

Resource guide

# TAKING ACTION AGAINST RACISM AND ANTI-SEMITISM

# Editorial

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Université Grenoble Alpes and its component institutions, Grenoble INP - UGA and ENSAG - UGA, are committed to taking action against racism and anti-Semitism. By promoting responsible behaviour and applying a zero-tolerance policy against all forms of violence, discrimination and harassment, UGA and its component institutions are committed to tackling these societal issues and the challenges that lie ahead.

Racist and anti-Semitic remarks and behaviour are all too often trivialised in higher education and research. Whether online or on university campuses, ideologies and actions that promote a hierarchy of human beings are intolerable.

By taking care to ensure equal opportunities, facilitating access to rights, respect for academic freedom and fighting against discrimination, we build a more inclusive, supportive and civic-minded university. This commitment is reflected in the actions of the Vice-Presidency for Gender Equality and Anti-Discrimination, as well as in UGA's Social and Environmental Responsibility master plan (axis 5: taking action against discrimination, promoting equality and working towards an inclusive university) supported by the Vice-Presidency for Social and Environmental Responsibility.

The aim of this guide is to strengthen actions aimed at preventing and dealing with racist and anti-Semitic situations, as well as listening to people and providing support. This guide has been designed to provide every member of staff at UGA and its component institutions with the means to inform themselves about racism, anti-Semitism and its inappropriate and illegal demonstrations, enabling everyone to adopt the right approach.

This guide focuses specifically on racism and anti-Semitism as part of a national policy to take action against racism and anti-Semitism (Inter-Ministerial Plan 2015-2017; National Plan 2018-2020; National Plan 2023-2026), rallying higher education and research establishments by creating a network of racism and anti-Semitism officers. It reinforces the role of UGA's racism and anti-Semitism officer, who is the first point of contact for any employee or student confronted with a situation of racism and/or anti-Semitism.

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# Preamble

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UGA and its component institutions Grenoble INP - UGA and ENSAG - UGA play a fundamental role in the fight against prejudice, stereotypes and acts of hatred against their staff. Comments and behaviour based on origin, religion, membership or non-membership of an ethnic group, a so-called race or nation, whether real or supposed, or the ability to express oneself in French, may be racist or anti-Semitic.

Racist and anti-Semitic comments and acts are not opinions, and do not fall within the scope of freedom of expression; they are acts of hatred, offences and breaches of professional obligations. As staff members at UGA, Grenoble INP - UGA and ENSAG - UGA, it is essential that we adopt responsible behaviour and know how to identify inappropriate behaviour, which may constitute illegal racist or anti-Semitic comments and acts.

UGA, Grenoble INP - UGA, and ENSAG - UGA are committed to dealing with any reports of racist or anti-Semitic acts or remarks, and to listening to and supporting victims.

Each member of the university community can take action against racism and anti-Semitism at their own level, by becoming an active bystander and not tolerating comments and actions that harm the physical and mental integrity of the people targeted.

This guide is a practical tool designed to help you:

1. Identify situations of racism and anti-Semitism
2. React to situations of racism and anti-Semitism

**Important:** a glossary of all the terms used is provided in the appendix.

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# 1. IDENTIFYING SITUATIONS OF RACISM AND ANTI-SEMITISM

This section is based on information from the website equality against racism as well as legal resources on racism and anti-Semitism.

## 1.1. RACISM AND ANTI-SEMITISM - WHAT ARE THEY?

Racism and anti-Semitism are ideologies based on stereotypes and prejudice, i.e. shared opinions about a group or an individual belonging to a group. They consist of the different treatment of individuals and groups of individuals on the basis of real or supposed characteristics (skin colour, membership or non-membership of a nation, ethnic group or religion). They are not simply opinions.

Racism and anti-Semitism manifest themselves through a continuum of acts ranging from insults to acts of physical violence, exclusion, intimidation, harassment and threats, including online threats. Racist and anti-Semitic behaviour includes all acts directed against a person or a group of people, motivated by their origin, their real or supposed membership or non-membership of an ethnic group, an alleged race, a nation or a religion.

