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To Dean of Medicine  
From Conduct and InvestigatXns Manager  
Campus Life  
Date – 20<sup>th</sup> August 2020

**Outcome of Investigation into Hate Crime Derby Medical School 10 March 2020**

**Description of the Incident**

On 10 March 2020 a lecture was being led by a Doctor (Dr X) in Derby Royal Hospital. Within the lecture theatre there were 24 Medical students who were requested to engage in an online vote regarding methods and barriers to learning. Dr X subscribed to an online voting tool supplied by 'Mentimeter'. All students present were provided with Dr X's password to access the voting system and all were requested to submit information. The information supplied online was then converted to a digital display via Mentimeter.

The Hate Crime involved a student submitting the word 'Nigger' as a barrier to learning. This comment clearly referred to Dr X is a member of the BME community. The online material was visible to both Dr X and all students present.

The actions of a person or persons(s) within the lecture caused deep offence to both Dr X and other students present.

**Reporting of the Incident**

Dr X reported the incident on 10 March 2020. His report has been redacted for confidentiality reasons.

The incident was also reported by Student BMA reps present as follows:-

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*We are emailing in regard to an incident that took place today in Clinical Phase 2, Paediatrics, Royal Derby Induction session.*

*During the session the clinical lead (Dr X) used Menti (a programme that allows students to submit responses anonymously) to ask questions about student's expectations for the placement.*

*In response, a student submitted a racial slur; the n-word. The n-word appeared in large writing on the screen, indicating that the student entered it multiple times for it appear in large font in the centre of the responses. It was not lost on the group that the doctor conducting the session is black.*

*As BMA representatives, it is our responsibility to flag up any issues that are in complete opposition to what our medical school (and university as a whole), stands for. Furthermore, in light of the BMA's recent racial harassment charter, there is a serious expectation for the medical school to follow up this incident with a necessary response. It is for this reason that we are emailing you, for your help in ensuring this occurs.*

*The conduct displayed yesterday is racist and raises professionalism issues. It was a blatant, targeted and aggressive attack not only against a black doctor and black students but against the very ethos and reputation of our medical school, making the learning and working environment hostile and unwelcoming to ethnic minorities.*

*This incident occurred in front of the entire Derby paediatric placement and the student behind this, represents the University of Nottingham.*

*Many students from the session, expressed that the incident should be escalated on grounds of professionalism and the universities policies on racism and hate speech. Dr X has also contacted the university following the incident. We have Cc'd them into this email, and the harassment department at the university.*

*We look forward to hearing from you and working with you to ensure our medical school is a safe and welcoming environment for all students, irrespective of their ethnicity.*

Students also reported the incident via the University Harassment inbox.

### **Initial action by the School of Medicine**

On 11 March 2020 behalf of the University senior members of the School of Medicine apologised for the actions of the person submitting the offensive words and commissioned an investigation into the incident. The commissioning of the investigation took place before referrals were made by students to the Harassment reporting tool.

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The University were appalled by the behaviour and released a press statement as follows:

*"The University of Nottingham will not tolerate racist behaviour; it has no place on our campuses or anywhere else in society.*

*We take allegations of this nature extremely seriously and will be conducting a full and thorough investigation and will take necessary action in line with our Students' Code of Discipline. In the most serious of cases, where a crime may have been committed, we also work with the police to provide every support with their investigations.*

*The University has recently signed up to the BMA Racial Harassment Charter and applied for Race Equality Charter (Bronze) status by 2020/21 that commits universities to improving the representation, progression and success of BME staff and students.*

*In addition we have introduced decisive measures to promote and support diversity across our staff and student community including: recruitment diversity guidelines and use of anonymised applications; training for academics to address unconscious bias in the classroom; inclusive teaching practices; reverse-mentoring schemes; and work to decolonise the curriculum.*

*More broadly, the University has upgraded its systems and support to report and investigate harassment, developed specific campaigns to stress the inclusive values of the University of Nottingham as a community, and increased numbers of specialist Dignity Advisers to advise and support staff."*

The Dean of Medical Education was in direct contact with students and brought to the attention of the investigating officer information supplied by students that mentimeter data may be lost within 14 days.

Professor PH also contact the investigating officer with information received from Dr X alerting the University to the potential loss of evidence.

### **Mentimeter**

Mentimeter advertise their service as follows:-

*Voting on Mentimeter's voting site menti.com is anonymous and we believe this is an important part of the voting experience. For preventing abuse, we do, however, store the Audience's IP address for a short period of time (it is erased within 14 days).*

### **Investigation**

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Throughout the investigation there was close contact between the investigating officer senior members within the School of Medicine. Professor PH maintained contact with both Dr X and students appraising them where possible on case progression and provided invaluable assistance to the investigating officer in gathering information.

On 16 March 2020 Dr X was contacted by D Walton and updated on the investigation. They were informed that the matter was being reported to the police and they was given the personal mobile number of the University investigating officer.

On 16 March 2020 Mentimeter were contacted by the University, requesting that they secure evidence in the case. This was done to ensure no loss of evidence if there were delays in the police enquiries. The University investigating officer reported the Hate Crime to Derbyshire police and updated Dr X on the action taken.

Further contact was made with Mentimeter updating them on the report of the incident to the police and the nature of the University investigation.

