be protected under article 19 of the Universal Declaration of Human Rights or article 10 of the European Convention on Human Rights and other human rights instruments. **Criticism that some may see as excessive or contentious, or as reflecting a “double standard,” is not, in and of itself, antisemitic.**

By the lights of **this definition**, the 2022 statements of ANUSA are arguably **not antisemitic** and would be protected by the ANU AF and FS Policy.

Conclusion

In response to the request from the s22 - Access to edited copies with exempt or irrelevant matter deleted, the following options are listed below in order of potential impact on our existing AF and FS Policy (from least to most impact).

1. Make no change to existing policy and procedure and maintain that ANU's historical culture, practices and values, as well as our current system of policies and procedures, already adequately address the threat of antisemitism.
2. Enact a formal ANU statement on antisemitism (similar to the original Statement on Academic Freedom) without utilising a definition of the term.
3. Amend existing relevant policies and procedures (the codes of conduct, for example) to regulate and include explicit reference to antisemitism, without including any associated definition.
4. Amend existing relevant policies and procedures (the codes of conduct, for example) to regulate and include explicit reference to antisemitism and to include an associated definition
 - a. Crafted by the ANU itself;
 - b. Comprising that of the Jerusalem Declaration;
 - c. Comprising a combination of the Jerusalem Declaration and the IHRA definitions;
 - d. Comprising the IHRA Working Definition.

Finally, there may be value in the University's Government Relations Office making enquiries with the Commonwealth government as to their intentions (if any) in regard to adopting the IHRA Working Definition.

25/1/23

Academic Freedom Expert Reference Group

Confidential

Reference Group Meeting

In response to a request from the Vice-Chancellor to provide him with advice, members of the Academic Freedom Expert Reference Group (AFERG) met on Wednesday 15th February 2023 to discuss the likely impact on the ANU Academic Freedom and Free Speech Policy (AFFS Policy) of the ANU formally adopting the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism and incorporating it into relevant ANU policies and procedures.

Advice to VC

In meeting its responsibility to ensure the wellbeing of all its staff and students, the ANU maintains a suite of policies and procedures which prohibits discrimination, vilification, intimidation, violence and other oppressive and disrespectful behaviour against all its staff and students, whatever their “cultural background, religion...[or] political conviction.” The ANU also maintains an academic freedom and free speech policy which recognises these freedoms as foundational to our identity as a research and teaching university. These freedoms are not absolute but are subject to those policies and procedures directed at ensuring the well-being of its staff and students.

Both sets of policies and procedures are the result of many years of consideration and consultation with stakeholders. They are and will continue to be constantly monitored and regularly reviewed to ensure that they are effective in maintaining both academic freedom and an inclusive and fair campus, respectful of the diversity of the ANU community.

In light of these facts and consistent with Academic Board’s specific responsibility to advise the Vice-Chancellor and Council “on the safeguarding and implementation of ANU academic freedom policy in general terms and in particular cases, as they arise”, it is our advice that adopting any definition of antisemitism which implicates academic criticism of the State of Israel poses a real risk of reducing the scope of academic freedom as currently maintained at the ANU. The ‘safeguarding and implementation of ANU academic freedom policy’ consistent with our obligations to the wellbeing of ANU staff and students would be most effectively achieved by no such change being made to that policy or any other of our existing suite of policies and procedures.

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Finally, there may be value in the University's Government Relations Office making enquiries with the Commonwealth government as to their intentions (if any) in regard to adopting the IHRA Working Definition.

25/1/23

From: Joan Leach
Sent: Thursday, 23 March 2023 1:23 PM
To: Emma Murrell
Subject: IHRA, conversations

Dear Emma,

In addition to the documents I've sent to you from my email, I have had two conversations with colleagues outside the AFERG about the AFERG activity.

1. [REDACTED] asked for a meeting with myself and Tony Connolly and we complied. We let her know that the AFERG was providing advice to the VC upon request and that advice was to review policy in relation to Academic Freedom. We underscored that we were not doing a full consultation (not our remit) and that AB had not had a full discussion of the matter. She indicated that there was much upset on campus, but I told her our role was not to consult as per the AFERG ToRs.
2. During lunch of a meeting of Council, [REDACTED] approached me to ask what the view of the AB was on the IHRA definition. I indicated that AFERG was preparing advice for the VC on request and doing policy review in relation to Academic Freedom. He indicated that [REDACTED] had a position and he would send it to me. I underscored that we were not consulting on the matter as that was not our remit. He told me he would send it to me anyway.

In addition to these discussions, I had a discussion with my EO early the process to gauge what would happen IF a full consultation was needed. There is also an email that makes reference to this, so that the AB would need to be prepared. However, based on AFERG recommendations, this consultation never eventuated.

I had short phone meetings with Tony Connolly to discuss timelines on this matter such that we would be helpful to the OVC; these meetings were not to consult on the IHRA, rather on timings for AFERG meetings and who would prepare discussion.

Kind regards,
Joan

From: Joan Leach
Sent: Thursday, 23 February 2023 9:41 AM
To: EO – Chair Academic Board
Subject: Joan checking in

Hello Cait,

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I've got a lot of incoming on AF from VC after his UA meeting with other VCs discussing the IHRA definition. What I'm most concerned about really is what is 'transmitted' to ANU colleagues. An announcement we're NOT adopting the definition seems unnecessarily combative. But I think some people are waiting for just that. Let me know if you hear anything....