Racist and anti-Semitic behaviour and comments are inappropriate and illegal (see appendix 2). The anti-Semitic or racist nature of an offence or criminal comment or behaviour constitutes an aggravating circumstance in the sentence incurred (Article 132-76 of the Criminal Code).

Racism and anti-Semitism can take the form of:

- **Racist and anti-Semitic remarks:** words, writings and images that stigmatise, humiliate or incite racism. If repeated, these racist and anti-Semitic comments can constitute discriminatory harassment.
- **Racist and anti-Semitic behaviour** which can result in acts of physical violence.
- **Racist or anti-Semitic discrimination** which is characterised by three elements:
  1. unequal and unfavourable treatment of a person or group of persons
  2. in relation to a criterion defined by law (there are 25 such criteria, including: origin, surname, real or supposed membership or non-membership of an alleged race, ethnic group, nation or religion);
  3. in the form of an act, practice or rule in the workplace or in access to public or private property or services (e.g. refusal to hire, difference in pay, refusal of a work placement, refusal of access to university premises).

**Important:** discrimination on the basis of origin is a concrete form of racism. There are many links between racial discrimination and religious discrimination: the two criteria are often linked<sup>1</sup>.

Anti-Semitism is also considered by some to be “a particular form of racism directed against Jewish people or those assumed to be Jewish, which is rooted in a long history”.

## 1.2. THE CONSEQUENCES OF RACISM AND ANTI-SEMITISM

Racist and anti-Semitic remarks and behaviour undermine the dignity and physical integrity of individuals. They affect people’s living, studying and working conditions and lead to feelings of isolation, rejection and low self-esteem, which can have serious consequences for their health. They also undermine people’s fundamental rights, including freedom of expression, freedom of religion, the right to public services and the right to freedom of movement.

## 1.3. IDENTIFYING INAPPROPRIATE AND ILLEGAL LANGUAGE AND BEHAVIOUR

Certain racist and anti-Semitic remarks and acts constitute offences and crimes, and are punishable under criminal law. Other remarks and actions are not illegal, but are inappropriate and constitute manifestations of racism and anti-Semitism. They may constitute a breach of professional obligations, or even professional misconduct, punishable by reprimand or disciplinary action (see appendix 1).

It is important to be able to identify the different forms that such language and behaviour can take in higher education and research.

<sup>1</sup> Discrimination on the grounds of religion will be covered in a special guide, which will also address the issue of secularism at university.

Here are a few examples:

## **RACIST OR ANTI-SEMITIC REMARKS**

### **Using insulting language.**

Examples: calling a colleague a “dirty Arab”; or talking about “dirty foreigner” in a discussion between colleagues.

**In the legislation:** non-public insults are punishable under criminal law, their racist nature being an aggravating circumstance (Articles R621-1- and R625-8-1 of the Criminal Code and Article 65-3 of the Law of 29 July 1881 on the freedom of the press: €1,500 fine).

### **Encouraging people to adopt racist or anti-Semitic behaviour.**

Example: telling a colleague in charge of recruitment to “stop hiring Jews”.

**In the legislation:** In the legislation: non-public incitement to discrimination is punishable under criminal law (Article R625-7 of the Criminal Code: €1,500 fine).

### **Expressing generalities, stereotypes and racist prejudices.**

Example: saying “Africa is one country”; telling a trainee in the laboratory “you’re fresh off the boat”.

**Inappropriate remarks.**

### **Accusing a group of people of committing crimes because of their origin.**

Example: saying “migrants are all thieves”.

**In the legislation:** racist defamation is punishable under criminal law (Article 32 et seq. of the Law of 29 July 1881 on the freedom of the press: €12,000 fine).

### **Inciting hatred or violence against a group because of its origin/religion/skin colour.**

Example: saying or writing hate speech such as “Death to black people” or “We’ll get you” on social networks, in the media or during public speaking, teaching or any other professional activity.

**In the legislation:** public incitement to violence and hatred is punishable under criminal law (Article 24 of the Law of 29 July 1881 on the freedom of the press: up to 3 years’ imprisonment and a fine of €75,000 depending on the circumstances).

