THE UNIVERSITY OF SYDNEY

Responses to Supplementary questions for the University of Sydney from the Legislative Council Portfolio Committee No. 5 – Justice and Communities hearing held 16 June 2025

17 July 2025

Antisemitism in New South Wales
Supplementary Questions, Portfolio Committee No. 5 – Justice and Communities

The University of Sydney
Hearing: Monday 16 June 2025

Question 1: Definition of Antisemitism

a. *Is the bolded "and" in this definition (as copied above), meant to qualify what follows? So for example calls for the "elimination of Israel" will only be antisemitism when, "grounded in harmful tropes, stereotypes or assumptions" and calls for the "elimination of all jews" will only be antisemitic when, "grounded in harmful tropes, stereotypes or assumptions"?*
b. *If the answer to (a) is no (which is my assumption); does the University of Sydney agree that the bolded "and" in the definition is inappropriate and makes the definition's meaning unclear?*
c. *Will the University be amending the definition to address this ambiguity?*
d. *Does the University agree that this portion of the definition, "when it holds Jewish individuals or communities responsible for Israel's actions" is also somewhat ambiguous and would better read, "when it holds Jewish individuals or communities responsible for Israel's actions, simply because they are Jewish or on some other unfair basis" because literally as read it could suggest criticism of Israeli officials may be antisemitism, even when they are in fact responsible in whole or in part for the actions of Israel.*
e. *Will the University be amending the definition to address this ambiguity?*
f. *When this definition refers to, "calls for the elimination of the State of Israel" is it intended that calls for the replacement of the State of Israel with one state that allows all residents of the place to live there and be citizens irrespective of religion and ethnicity, will be regarded as antisemitism or presumptively so?*
g. *Why has the definition been adopted with such broad and ambiguous language in this respect given that the "one state solution" is such an obvious and inevitable part of discussion on these matters?*
h. *If the definition is not intended to capture such calls for a "one state solution" that does not involve expulsion, elimination of other mistreatment of Jewish people do you agree the definition should be amended to read " However, criticism of Israel can be antisemitic when it is grounded in harmful tropes, stereotypes or assumptions or when it calls for the wholesale expulsion or elimination of the Jewish people living in the State of Israel or the elimination of all Jews"*
i. *And, will the University take steps to so amend the definition?*
j. *Will the University also agree to insert the following words into the definition so the sentence that currently begins, "Criticism of the policies and practices of the Israeli government" reads, "Criticism of the policies and practices of the Israeli government or state is not in and of itself antisemitic and nor is a call for the replacement of the Israeli State with one state that would respect the rights and citizenship of Israeli Jews and allow Jews and Palestinians to live together".*
k. *If the University does not agree to so amend the definition how would the University respond to a suggestion that a failure to do so may make Palestinian students feel unsafe in the same way certain antisemitic conduct may make Jewish students feel unsafe, because it denies legitimate aspirations for a right of return and one secular state for both peoples?*

In response to the rise of antisemitism in Australia, the 39 members of Universities Australia (UA) - including the University of Sydney - agreed to the recommendation of the Federal Parliamentary Joint Committee on Human Rights to adopt a definition of antisemitism.

The definition endorsed by UA members on 27 February 2025 is the product of collaborative work by several individuals and organisations and draws from a range of definitions, including the International Holocaust Remembrance Alliance definition.

The University of Sydney has included the UA definition as part of the Supplementary Resources to its Anti-Racism Statement.

The University of Sydney does not currently propose to amend the definition endorsed by UA.

The University will issue guidance about the way it will apply the definition in practice. This guidance will be developed in consultation with relevant stakeholder groups, including representatives of Palestinian, Jewish and other staff and student cohorts.

