



**Professor Sarah
Sharples**

Pro Vice-Chancellor, Equality,
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Caroline Waters

Equality and Human Rights Commission

Arndale House

The Arndale Centre

Manchester

M4 3AQ

Dear Ms Waters

I am writing to make the Equality and Human Rights Commission (“EHRC”) Board of Commissioners aware of a recent incident at the University of Nottingham, which has highlighted to us the difficulties posed by the limitations on the Police when seeking to gain access to mobile phone logs under the Data Retention and Acquisition Regulations 2018 to investigate certain matters.

By way of background, during a teaching session in March, an online tool, which did not require a secure log in, was being used to build cohesion amongst the group being taught. The software enabled students within the setting to input words which were then immediately displayed on the screen in front of the class. Sadly, one of the attendees at the session used the opportunity to type an offensive and racist word, which was then displayed to all the students, and the member of staff. The member of staff is black.

The response of the staff member at the time of the incident handled the incidence extremely sensitively, quickly acknowledging that the incident had occurred and that a number of students were distressed by it. The staff member, who was of course a victim of the crime, and was also distressed, led a discussion around the issues raised, as well as giving the perpetrator an opportunity to identify themselves in a private setting. Sadly, they did not come forward.

A formal investigation was conducted by the University, and the Police were also informed and supported the investigation. The data from the online tool was obtained, and through data analysis it was identified that the perpetrator had used a specific mobile network whilst participating in the session – thus the number of students who could have committed the crime was limited to just seven. All seven students agreed to share their personal mobile numbers to support the investigation.

However, we understand that due to the limitations of the Investigatory Powers Act 2016, and the classification of ‘serious crime’ as determined by the Data Retention and Acquisition Regulations 2018, the mobile phone company were unable to release the data that could have enabled the individual to be identified. This has directly impeded our ability to identify the individual who committed the racist act and has led to a perception that neither the University nor the police, care, or take this type of hate crime seriously. The consequence of this failure to identify the individual



caused, and continues to cause, significant upset and distress to those who were victims of the hate crime.

As a University we appreciate the seriousness of such matters and we are, of course, doing all that we can to follow up on this incident, through support for our students and staff, training in anti-racism and Equality, Diversity and Inclusion, and review of our harassment reporting process. We also clearly recognise our responsibility to foster a culture which does not tolerate racism or harassment in any form, and to place clear expectations around behaviour on our students, staff and visitors. It is clear however that the implication that this hate crime is not 'serious' enough to warrant release of the data to support our investigation has felt insulting and disrespectful and undermines the University's view as to the seriousness of such incidents.

The increasing use of digital technologies in learning settings means that we are increasingly exposed to risks of the type that this incident highlights. These technologies undoubtedly improve the student learning experience, especially in the remote learning settings that many young people within the UK currently find themselves in; it is however extremely distressing to see that these same technologies can enable the perpetration of hate crime.

I would be grateful if:

- a. the Equality and Human Rights Commission could please acknowledge receipt of this letter, which highlights the impact of the limitations in law on our ability to respond to hate crime; and
- b. advise as to whether there is any activity supported by the EHRC that could change the way that institutions like the University of Nottingham and Police are able to respond to such events in the future.

We will be publishing a copy of this letter on our University web pages.

I look forward to hearing from you.

Yours

A handwritten signature in blue ink, appearing to read 'Sarah Sharples', with a horizontal line underneath.

Professor Sarah Sharples

Pro Vice-Chancellor for Equality, Diversity & Inclusion and People

Cc: Professor Shearer West, Vice-Chancellor;
Professor John Atherton, Pro-Vice Chancellor for the Faculty of Medicine and Health Sciences;
Dr. Paul Greatrix, University Registrar;
Professor Brigitte Scammell, Dean of Medical School;
Professor Gill Doody, Dean of Medical Education