### **Mentioning crimes against humanity to defend an anti-Semitic ideology.**

Example: saying at a public conference: “We should have burnt all the Jews”.

**In the legislation:** glorification of war crimes or crimes against humanity is punishable under criminal law (Article 24 of the Law of 29 July 1881 on the freedom of the press: 5 years’ imprisonment and a €45,000 fine).

### **Denying the existence of genocide or crimes against humanity.**

Example: publicly stating that “the Jewish genocide did not exist”; “colonisation did not exist”; “the black slave trade did not exist”.

**In the legislation:** Holocaust denial is punishable under criminal law (Article 24 bis of the Law of 29 July 1881 on the freedom of the press: up to 3 years’ imprisonment and a fine of €75,000 depending on the circumstances).

### **Rejecting someone because of their real or supposed origin.**

Example: saying to a black/Asian/mixed-race/Arab person: “Go back to your country”, “We don’t want you here”.

**Inappropriate remarks.**

## **RACIST OR ANTI-SEMITIC ACTS**

### **Making racist or anti-Semitic tags.**

Example: making a Celtic cross tag on the outside walls of the university.

**In the legislation:** racist public insults, incitement to racial hatred and glorification of crimes against humanity are punishable under criminal law (Articles 24 and 33 of the Law of 29 July 1881 on the freedom of the press: up to 5 years’ imprisonment and a fine of €75,000 depending on the circumstances).

### **Fetishising and touching the bodies of black, Arab and Asian people.**

Example: touching someone’s frizzy hair without their consent.

**Inappropriate behaviour.**

### **Imitating animal noises in the presence of a person.**

Example: making monkey noises at a colleague or student.

**In the legislation:** non-public insults are punishable under criminal law, their racist nature being an aggravating circumstance (Articles R621-1- and R625-8-1 of the Criminal Code and Article 65-3 of the Law of 29 July 1881 on the freedom of the press: €1,500 fine).

### **Making racist or anti-Semitic “jokes”.**

Example: making a racist or anti-Semitic photomontage and sending it by email/text message or displaying it in the workplace.

**In the legislation:** non-public insults are punishable under criminal law, their racist nature being an aggravating circumstance (Articles R621-1- and R625-8-1 of the Criminal Code and Article 65-3 of the Law of 29 July 1881 on the freedom of the press: €1,500 fine).

### **Racist bullying behaviour.**

Example: shoving a line manager after a one-to-one meeting and telling them “you can’t tell me what to do, dirty foreigner”.

**In the legislation:** non-public insults are punishable under criminal law, their racist nature being an aggravating circumstance (Articles R621-1- and R625-8-1 of the Criminal Code and Article 65-3 of the Law of 29 July 1881 on the freedom of the press: €1,500 fine).

### **Excluding people because of their origin/religion/skin colour.**

Example: systematically refusing to sit next to a black person because “they stink”; shifting away from an Asian-looking person because “we got Covid from them”.

**Inappropriate behaviour.**

### **Making anti-Semitic gestures.**

Example: giving the Nazi salute in front of the university.

**In the legislation:** glorification of crimes against humanity is punishable under criminal law (Articles 24 and 33 of the Law of 29 July 1881 on the freedom of the press: up to 5 years’ imprisonment and a fine of €75,000 depending on the circumstances).

### **Attacking someone because of their skin colour/origin/religion.**

Example: hitting a man because he is black.

**In the legislation:** intentional assault and battery of a racist nature are punishable under criminal law (Articles 222-7 to 222-16-3, R624-1, R-625-1 to 625-6 of the Criminal Code: up to 30 years’ imprisonment depending on the circumstances and damage).

## **DISCRIMINATION**

Example: refusal of employment following questions asked about a person’s religion or religious practices during a job interview.

**In the legislation:** these elements can be used as evidence of discrimination in criminal law (body of evidence, Articles 225-1 to 225-4 and 432-7 of the Criminal Code: up to 5 years’ imprisonment and a fine of €75,000 depending on the circumstances); in employment law: Articles L 313-12 and L 131-13 of the Civil Service Code and Article L 1132-1 of the Labour Code: disciplinary sanction.