Questions 2 – 7: Antisemitism on Campus

2. *How many complaints of "antisemitism" have been upheld and found to have occurred under University policies at the University of Sydney since 7 October 2023?*
3. *Can the University of Sydney provide a brief summary and description of each proved instance of antisemitism found to have occurred at the University since 7 October 2023? Can this be done in a way that communicates the substance of the proved conduct and an explanation of why it was found to be antisemitic with reference to University policy or applicable standard. (The committee would not expect names or identifying information to be included and has the capacity to not publish questions and answers on request so please feel free to make such a request).*
4. *Does the University prohibit political communication including posters, leaflets etc) that feature Nazi imagery and symbols such as the swastika, and regard them as antisemitic, even when the Nazi imagery or symbols is being used to convey a negative view of Nazism? For example, when the communication uses Nazi imagery or symbols to suggest Israel is in some way equivalent to the Nazis and therefore to criticise Israel?*
5. *How many of the proved instances of antisemitism have involved such a use of Nazi symbols or imagery?*
6. *How many complaints of antisemitism have been made which have not been upheld?*
7. *How many different individuals have those complaints came from?*

The University's processes focus on whether a breach of University policies, charters or codes has been established, rather than making findings of antisemitism.

For matters connected to the Middle East conflict since 7 October 2023 – noting that these matters may not specifically be about antisemitism – the University has:

- made nine findings of misconduct against staff members;
- made six findings of misconduct against students;
- provided counselling/guidance to 13 staff members and 17 students;
- taken other action (such as directions to delete posts or to attend training) in six cases;
- issued warnings/reprimands to five staff members and 12 students;
- issued a suspended suspension* to two students;
- issued a suspended exclusion* to two students;
- issued a number of 'cease and desist' letters to members of the public who are not staff or students; and
- revoked individuals' permission to be on University grounds where appropriate.

* A suspended penalty is conditional, and is only triggered if a further finding of misconduct is made against the student. If there is a subsequent finding of misconduct, the original suspended penalty is activated in addition to any new penalty for the secondary matter. The suspended penalty is designed to serve as an opportunity for a student to correct their behaviour without immediate severe consequences, while still holding them accountable for their actions.

The University is not in a position to provide more detail regarding the above matters due to the risk of identifying the individuals concerned.

The University complies with the *NSW Crimes Act* prohibitions on display of Nazi symbols. The University's Protective Services Team reviews materials on campus daily, and removes or covers any that is prohibited.

Questions 8 – 21: The Hodgkinson Review and the Civility Rule

8. *Does the University consider that the Implied Freedom of Political Communications as recognised by the High Court of Australia applies to University misconduct policies and processes?*
9. *Does the University intend to implement the so called 'civility rule' as a rule of conduct?*
10. *If not, why not?*
11. *If not, why did the University publicise it intended to implement all of the Hodgkinson recommendations?*
12. *Does the University intend to implement the 'civility rule' in any way? If so, how and in what way?*
13. *It has been publicised that the University Senate endorsed implementation of the civility rule. When the Senate did so did it intend to implement it as a rule of conduct as recommended by Bruce Hodgkinson SC?*
14. *When did the University decide it would not implement the civility rule in full?*
15. *How was that decision made?*
16. *Was the Senate involved in that decision?*
17. *How was that decision publicised and brought to the attention of the University community?*
18. *Mr. Hodgkinson SC does not promote himself as senior counsel expert in human rights and free speech and his report did not analyse the issues through the lens of relevant free speech jurisprudence to any significant extent. Why was he selected to undertake a review that raised so many obvious free speech issues?*
19. *In the hearing the Provost said the University was committed to the civility rule as an educative tool, rather than as a rule of conduct. Will this education focus on explaining the meaning of contested phrases?*
20. *If so, will the phrase "from the river to the sea, Palestine will be free" (which was discussed in the Hodgkinson review) be the subject of specific education*
21. *If so, how will phrases be selected for inclusion in this education?*
22. *Will any statements and phrases relating to the Israel/Palestine question, that are to the Universities knowledge often considered offensive or concerning to Palestinian people, be included in this education to ensure when they are used that context is provided?*

Mr Bruce Hodgkinson AM SC was asked to review the University's policies and processes from the perspective of their fitness for safeguarding the wellbeing of our community, academic freedom and freedom of speech, and the effective operations of the University into the future. Mr Hodgkinson is a preeminent Senior Counsel who is widely recognised as one of Australia's leading barristers specialising in work health and safety across various industry sectors.

The University Senate accepted the Hodgkinson Review recommendations in principle, and requested the University Executive to develop a blueprint for consultation and delivery. The full text of Chancellor David Thodey AO, FTSE's statement is available on our website: https://www.sydney.edu.au/news-opinion/news/2024/11/27/university-receives-hodgkinson-external-review-report.html.

This work is ongoing, and no decision about the implementation of the civility rule recommendation has been made.