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Best,
Joan

Academic Freedom Expert Advisory Reference Group

Confidential

Members from the Academic Freedom Expert Advisory Reference Group (AFERG) met on Wednesday 15th February 2023 to discuss the impact on the ANU Academic Freedom and Free Speech Policy (AFFS Policy) of adopting definitions that characterise forms of discrimination or harmful behaviours. The consideration of this issue by AFERG was triggered by a request from ^{s22 - Access to edited copies with exempt or irrelevant matter deleted} a letter sent to the VC to adopt the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism in ANU's policy and procedures matrix ~~and the relevant considerations outlined in this briefing paper.~~

[relevant consideration] Using the request to adopt the IHRA definition of antisemitism as an example, Members discussed the impacts of adopting ~~a~~ definitions of types of anti-Semitism ~~discrimination in the existing ANU Policy Framework~~. Members noted that at present no attempt is made to define the different types of discrimination in ~~in the absence of explicit mention of anti-Semitism in~~ any ANU policy, procedure or guideline. Members agreed that if the IHRA definition was adopted, ANU policies and procedures would need to be amended to make explicit reference to anti-Semitism. Consequently, if explicit mention of prohibited anti-Semitic behaviours/actions was included in the ANU Code of Conduct and Student Code of Conduct that would necessitate the consideration of defining other ~~prohibited-discriminatory~~ behaviours/actions (anti-Asian, misogyny, homophobic – floodgate argument). The AFERG scrutinised the merits and risks associated with defining these behaviours, both in the context of operations of the University and the effect on individuals and groups of people in the ANU community. The consensus was that ANU's existing framework of policies, procedures and principles adequately address the threat of anti-Semitic and other forms of racial, ethnic, religious oriented harm (in the absence of defining those behaviours) under the broader context of discrimination.

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[determination] The AFERG deemed that the most ***appropriate course of action is to not adopt the IHRA any definitions that characterise discrimination*** and make no amendment to existing policies or procedures.

[side-note] In deliberating members agreed that while the ANU Code/s of Conduct serve a specific and important purpose in defining excluded and prohibited behaviours (i.e what we do not stand for) the ***adoption of an affirmative statement of values*** (outlining what the ANU stands for) would foster a respectful and inclusive community, something to consider going forward.

From: Joan Leach
Sent: Thursday, 23 March 2023 1:14 PM
To: Emma Murrell
Subject: Re: Academic Board advice on IHRA Israel anti-semitism definition

From: Chris Price <Christopher.Price@anu.edu.au>
Date: Monday, 23 January 2023 at 4:13 pm
To: Joan Leach <joan.leach@anu.edu.au>, Director OVC <director.ovc@anu.edu.au>, Anthony Connolly <Tony.connolly@anu.edu.au>
Subject: RE: Academic Board advice on IHRA Israel anti-semitism definition

Dear Joan

Thanks for writing, and Happy New Year to you also. We will look forward to Tony's paper. No doubt the VC's view will be that Academic Board's leadership will determine the University's stance on this (insofar as there is room for determination, if the Commonwealth has already technically signed us up for it).

The SMG Retreat is going ahead next Monday, 30 Jan – given the shorter week this week, maybe we can chat on the margins there?

All best

Chris

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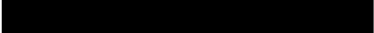

Christopher Price
Chief of Staff
Director of the Office of the Vice-Chancellor
The Australian National University

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From: Joan Leach <joan.leach@anu.edu.au>
Sent: Monday, 23 January 2023 12:49 PM
To: Chris Price <Christopher.Price@anu.edu.au>; Director OVC <director.ovc@anu.edu.au>; Anthony Connolly <Tony.connolly@anu.edu.au>
Subject: Academic Board advice on IHRA Israel anti-semitism definition

Dear Chris,
I hope this email finds you very well indeed—and that 2023 has gotten off to a good start!

I'm writing about the discussion with Brian at the end of last year and his potential response to the  and their advocacy of the IHRA working definition of anti-semitism.  and we wanted to helpfully inform that response.

Tony Connolly has reviewed this definition, other definitions and statements, and made some interesting discoveries, including the possibility that all Commonwealth organisations may already have acknowledged this definition. Tony is checking the status of this—it was a bipartisan commitment made in 2021. So, ANU ***may*** already be in a position of acknowledging the definition in light of its status as a Commonwealth entity. This, too, has implications so we are getting as clear as we can about this.

Tony is going to draft a one-pager for you and Brian to review—it will have the ‘state of play’ and some options to consider. I don’t think the VC is back yet, but perhaps we could get a short meeting in the diary; alternatively, if the SMG retreat is going ahead, we might catch a few minutes for discussion there and then.

All best,
Joan

Professor Joan Leach
Chair, Academic Board
ANU

From: Joan Leach
Sent: Thursday, 23 March 2023 1:14 PM
To: Emma Murrell
Subject: Re: IHRA Definition paper

From: Joan Leach <joan.leach@anu.edu.au>
Date: Wednesday, 25 January 2023 at 2:03 pm
To: Anthony Connolly <Tony.connolly@anu.edu.au>
Subject: Re: IHRA Definition paper

Thanks, Tony. This is all super-clear and super-useful. The only potential snake in the woodpile is the status of the Commonwealth commitment to the definition put forward by IHRA. s22 - Access to edited copies with exempt or irrelevant matter deleted

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I think it's good to go to the VC but some indication around what we might do next around the commonwealth commitment would be useful.

Best,
Joan

From: Anthony Connolly <Tony.connolly@anu.edu.au>
Date: Wednesday, 25 January 2023 at 12:05 pm
To: Joan Leach <joan.leach@anu.edu.au>
Subject: IHRA Definition paper