Example: firing someone because of their origin.

**In the legislation:** these elements can be used as evidence of discrimination in criminal law (a body of evidence, Articles 225-1 to 225-4 and 432-7 of the Criminal Code: up to 5 years’ imprisonment and a fine of €75,000 depending on the circumstances); in employment law (Articles L 313-12 and L 131-13 of the Civil Service Code and Article L 1132-1 of the Labour Code: disciplinary sanction).

Example: systematically asking someone who has a pronounced accent to repeat themselves and telling them “we can’t understand a word you say”, “make an effort”, “didn’t they teach you French where you come from?”

**In the legislation:** moral harassment is punishable under criminal law and employment law (Article 222-33-2 of the Criminal Code and Articles L.133-1 to L.133-3 of the Code of Administrative Justice: up to 2 years’ imprisonment and a fine of €30,000). Discriminatory harassment is punishable under employment law (Article L1132-1 of the Employment Code: disciplinary action).

Example: refusing to let a colleague or student speak because they are black.

**In the legislation:** discrimination is punishable under criminal law and employment law (Articles 225-1 to 225-4 and 432-7 of the Criminal Code: up to 5 years’ imprisonment and a fine of up to €75,000 depending on the circumstances; Articles L 313-12 and L 131-13 of the Civil Service Code and Article L 1132-1 of the Labour Code: disciplinary sanction).

For example: systematically giving lower marks to students with foreign-sounding names.

**In the legislation:** discrimination is punishable under criminal law and employment law (Articles 225-1 to 225-4 and 432-7 of the Criminal Code: up to 5 years’ imprisonment and a fine of up to €75,000 depending on the circumstances; Articles L 313-12 and L 131-13 of the Civil Service Code and Article L 1132-1 of the Labour Code: disciplinary sanction).

# 2. REACTING TO SITUATIONS OF RACISM AND ANTI-SEMITISM

## 2.1. ADOPTING RESPONSIBLE BEHAVIOUR

UGA, Grenoble INP – UGA and ENSAG – UGA guarantee the freedom of opinion and expression of staff and students in the context of research, teaching and university life. However, there are limits to this freedom of expression: it cannot be used to justify racist or anti-Semitic behaviour or remarks.

The staff at UGA, Grenoble INP – UGA and ENSAG – UGA are all representatives of their employers and, as such, have a duty to respect the internal regulations and values of the institution and the public service. They must not use racist or anti-Semitic language or behaviour in the course of their duties.

Everyone is responsible for what they say and do on university premises and at university events.

In particular, it is important to:

- maintain a reasonable physical distance from colleagues and do not touch them without their consent; conversely, do not systematically distance yourself from people belonging to a presumed group (e.g. Asian people).
- display leniency towards people whose native language is not French and towards people who have an accent when speaking;
- make no racist or anti-Semitic remarks, whether written or spoken, regardless of the context;
- refrain from asking questions about a person's origins, religion or cultural practices if you have not been invited to do so by that person;
- become aware of unconscious biases and not treating someone differently because of the stereotypes associated with them (e.g. asking a black person questions about Africa; assuming that a non-white person is not French, etc.);
- ensure the safety and protection of staff under your authority, in particular by adopting a zero-tolerance approach to inappropriate behaviour by or towards your colleagues. Using the reporting service is a reflex you should adopt.

## 2.2. BECOME AN ACTIVE BYSTANDER

Responsible behaviour also involves becoming an **active bystander** in the face of racist and anti-Semitic behaviour or remarks that you may encounter at work. Staff who witness racism or anti-Semitism can adopt the **5D** technique, created by the NGO Right To Be and presented in UGA's Charter of Information and Prevention - Gender-Based Violence and Consent Culture.

### DISTRACT

e.g. intervene using a pretext.

### DELAY

e.g. ask the victim how they are feeling.

### DOCUMENT

e.g. take notes.

### DELEGATE

e.g. contact the UGA reporting service.

### DIRECT

e.g. tell the perpetrator that their behaviour is inappropriate.

