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Shaima Dallali – National Union of Students

Shaima Dallali, who was elected President of the NUS on 28 March 2022 and started in that full-time employed position on 1 July 2022, has commenced Employment Tribunal proceedings against the NUS. The proceedings follow Ms Dallali's dismissal on 1 November 2022, which she contends formed part of a course of discriminatory conduct against her. Ms Dallali has also lodged an appeal to the NUS pursuant to its internal appeals procedure.

Ms Dallali has deeply held, publicly-articulated beliefs on the right of Palestinians to live free of occupation. As the NUS has belatedly had to accept, Ms Dallali's pro-Palestinian and anti-Zionist beliefs amount to protected beliefs for the purposes of the Equality Act 2010. She has publicly articulated those beliefs throughout her adult life, just as she has consistently and repeatedly condemned antisemitism.

Following her election, Ms Dallali was the subject of numerous complaints as well as personal abuse and threats, to the effect that her past articulation of her anti-Zionist beliefs amounted to antisemitism. There were also complaints that related purely to her association with other Muslims and Muslim human rights organisations which sought - falsely - to attribute all of their reported views to her.

Upon receipt of these complaints, the NUS began the process that would lead to Ms Dallali's dismissal. Ms Dallali considers that she was disadvantaged at every single stage of that process. By way merely of example, the lead complainant against her was consulted on who should investigate the complaints against her and what the terms of reference for the investigation should be. Ms Dallali was not. Every single complaint against her was investigated, however baseless or inherently discriminatory. The complaints were also publicised, such that these allegations, however distorted, will follow her for the rest of her life. During the disciplinary process, Ms Dallali was repeatedly required to defend or renounce the views expressed by other Muslims, despite never having expressed those views herself.

The NUS refused even to take into account Ms Dallali's written submissions. At the disciplinary hearing, Ms Dallali was not permitted to have legal representation, but, remarkably, the NUS allowed the Leading Counsel who had undertaken the investigation into the complaints against her to play a dual role as investigator and presenting officer. During the disciplinary and appeal, the NUS repeatedly failed to take any steps to facilitate the calling of a number of witnesses whom Ms Dallali had identified as being able to give evidence which was important to her defence.

Finally, Ms Dallali first learned that she had been dismissed, not from the NUS (her employer) itself, but via an article posted on Twitter by a news website, which by that time had already managed to obtain comments on the dismissal

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from the lead complainant, all before Ms Dallali had even been told of the decision. This was one of three occasions where the NUS either leaked, or allowed to be leaked, highly sensitive and clearly confidential information concerning Ms Dallali into the public domain, seemingly without any proper regard for her welfare or for its own strict rules requiring such processes to be confidential.

Despite the absence of a fair disciplinary process, the NUS was still not able to uphold the vast majority of the complaints against Ms Dallali. She was ultimately dismissed for four tweets, as follows:

First, three tweets which had been directed at the lead complainant. Yet the NUS accepted that those tweets – all of which had been tweeted by Ms Dallali before she was even an elected representative of the NUS - were not antisemitic. Instead it found that they were “discourteous”, despite the fact that they simply (Ms Dallali maintains) reflected engagement in what is a mainstream controversial debate (particularly in the context of student politics).

Secondly, a tweet which had been published by Ms Dallali more than a decade earlier (when she was 18 years old). In the midst of the 2012 Israeli operation in Gaza, Ms Dallali tweeted an expression (in Arabic) that was often used in her community in relation to Palestine, which she did not appreciate at the time would be understood as antisemitic and did not intend it that way. When Ms Dallali ran for office 10 years later, she had no memory of the tweet, since which time she had tweeted many thousands of times. As soon as the decade-old tweet was drawn to her attention, Ms Dallali removed it and apologised publicly. She understands and wholly disavows its meaning. She has apologised fully and repeatedly since, much as both before and during her tenure as President of the NUS she has repeatedly made clear her opposition to all forms of racism, including antisemitism, while continuing to campaign to denounce the plight of the Palestinian people.

It is Ms Dallali’s position that these four tweets patently did not amount to a dismissible offence and that there can be no rational explanation for dismissing her on this (or any other) basis. She considers her dismissal (and the unfair process preceding it) to have been motivated by antipathy towards her protected anti-Zionist, pro-Palestinian protected beliefs, the fact that she supported the Palestinians and her religion as a Muslim. Accordingly, Ms Dallali is seeking from the Employment Tribunal suitable declarations, compensation (including compensation for loss of earnings, stigma damages, personal injury, injury to feelings, and aggravated damages) on the following bases:

- (a) Direct/indirect discrimination on grounds of her protected beliefs (section 13 and 19 of the Equality Act 2010)
- (b) Direct race discrimination on grounds of her association with the Palestinian people (section 13)
- (c) Direct/indirect discrimination on grounds of her religion (section 13 and 19)
- (d) Direct religious discrimination on grounds of her association / perceived association with other Muslims (section 13)
- (e) Harassment related to religion and/or belief and/or race

Shaima Dallali is being represented in this matter by Carter-Ruck (supported by Bindmans LLP) along with Karon Monaghan KC (Matrix Chambers) and Hannah Slarks (11KBW).

For further information, please contact lawyers@carter-ruck.com.