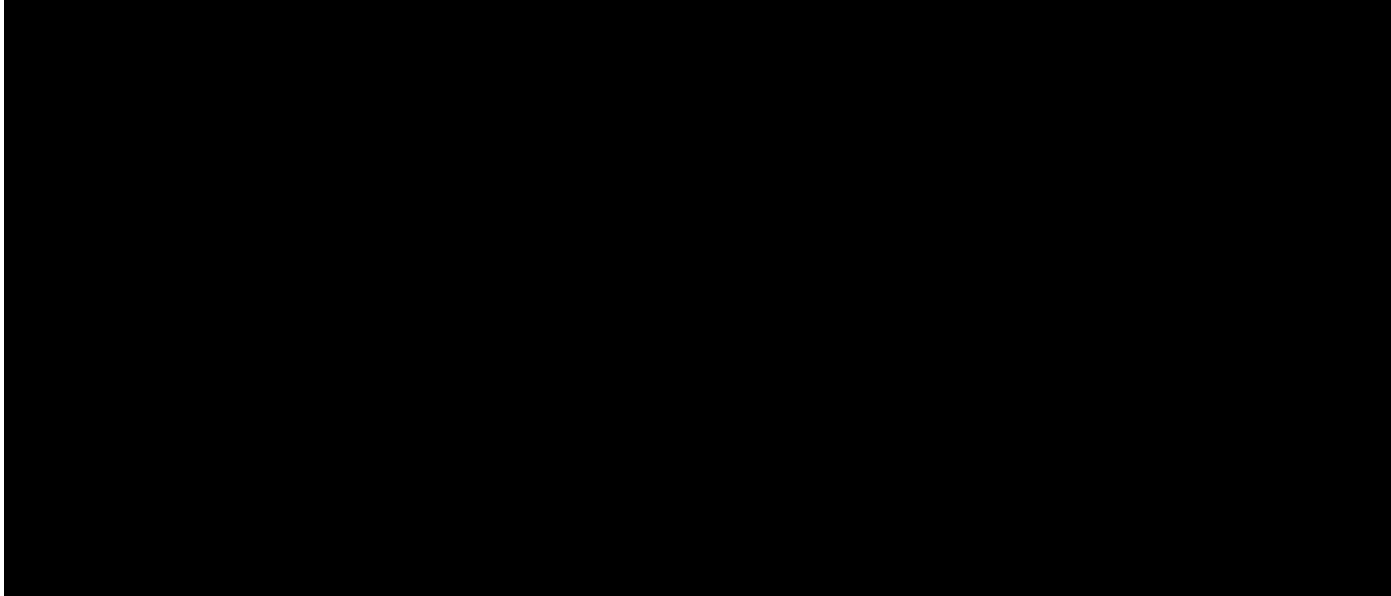
Hi Joan

Attached. Longer and more comprehensive than intended but more valuable to the VC, I hope – especially given no full meeting with him this week.

Let me know what you think and I'll send to VC.

T

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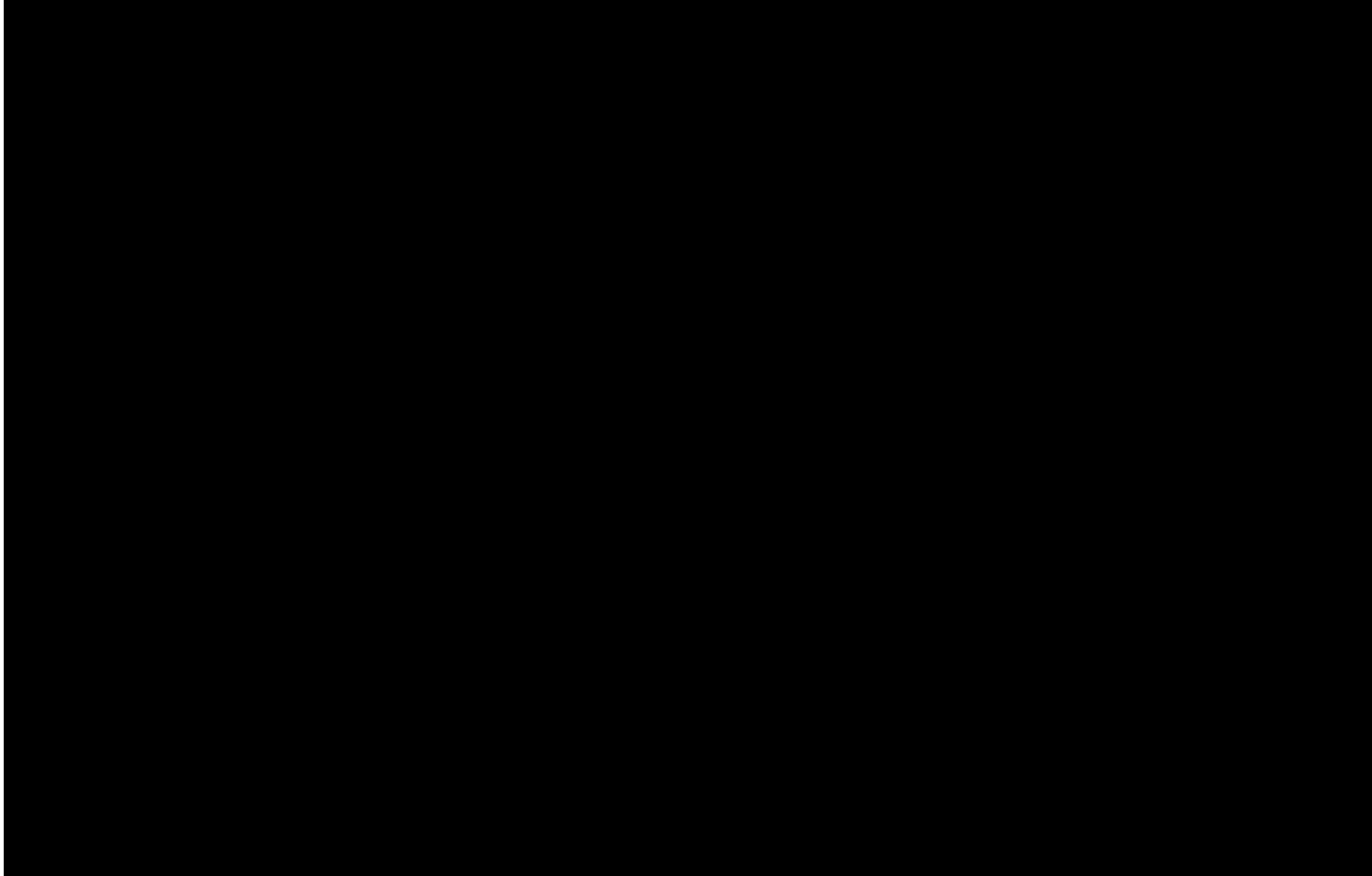