**Important:** If the victim has suffered physical injury, it is possible to accompany them or advise them to undergo a medical examination to assess the injuries and the psychological trauma and/or file a declaration of a workplace accident if they are a member of staff.<sup>2</sup>

The role of witnesses is also to take notes, in as much detail as possible, of the acts or remarks they witnessed, or which are reported to them by the victim, which may be used as evidence in criminal or disciplinary proceedings. Staff are also invited to report any racist or anti-Semitic content observed online on PHAROS, the Ministry of the Interior's dedicated website<sup>3</sup>.

### 2.3. CONTACT THE REPORTING SERVICE

UGA, Grenoble INP – UGA et ENSAG – UGA are committed to listening to, supporting and protecting witnesses and victims of all acts and forms of racism and anti-Semitism.

Any staff member or student who has witnessed or been the victim of racist or anti-Semitic acts or remarks, gender-based or sexual violence, discrimination or harassment in the course of their duties, missions or at their places of work or study may report the matter to the reporting service.

**UGA, Grenoble INP – UGA and ENSAG – UGA are committed to listening to people who make reports.**

The UGA reporting service can be contacted via an online declaration form, which is sent to the service coordinator, based in the Department of Legal and Institutional Affairs (DAJI) at UGA. They will transmit the case to two GBV / discrimination officers. Like the coordinator, they are subject to confidentiality. An interview is organised to hear the report and guide the person reporting, during which the officers listen to them attentively and kindly. During the interview, the officers inform the reporter about the systems and support that they can access (psychological, medical, legal).

**UGA, Grenoble INP – UGA and ENSAG – UGA are committed to supporting people who make reports.**

The report is handled and followed up by the coordinator, in connection with members of the DAJI unit and the human resources department of UGA or the component institution.

For staff, support is provided by the occupational health doctor, occupational health psychologists and prevention service. For students, including PhD students and interns of the Faculties of Medicine and Pharmacy, a partnership with the associations France Victime 38 and Remaid 26 offers psychological and legal support to victims, in line with their needs.

**UGA, Grenoble INP – UGA and ENSAG – UGA are committed to protecting people who make reports.**

Protective measures may be taken by the President of the university or the management of the component institutions, such as adapting the workstation or workplace, or taking precautionary measures of distancing employees. Depending on the situation, the victim may declare a workplace accident and be placed on medical leave; or request functional protection from the university presidency or the management of component institutions. The university presidency or the management of component institutions may decide to initiate an external administrative investigation, depending on the situation.

**UGA, Grenoble INP – UGA and ENSAG – UGA are committed to dealing with reports.**

Depending on the case and/or outcome of the administrative investigation, protective, disciplinary or reporting measures may be taken by the university presidency or the executive of component institutions, and the case may be referred to the Courts of Grenoble and Valence under Article 40 of the Criminal Procedure Code.

# 3. REFERENCES

## 3.1. GLOSSARY

**Anti-Semitism:** “a certain perception of Jews, which may be expressed as hatred toward them. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities”. Anti-Semitism is rooted in a long history.<sup>4</sup>

**Racist or anti-Semitic hate speech:** “all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin”.<sup>5</sup>

**Discrimination:** discrimination refers to unfavourable treatment which must generally meet two cumulative conditions: be based on a criterion defined by law (gender, age, disability, etc.) AND relate to a situation covered by the law (access to a job, a service, housing, etc.). To date, the law recognises 25 criteria of discrimination. Thus, discriminating against a person on the grounds of their origin, gender, age, disability, opinions, etc. is prohibited by law and by the international conventions to which France is a signatory. Discrimination can also take the form of harassment based on one of the criteria defined by law. Discrimination may be direct if the contested decision is based on one of the criteria defined by law. Discrimination can also be indirect if an apparently neutral rule has the effect of treating people unfavourably because of one of the same criteria. Discrimination can be cumulative if it is based on several criteria.<sup>6</sup>

**Racial discrimination:** “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.<sup>7</sup>

**Discriminatory harassment:** “any action related to prohibited grounds for discrimination, suffered by a person and having the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment”.<sup>8</sup>

**Prejudice:** “a preconceived opinion adopted with regard to an individual, a group of individuals, their behaviour, skills or way of life and which consists in assigning them to categories, most often on the basis of a stereotype”.<sup>9</sup>

**Racism:** an attitude of hostility, ranging from contempt to hatred, towards a human group defined on the basis of a real or supposed “racial” or ethnic identity. It is manifested in:

- ideological and even doctrinaire discourse justifying the domination of certain human groups over others, as well as the forms of violence used, and even the annihilation of populations;
- behaviour based on stereotypes and prejudice (verbal abuse, insults, threats, physical violence);
- social practices ranging from avoidance to persecution; institutional practices of exclusion, segregation and discrimination (apartheid, state persecution).<sup>10</sup>

**Active bystander:** a shift from the role of passive bystander to inappropriate or illegal behaviour or remarks (witnessing, observing) to the role of active bystander: taking action to put a stop to the situation and/or protect the person who is the victim (delaying, directing, distracting, documenting or delegating). Witnesses, whether active or passive, are not responsible for the situation they witness, and they must always consider their own safety before intervening.

**Xenophobia:** “systematic hostility towards foreigners (i.e. of a nationality other than one’s own) and/or people perceived as foreigners”.<sup>11</sup>

<sup>2</sup> <https://intranet.univ-grenoble-alpes.fr/ressources-humaines/environnement-social-qualite-de-vie-au-travail/declarer-un-accident-du-travail/>

<sup>3</sup> <https://www.internet-signalement.gouv.fr/PharosS1/>

<sup>4</sup> Definition by the International Holocaust Remembrance Alliance (IHRA), adopted by the French Government and the DILCRAH in 2019: <https://www.dilcrah.fr/wp-content/uploads/2019/03/definitionantisemite.pdf>

<sup>5</sup> Recommendation No. R (97) 20 of the Committee of Ministers to Member States on “Hate Speech” of 30 October 1997: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=090000168050116d](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168050116d)

<sup>6</sup> Definition by The Defender of Rights <https://www.defenseurdesdroits.fr/fr/institution/competences/lutte-contre-discriminations>

<sup>7</sup> Article 1 of the United Nations Convention on the Elimination of All Forms of Racial Discrimination

<sup>8</sup> Definition by the French Government 2023: <https://www.gouvernement.fr/upload/media/content/0001/05/8a5da906f8a6c1682193164eb2e790134248d34a.pdf> p 21.

<sup>9</sup> Ibid, p. 22.

<sup>10</sup> Definition by the French Government, the DILCRAH and the Conseil des Sages de Laïcité 2022: [https://www.reseau-canope.fr/fileadmin/user\\_upload/Projets/VDR/vademecum\\_lutte\\_contre\\_racisme\\_antisemitisme2022.pdf](https://www.reseau-canope.fr/fileadmin/user_upload/Projets/VDR/vademecum_lutte_contre_racisme_antisemitisme2022.pdf)

<sup>11</sup> Definition by the French Government 2023: <https://www.gouvernement.fr/upload/media/content/0001/05/8a5da906f8a6c1682193164eb2e790134248d34a.pdf> p 20.

## 3.2. RESOURCES

### UGA reporting service

- Contact the UGA's service for reporting acts of racism, anti-Semitism, gender-based and sexual violence, discrimination and harassment: <https://www.univ-grenoble-alpes.fr/about/societal-and-environmental-commitments/ending-sexual-and-gender-based-violence-sgbv/>
- Find out more about the UGA's reporting service:



<https://videos.univ-grenoble-alpes.fr/video/27916-presentation-of-ugas-reporting-service-for-gender-based-violence-discrimination-and-harassment/>

### Resources for information/training on racism and anti-Semitism

- Réseau Canopée, resources on fighting racism and anti-Semitism: <https://www.reseau-canope.fr/educer-contre-le-racisme-et-lantisemitisme.html>
- Sapio, resources on fighting racism and anti-Semitism: <https://www.sapio.co/>
- Défenseur des Droits, website devoted to the fight against racism: <https://egalitecontreracisme.fr/>
- UPJV, MOOC on “Racism and anti-Semitism”, [https://www.youtube.com/playlist?list=PLZUigjNWm-PHeejB2tbdY4B8VlkYkT\\_e5a](https://www.youtube.com/playlist?list=PLZUigjNWm-PHeejB2tbdY4B8VlkYkT_e5a)