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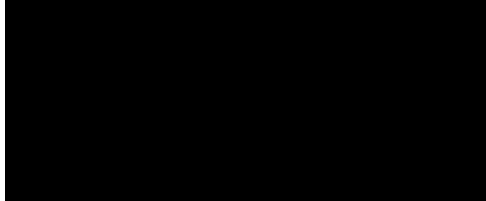


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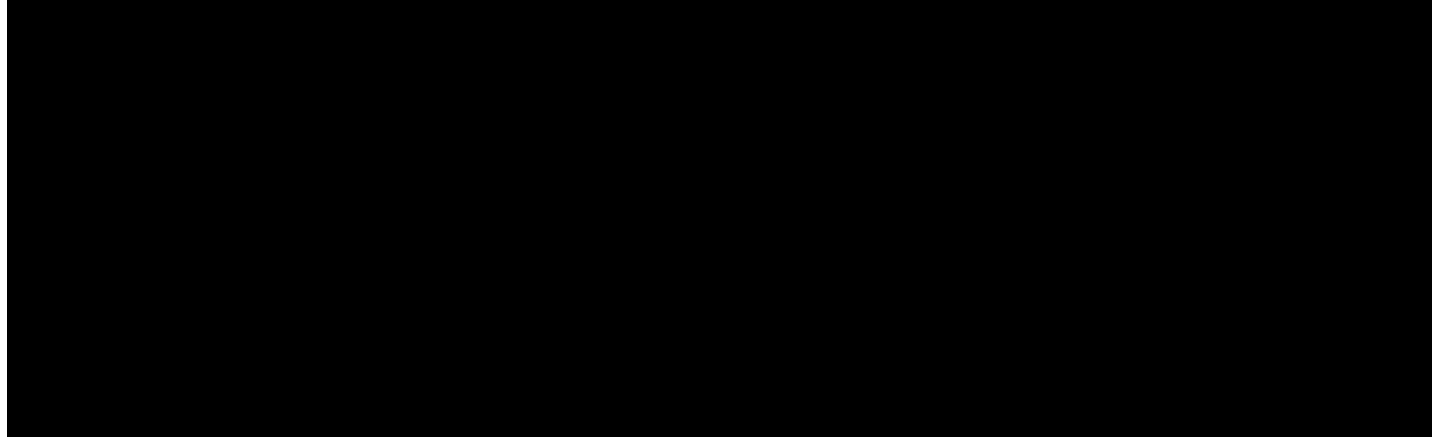


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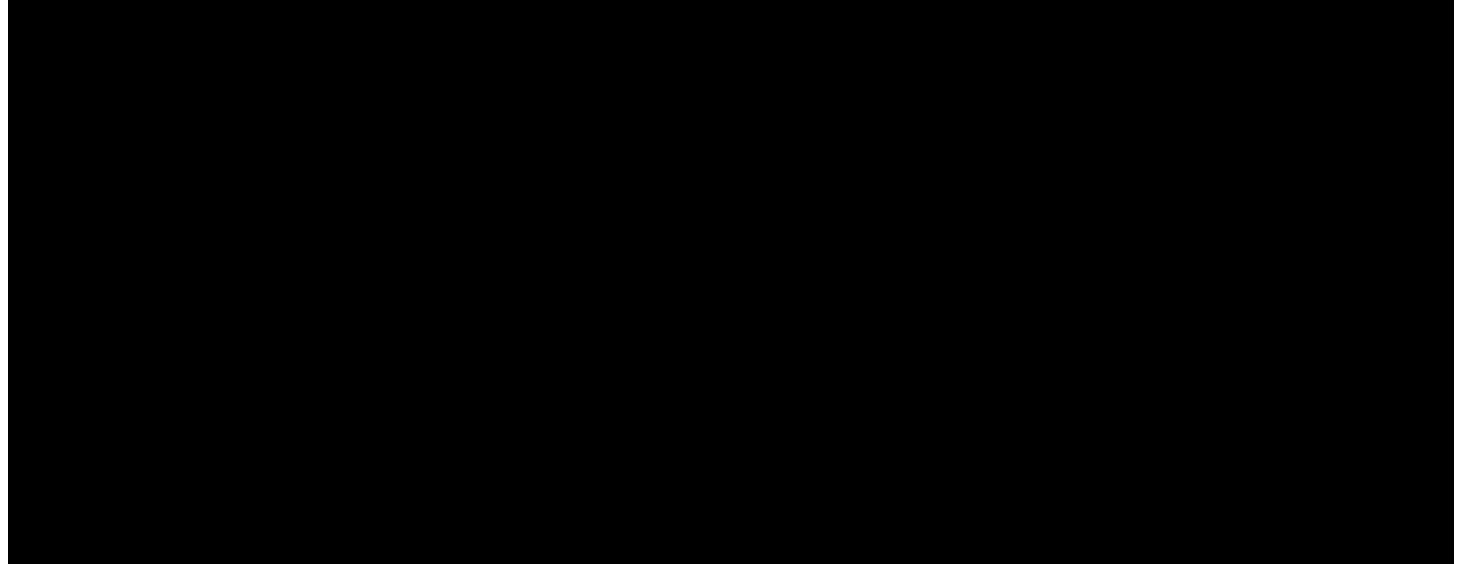


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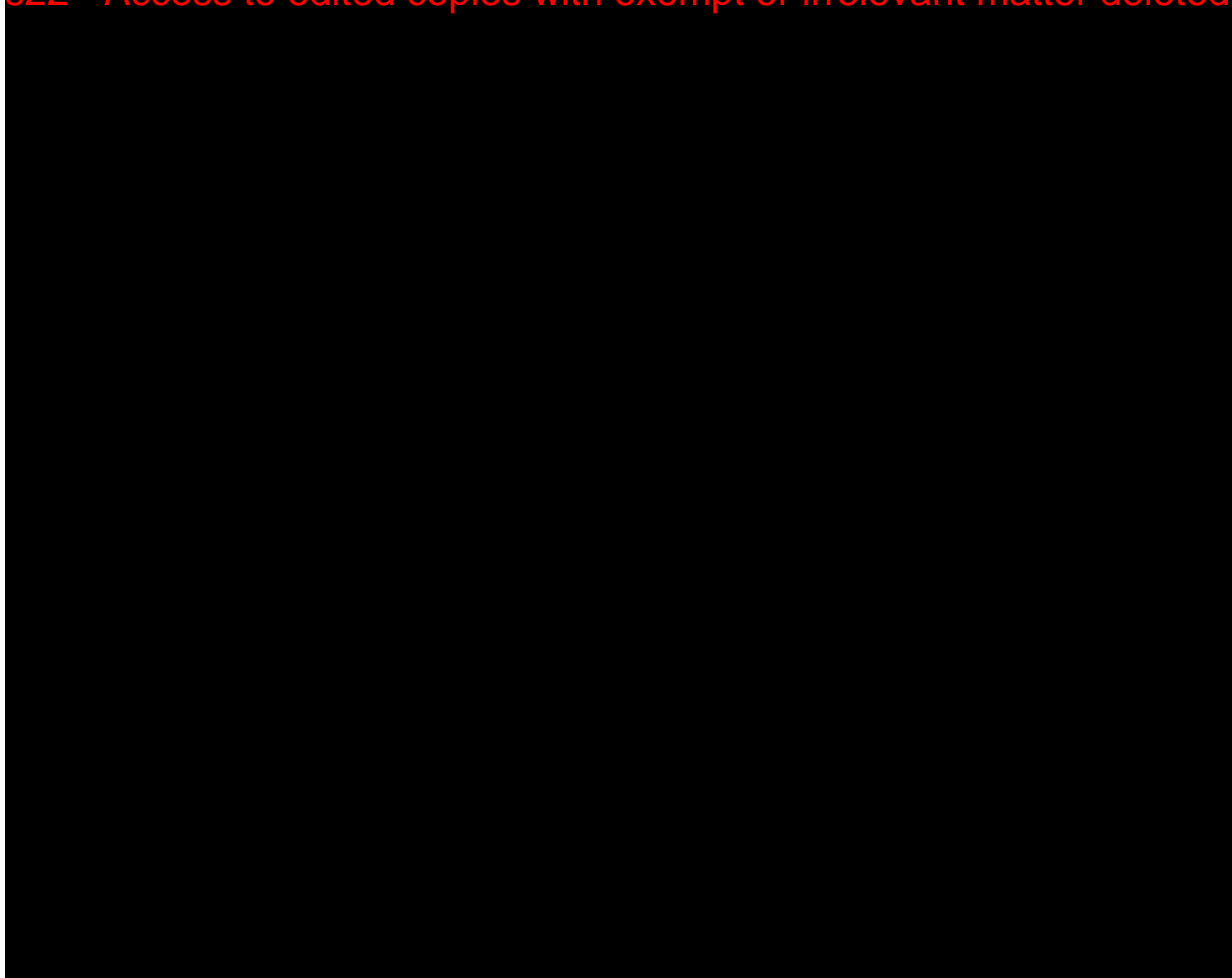


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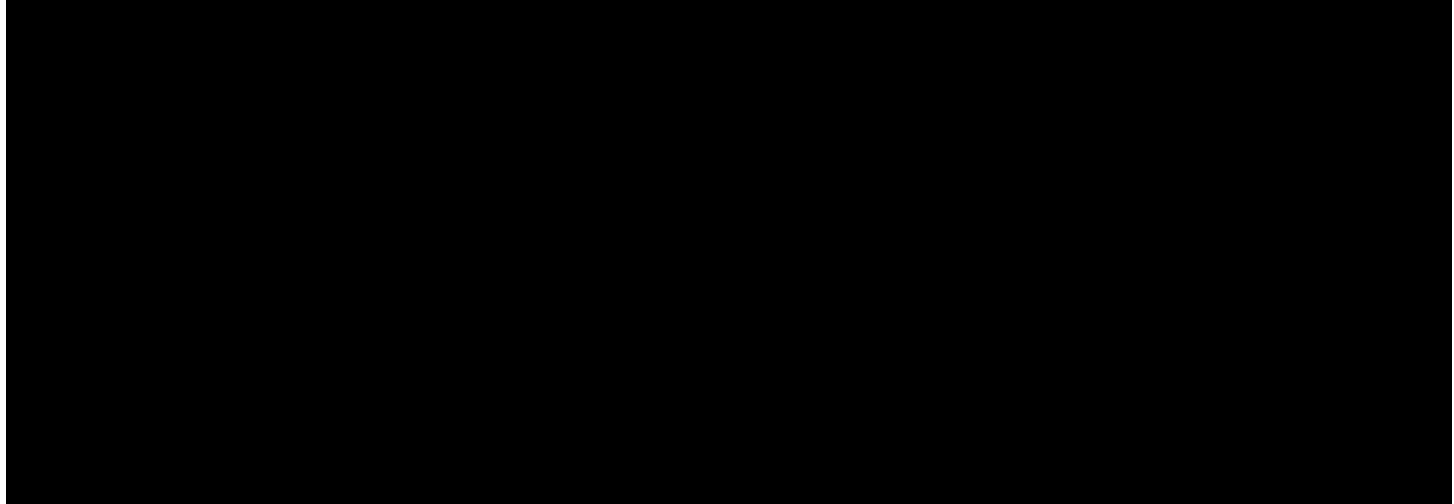
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IARU

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From: Joan Leach <joan.leach@anu.edu.au>
Sent: Saturday, 4 February 2023 6:34 PM
To: EO – Chair Academic Board <eo.chairAB@anu.edu.au>; Anthony Connolly <Tony.connolly@anu.edu.au>
Subject: FW: URGENT: ANU's discussions on IHRA

Hi Cait, Hi Tony.