### Guides and action plans on fighting racism and anti-Semitism

- DILCRAH, Interministerial delegation for the fight against racism, anti-Semitism and anti-LGBT discrimination, [National plan to fight racism, anti-Semitism and discrimination on grounds of origin 2023-2026](#)
- AFMD-CPED and partners, [Discrimination prevention kit for higher education](#), 2021
- MESRI, Ministry for Higher Education, Research and Innovation, and partners: [Racism, anti-Semitism: how to take action in higher education](#), 2019

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## APPENDIX 1: STAFF RIGHTS AND OBLIGATIONS

Depending on their status, university staff are subject to a set of rights and obligations governed by the Le Pors Law of 1983, the Education Code and the General Civil Service Code, as well as specific regulations. The internal regulations at UGA complement the law.

UGA staff members are those assigned, recruited or made available to the university to carry out teaching, research or administrative tasks, regardless of their type of contract.

The following is a non-exhaustive list of the main rights and obligations of higher education and research staff.

### **Obligation to respect the rules and values of the public service**

All staff of UGA, Grenoble INP - UGA and ENSAG - UGA contribute to the missions of the public higher education service, and are required to respect the rules and values of the public service within the framework of their duties: secularism, the independence of the public service from any political, economic, religious or ideological influence, the objective nature of knowledge and respect for diversity of opinion (*Article L 123-3 of the Education Code*).

Example: employees may not distribute flyers promoting a racist event in the workplace.

All staff of UGA, Grenoble INP - UGA and ENSAG - UGA must demonstrate “dignity, impartiality, integrity and probity” in the performance of their duties (*Article L121-1 of the General Civil Service Code*). This means not expressing any racist or anti-Semitic ideology at university.

Example: staff may not refuse to work with Jewish people.

Public servants are bound by the duty of confidentiality and an obligation of professional discretion (*Article L121-7 of the Civil Service Code*). This requires that they show reserve and restraint in the written and oral expression of personal opinions, and do not divulge non-public information concerning the activity, missions and operation of the university.

Example: university staff may not use abusive or racist language on social networks, in newspapers or at the university.

### **Obligation to treat public service users equally**

Staff must “treat all people equally and respect their freedom of conscience and their dignity” (*Article L212-2 of the Civil Service Code*). This means not treating users of the university (students, visitors, contractors) differently on the grounds of racist or anti-Semitic opinions or ideologies.

Example: the staff of an institution may not refuse access to the premises to a person who does not speak French.

### **Rights and limits to freedom of expression for teaching and research staff**

Research professors benefit from “full independence and freedom of expression in the performance of their teaching duties and research activities subject to the reservations imposed on them by the principles of tolerance and objectivity, in accordance with university traditions and the provisions of the present Code” (*Article L952-2 of the Education Code*). Freedom of expression is therefore not absolute.

Example: a contract faculty member may present a cartoon in a tutorial. A lecturer may not make “jokes” about Jews and the Shoah in their teaching.

Researchers are bound by a code of ethics which states that “discrimination, harassment and abuse of authority constitute professional misconduct” (*Article 4 of the National Code of Ethics for Researchers*).

Example: a researcher who systematically makes racist remarks about a colleague may be subject to disciplinary action for racist discriminatory harassment.

### **Specific obligations and restrictions for UGA staff**

UGA staff and users are expected to behave in a way that is respectful and responsible towards others, as well as towards the laws and regulations in force (*Article 62-1 of the UGA Internal Regulations*). Their actions, writings, images, attitudes and remarks must not “undermine public order or the proper functioning of the university; [...] undermine anyone’s physical or mental health or dignity or the safety of people and property” (*Article 62-1 of the UGA Internal Regulations*).

### **Non-compliance with obligations and penalties**

Failure to comply with the principles set out above and the expression of racist or anti-Semitic remarks or behaviour constitutes a breach of professional obligations or even professional misconduct. These acts are subject to disciplinary sanctions.