Please, Cait, can you engage the Deputy Chair's EA on his availability? We'll need your help to get a time for discussion on this important matter. We will also need to reach out to the Jewish community at ANU to get their perspective, as well as relevant experts in various domains. We may want to do stakeholder mapping; while it may come to pass that we see our existing policy as covering these issues, if we do go to consultation, it will be good to be prepared. We can also reach out to the Deans of CASS and CAP as a preliminary effort. I'll look forward to talking to you about this at our catchup on Monday.

As I indicate below, Tony and I have been looking at this in relation to our existing policy suite. But whatever decision is ultimately made by Academic Board and the Executive, we certainly want to understand perspectives and concerns across the ANU.

Best,
Joan

From: Joan Leach <joan.leach@anu.edu.au>
Date: Friday, 3 February 2023 at 6:40 pm
s22 - Access to edited copies with exempt or irrelevant matter deleted
Cc: Vice-Chancellor <vc@anu.edu.au>, Bronwyn Parry <Bronwyn.Parry@anu.edu.au>, CASS - Dean <dean.cass@anu.edu.au>, Anthony Connolly <Tony.connolly@anu.edu.au>
Subject: Re: URGENT: ANU's discussions on IHRA

s22 - Access to edited copies with exempt or irrelevant matter deleted,

Thank you so much for your email and it is good to hear from you.

Also thank you for forwarding s22 - Access to edited copies with exempt or irrelevant matter deleted work on this matter of the IHRA definition of antisemitism.

First, let me clarify where this is currently resting as relating to Academic Board. The ANU, alongside all other Australian Universities, has been asked to consider adoption of the IHRA's definition by a s47J - Public Interest Conditional Exemptions - the Ed. Today, we were asked our position by the press and I understand that the University reply was: *the University is committed to being inclusive of people from all backgrounds and actively promotes this. There is no place for discrimination of any kind, including antisemitism, in our community and we won't tolerate it. We are aware of the IHRA definition and are giving it due consideration.*

I would be very happy to meet with you, as I'm sure would Professor Connolly, to discuss this further. There has certainly been absolutely no intention to exclude, and there has been no 'consultation' phase and no discussion at Academic Board.

To date, we are working to familiarise ourselves with this definition and we note that other Universities have adopted it, yet others have not felt it appropriate, and still others have adopted alternative definitions of antisemitism, anti-racism, and related definitions. By 'we' I mean myself as Chair of Academic Board and Professor Tony Connolly, Deputy Chair. Our exploration of this is guided by our current policies, including that of Academic Freedom.

I do thank you for raising this and I take your admonition about duty of care to heart and would very much like to discuss further. I'll seek to get a time for discussion when we are back at work after the weekend.

Kind regards,
Joan

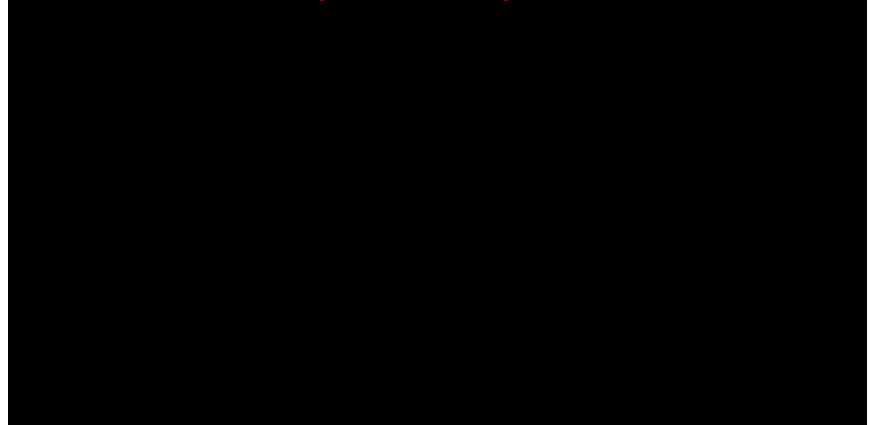
Professor Joan Leach
Chair, Academic Board
ANU

s22 - Access to edited copies with exempt or irrelevant matter deleted

Date: Friday, 3 February 2023 at 4:27 pm
To: Joan Leach <joan.leach@anu.edu.au>
Cc: Vice-Chancellor <vc@anu.edu.au>, Bronwyn Parry <Bronwyn.Parry@anu.edu.au>, CASS - Dean <dean.cass@anu.edu.au>
Subject: URGENT: ANU's discussions on IHRA

Dear Joan,
I hope this message finds you very well.
It came to our attention at the s22 - Access to edited copies with exempt or irrelevant matter deleted that ANU is discussing the possibility of adopting International Holocaust Remembrance Alliance (IHRA)'s highly problematic working definition of antisemitism. IHRA's definition conflates any criticism of the Israeli government with anti-semitism.

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The Australian National University acknowledges, celebrates and pays our respects to the Ngunnawal and Ngambri people of the Canberra region and to all First Nations Australians on whose traditional lands we meet and work, and whose cultures are among the oldest continuing cultures in human history.



*QS World University Ranking 2020/2021 International Alliance of Research Universities (IARU)

From: Joan Leach
Sent: Tuesday, 14 February 2023 10:24 PM
To: CGRO Secretariat; Anthony Connolly; Ben Corry; Kate Mitchell; Scott Pearsall; Charles Gretton
Cc: Emma Murrell
Subject: Academic Freedom Expert Reference Group Meeting Confidential
Attachments: Memo to VC on IHRA Working Definition[10].docx

Dear Colleagues,

I look forward to meeting tomorrow via zoom (meeting in your diaries). I attach a draft paper on the issue for your background and to guide discussion. Please let me know if there are any issues and I look forward to picking this up together.

I ask that this matter be held strictly in confidence as per the group charter. Thank you again for your time and attention; as you will see, this is an important and sensitive matter.

Best,
Joan

Professor Joan Leach
Director, Australian National Centre for the Public Awareness of Science (CPAS)
Chair, Academic Board
ANU

From: CGRO Secretariat <CGRO.Secretariat@anu.edu.au>
Date: Friday, 10 February 2023 at 9:35 am
To: Joan Leach <joan.leach@anu.edu.au>, Anthony Connolly <Tony.connolly@anu.edu.au>, Ben Corry <ben.corry@anu.edu.au>, Kate Mitchell <kate.mitchell@anu.edu.au>, Scott Pearsall <Scott.Pearsall@anu.edu.au>, Charles Gretton <charles.gretton@anu.edu.au>
Cc: Emma Murrell <Emma.Murrell@anu.edu.au>
Subject: Academic Freedom Expert Reference Group Meeting Request – Confidential

Dear Colleagues,

Academic Freedom Expert Reference Group Meeting Request – Confidential

I hope you are all well. The Chair has asked that I convene a zoom meeting for the group to discuss a confidential matter – relating to the consideration of the IHRA anti-semitism definition. Prof Tony Connolly has prepared a draft paper on this subject which will be provided to the group prior to the meeting. Please note the confidential nature of this meeting request and the subject matter.

Please also note that in the wake of Assoc. Prof Ellen Broad's departure from ANU last year, Dr Charles Gretton (CECC) has joined the group.

Shortly I will be sending a zoom invite for Wednesday 15th February at 4pm. I appreciate it may be difficult to accommodate all members availability. If you are unable to attend at that time please let me know, ill endeavour to

ensure that discussion on the matter is also dealt with via email circulation within the group (to the extent that it can be - confidentially) so that members can have input.

Kind regards,
Emma

Emma Murrell
Secretary – Academic Board
Senior Governance Officer

Corporate Governance and Risk Office
Office of the Vice-Chancellor
Australian National University
Canberra | ACT | 2601
CRICOS Provider #00120C

From: Director OVC
Sent: Tuesday, 21 February 2023 10:47 AM
To: CGRO Secretariat
Cc: Chris Price; Joan Leach; Anthony Connolly; EO – Chair Academic Board; Emma Murrell
Subject: RE: Academic Freedom Expert Reference Group - Advice and Memo for VC - Confidential

Dear Emma

Many thanks, and on behalf of the Vice-Chancellor, sincere thanks to the Board and the Reference Group for its consideration of this complex matter. Tony's initial paper was reviewed by the VC in late January, and an informal discussion occurred on the margins of the SMG Retreat. Brian will now review the advice contained on p1 of the memo you attached and confirm his decision to this group – and include a note to that effect in his VC's Report to AB and Council in the next cycle.

He will also respond to external correspondence on this matter indicating that Academic Board has considered the matter and decided that adequate protections against anti-semitism and all forms of racism exist in current policy settings.

All best

Chris

--

Christopher Price
Chief of Staff
Director of the Office of the Vice-Chancellor
The Australian National University

E: director.ovc@anu.edu.au

E: christopher.price@anu.edu.au

T: +61 (0)2 6125 1523

M: +61 (0) 418 954 093

From: CGRO Secretariat <CGRO.Secretariat@anu.edu.au>
Sent: Tuesday, 21 February 2023 10:17 AM
To: Director OVC <director.ovc@anu.edu.au>
Cc: Chris Price <Christopher.Price@anu.edu.au>; Joan Leach <joan.leach@anu.edu.au>; Anthony Connolly <Tony.connolly@anu.edu.au>; EO – Chair Academic Board <eo.chairAB@anu.edu.au>; Emma Murrell <Emma.Murrell@anu.edu.au>
Subject: Academic Freedom Expert Reference Group - Advice and Memo for VC - Confidential
Importance: High

Dear Chris,

Please see **attached** confidential advice and memorandum for the Vice Chancellor. The Academic Freedom Expert Reference Group convened last week to discuss the memo, prepared by Professor Tony Connolly, and deliberate on this matter. Following that meeting the advice was prepared and is annexed to the front of the memo.

Please be assured that confidentiality has been maintained throughout this process, and that the subject matter of the discussions and content of the documents was not shared beyond this group.

Kind regards,
Emma

Emma Murrell
Secretary – Academic Board
Senior Governance Officer

Corporate Governance and Risk Office
Office of the Vice-Chancellor
Australian National University
Canberra | ACT | 2601
CRICOS Provider #00120C

From: Joan Leach
Sent: Thursday, 23 March 2023 1:14 PM
To: Emma Murrell
Subject: Re: AF Advisory Group

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Joan Leach <joan.leach@anu.edu.au>
Date: Thursday, 16 February 2023 at 11:47 am
To: EO – Chair Academic Board <eo.chairAB@anu.edu.au>
Subject: FW: AF Advisory Group

From: Anthony Connolly <Tony.connolly@anu.edu.au>
Date: Thursday, 16 February 2023 at 10:43 am
To: Joan Leach <joan.leach@anu.edu.au>
Subject: AF Advisory Group

Hi Joan

Here is some text I have drafted which might contribute to what we send to VC.

T

In meeting its responsibility to ensure the wellbeing of all its staff and students, the ANU maintains a suite of policies and procedures which prohibits discrimination, vilification, intimidation, violence and other oppressive and disrespectful behaviour against all its staff and students, whatever their “cultural background, religion...[or] political conviction.”

The ANU also maintains an academic freedom and free speech policy which recognises these freedoms as foundational to our identity as a research and teaching university. These freedoms are not absolute but are subject to those policies and procedures directed at ensuring the well-being of its staff and students.

Both sets of policies and procedures are the result of many years of consideration and consultation with stakeholders. They are and will continue to be constantly monitored and regularly reviewed to ensure that they are effective in maintaining both academic freedom and an inclusive and fair campus, respectful of the diversity of the ANU community.

In light of these facts, informed by the “Discussion Paper for VC on IHRA Working Definition of Antisemitism Request” drafted by our Chair, and consistent with Academic Board’s specific responsibility to advise the Vice-Chancellor and Council “on the safeguarding and implementation of ANU academic freedom policy in general terms and in particular cases, as they arise”, it is the view of the Academic Freedom Reference Group that the safeguarding of our policy on academic freedom would be most effectively achieved by no change being made to it or any of our existing suite of policies and procedures – which is to say, by not adopting any definition of antisemitism – at this time.