The UGA Internal Regulations expressly state that “any UGA staff member or user who makes threats or uses verbal, written (disseminated by any means whatsoever and regardless of the medium) or physical violence against others will be prosecuted before the competent disciplinary section” (*Article 62-2*).

In addition, illegal racist or anti-Semitic comments or behaviour may also be subject to criminal prosecution, independently of the disciplinary sanctions.

## APPENDIX 2: RACIST AND ANTI-SEMITIC OFFENCES

### Contesting the existence of one or more crimes against humanity

#### LEGAL DEFINITION

“If these remarks deny or minimise a historical fact relating to a crime against humanity, they constitute a contestation of the existence of one or more crimes against humanity”.

#### REFERENCE TEXTS

Article 24 bis of the Law of 29 July 1881

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### Intentional or unintentional assault and battery.

#### LEGAL DEFINITION

Racism and anti-Semitism are aggravating circumstances.

#### REFERENCE TEXTS

Articles 222-7 to 222-16-3 of the Criminal Code; Article 132-76 of the Criminal Code.

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### Glorification of war crimes and crimes against humanity

#### LEGAL DEFINITION

“If these remarks promote or justify a war crime or a crime against humanity, they constitute a glorification of war crimes, crimes against humanity or crimes of collaboration with the enemy”.

#### REFERENCE TEXTS

Article 24, Paragraph 3 of the Law of 29 July 1881

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### Racist defamation

#### LEGAL DEFINITION

“If the remarks made impute specific facts that undermine the honour of a person or group on the grounds, in particular, of their origin, religion or physical appearance, they constitute racist defamation”.

#### REFERENCE TEXTS

Articles 29, Paragraph 1 and 32, Paragraph 2 of the Law of 29 July 1881; Article R. 625-8 of the Criminal Code; Article R. 625-8-2 of the Criminal Code.

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### Racist insult

#### LEGAL DEFINITION

“Any offensive expression, term of contempt or abuse directed at a person or group on the grounds of their origin or their membership of a particular ethnic group, nation, alleged race or religion”.

#### REFERENCE TEXTS

Articles 29, paragraph 2 and 33, paragraph 3 of the Law of 29 July 1881

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## Discrimination

### LEGAL DEFINITION

“**Discrimination refers to any distinction made between individuals on the basis** of their origin, sex, family status, pregnancy, physical appearance, particular vulnerability resulting from their economic situation, whether apparent or known to the perpetrator, surname, place of residence, state of health, loss of autonomy, disability, genetic characteristics, morals, sexual orientation, gender identity, age, political opinions, trade union affiliations, status as a whistleblower, a facilitator or a person associated with a whistleblower within the meaning, respectively, of I of Article 6 and of 1° and 2° of Article 6-1 of the Law no. 2016-1691 of 9 December 2016 relating to transparency, the fight against corruption and the modernisation of economic life, ability to express themselves in a language other than French, actual or supposed membership or non-membership of a particular ethnic group, nation, alleged race or religion”.

**Any distinction made between people** based on these criteria also constitutes discrimination.

**Sexual harassment** is considered as discrimination on the grounds of sex.

**Incitement to discrimination** and instructions to discriminate on the basis of a criterion defined by law also constitute discrimination.

**Retaliation or reprisal** against people who have complained about discrimination prohibited by law or those who have witnessed it is prohibited.

### REFERENCE TEXTS

I of Article 6 and 1° and 2° of Article 6-1 of Law no. 2016-1691 of 9 December 2016.

The Law of 27 May 2008 containing various provisions adapting to EU law in the field of anti-discrimination; Article L. 1132-1 of the Labour Code; Articles 225-1 and 225-2 of the Criminal Code

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## Incitement to discrimination, hatred or racist violence

### LEGAL DEFINITION

“If these remarks encourage discrimination, hatred or racist violence, they constitute incitement to discrimination, hatred or racist violence”.

### REFERENCE TEXTS

Article 24, paragraphs 6 and 8 of the Law of 29 July 1881; Article R. 625-7 of the Criminal Code; Article R. 625-8-2 of the Criminal Code

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