From: Joan Leach
Sent: Thursday, 23 March 2023 1:13 PM
To: Emma Murrell
Subject: FW: ANU consideration of IHRA definition of antisemitism

From: Liz Allen <liz.allen@anu.edu.au>
Date: Tuesday, 7 March 2023 at 9:20 pm
To: Joan Leach <joan.leach@anu.edu.au>
Cc: Director OVC <director.ovc@anu.edu.au>
Subject: Re: ANU consideration of IHRA definition of antisemitism

Many thanks for the information.

Dr Liz Allen

Demographer, Senior Lecturer
ANU Council Member
Centre for Social Research & Methods
The Australian National University
Acton ACT 2601
T [+61 2 6125 0672](tel:+61261250672)
liz.allen@anu.edu.au
@DrDemography

On 7 Mar 2023, at 8:39 pm, Joan Leach <joan.leach@anu.edu.au> wrote:

Dear Liz,

Thank you for being in touch. The Academic Board has not been tasked with making a recommendation to the Council on the IHRA definition of anti-semitism. There has been no deliberation at Academic Board, nor is there current AB consultation about the definition or its adoption. There has been consideration by the Academic Freedom Expert Advisory Group (AFEAG) on the definition and AF policy. My understanding is that Council will receive an update from the VC at the next meeting.

Kind regards,
Joan

Professor Joan Leach
Director, Australian National Centre for the Public Awareness of Science (CPAS)
Chair, Academic Board
ANU

From: Liz Allen <liz.allen@anu.edu.au>
Date: Tuesday, 7 March 2023 at 7:27 pm

To: Joan Leach <joan.leach@anu.edu.au>

Subject: ANU consideration of IHRA definition of antisemitism

Hi Joan,

I'm contacting you in relation to the University's stance on and consideration of the IHRA definition of antisemitism.

I understand the academic board has been tasked to make a recommendation to the Council on whether the ANU should adopt the controversial definition of antisemitism.

I was hoping you might be in a position to provide me with an update on the progress of deliberations?

Many thanks

Liz

Dr Liz Allen

Demographer, Senior Lecturer

ANU Council Member

Centre for Social Research & Methods

The Australian National University

Acton ACT 2601

T +61 2 6125 0672

liz.allen@anu.edu.au

@DrDemography

From: Joan Leach
Sent: Thursday, 16 February 2023 11:48 AM
To: EO – Chair Academic Board
Subject: FW: AF Advisory Group

From: Anthony Connolly <Tony.connolly@anu.edu.au>
Date: Thursday, 16 February 2023 at 10:43 am
To: Joan Leach <joan.leach@anu.edu.au>
Subject: AF Advisory Group

Hi Joan

Here is some text I have drafted which might contribute to what we send to VC.

T

In meeting its responsibility to ensure the wellbeing of all its staff and students, the ANU maintains a suite of policies and procedures which prohibits discrimination, vilification, intimidation, violence and other oppressive and disrespectful behaviour against all its staff and students, whatever their “cultural background, religion...[or] political conviction.”

The ANU also maintains an academic freedom and free speech policy which recognises these freedoms as foundational to our identity as a research and teaching university. These freedoms are not absolute but are subject to those policies and procedures directed at ensuring the well-being of its staff and students.

Both sets of policies and procedures are the result of many years of consideration and consultation with stakeholders. They are and will continue to be constantly monitored and regularly reviewed to ensure that they are effective in maintaining both academic freedom and an inclusive and fair campus, respectful of the diversity of the ANU community.

In light of these facts , informed by the “Discussion Paper for VC on IHRA Working Definition of Antisemitism Request” drafted by our Chair, and consistent with Academic Board’s specific responsibility to advise the Vice-Chancellor and Council “on the safeguarding and implementation of ANU academic freedom policy in general terms and in particular cases, as they arise”, it is the view of the Academic Freedom Reference Group that the safeguarding of our policy on academic freedom would be most effectively achieved by no change being made to it or any of our existing suite of policies and procedures – which is to say, by not adopting any definition of antisemitism – at this time.

From: Joan Leach
Sent: Monday, 6 February 2023 10:03 AM
To: EO – Chair Academic Board
Subject: FW: IHRA Working Definition on Antisemitism

Looks like one for AB1.

From: Vice-Chancellor <vc@anu.edu.au>
Date: Monday, 6 February 2023 at 9:50 am
To: Anthony Connolly <Tony.connolly@anu.edu.au>
Cc: Joan Leach <joan.leach@anu.edu.au>
Subject: Re: IHRA Working Definition on Antisemitism

Dear Tony-

Thanks for this paper. Joan, assuming we do not become bound to Government policy, I look forward to a formal recommendation from Academic Board. A change from the status quo would require a significant amount of consultation and consideration.

Brian

From: Vice-Chancellor <vc@anu.edu.au>
Date: Thursday, 2 February 2023 at 4:50 pm
To: Vice-Chancellor <vc@anu.edu.au>
Subject: FW: IHRA Working Definition on Antisemitism

From: Anthony Connolly <Tony.connolly@anu.edu.au>
Date: Wednesday, 25 January 2023 at 3:00 pm
To: Vice-Chancellor <vc@anu.edu.au>
Cc: Joan Leach <joan.leach@anu.edu.au>, Chris Price <Christopher.Price@anu.edu.au>
Subject: IHRA Working Definition on Antisemitism

Dear Brian,

Happy new year. I attach a discussion and options paper on this issue on behalf of the Chair of the Academic Freedom Reference Group.

I am happy to discuss any aspect of it with you at any time.

Kind regards

Tony

Professor Anthony J. Connolly
Dean
ANU College of Law
Australian National University

Canberra ACT 2600

Australia

P: +61 2 6125 4123

Email: tony.connolly@anu.edu.au

Web: <https://lawschool.anu.edu.au/people/anthony-connolly>