Contact was made with the police officer delegated with investigating the incident. He was updated on the contact the University had made with Mentimeter to ensure no loss of evidence.

On 17 March 2020 all students present within the lecture were contacted and requested to provide the following information:-

*I am responsible for investigating incidents which may breach the code of discipline for students. You may or may not be aware that a hate crime occurred within a lecture you attended on 10 March 2020. The matter has been reported to the police who at present will take primacy within the investigation. You may be aware that each individual who contributed to the online session did so using their own individual IP address. This data has been secured by the company operating the system. The University have been requested to contact each student and request the details of the IP address of the device they used when contributing to the mentimeter forum.*

*Once we receive your information then we can compare this against the data that Mentimeter have supplied. Should there be any discrepancy then this will be an immediate line of enquiry for the police. Should the individual responsible not volunteer their involvement then the police are likely to then seek authorities to identify the ownership of the IP addresses not identified as of 10 March 2020.*

*You can appreciate that this is a very serious matter and the university are seeking the support of all students in resolving this matter as quickly as possible to minimise the impact this has had on all present.*

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*Can you please provide the following information by return email?*

*The IP address of the device you used to access mentimeter on 10 March 2020.*

*Please feel free to give me a call should you have any concerns about this request. I have copied PH into this request so should you require support please make contact with her. Regards*

The police initially decided that the investigation would be dealt with by the University alone and they were intending on closing the case. The police were contacted, and it was explained that it was essential that they continue with their enquiries, supported by the University, due to the gravity of the offence and involvement of medical students. The police supported this request.

Further contact was made with Mentimeter updating them of the support of the police. Mentimeter now escalated the matter internally.

Professor PH continued updating students that the matter was being actively investigated.

On 26 March 2020 mentimeter provided information to the police that the person submitting the offensive word had done so at a specific time. University IT staff explored the possibility of identifying the person but were only able to identify that the person had used a specific data provider.

Information was also received that identified specific mobile devices. Information had already been gathered from students regarding personal devices in use. Most students had been using the same type of device so this did not reveal further lines of enquiry.

Dr X was updated on case progression.

Professor PH provided contact numbers of all student and these were submitted to the Police to identify the students using the identified data provider. The police supported this line of enquiry. The University were proactive in gathering evidence and exploring lines of enquiry.

On 25 June 2020 Dr X contacted senior members of the University and expressed their concern regarding the investigation. They were concerned regarding the apparent lack of interest expressed by the police. They were updated on case progression and reassured of the Universities commitment to identify the person responsible.

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On 29 June 2020 those students identified as using the identified data provider were contacted and requested to provide explicit consent to access their personal data. This enquiry involved also seeking consent from parents who were the account holders. In total 7 students were identified as having accounts with the data provider. Those students also included a member of the BME community. The wording to each student was as follows:-

*Dear            you will be aware that the University is conducting an investigation into a Hate Crime which occurred during a lecture within the Derby Medical School. The University are working with Derbyshire Constabulary on this matter. The investigation has now identified that the person submitting the data was a person using (specific data company). We have identified that a number of student's present were using specific data at that time. No individual has volunteered that they were responsible for the incident, so it is now necessary to identify the individual by approaching the communications company. It is requested that you provide consent for the communications company to release the data requested within the attached form. You will note that we have been able to identify the exact time the data was submitted; therefore, it will be possible for the communications company to positively identify the individual concerned. The same request is being made of all students present who were using the specific data company. It is appreciated that you may not be responsible for the incident, but we must follow a process of elimination. It is for this reason we have only requested data specific to the time of the incident which is proportionate to the problem.*

*It is requested that you complete the attached document and return scanned copies to me together with proof of identify as contained within the attached form by Monday 6 July 2020. The form will be shared with Derbyshire Constabulary and (specific data company). The medical school have informed me that should a student fail to cooperate in this matter then due to the serious nature of this incident a concern intervention form would have to be raised.*

*If you do have any concerns or require support, then you may contact PH who is copied in or the UCS.*

*Should you wish to discuss this matter with me my mobile number is .....* Regards

All students cooperated and provided explicit consent, therefore there were no new lines of enquiry which may have identified a potential suspect from within the 7 students using specific data. Of those students at least 6 had potentially been using the same type of device so this did not reveal the individual responsible.

The University continued to press the Police regarding the explicit consents provided and the need to submit the requests to the data company.

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On 15 August 2020 the police contacted the investigating officer and informed him that the case had been closed following information from the data company. The data company had informed the police that the IP address was not resolvable, and the user could not be identified. It was also noted that the data company required an IPA authority to conduct further investigation. This authority could only be given if the matter under investigation carried a sentence of a year or more. The matter under investigation by the police did not meet this threshold so could not be progressed.

## **Findings**

- The school of medicine reacted quickly and appropriately to the report of the Hate Crime.
- Individual students could not be interviewed in person due to lockdown however all students had been requested to volunteer if they were responsible.
- Both students and staff were supported by the School of Medicine throughout the enquiry
- The police were limited in their enquiries due to the legal requirement of the offence carrying a sentence of over a year. The investigation they conducted was proportionate and considered risk and harm.
- The police and University were in constant communication and the University fully supported the police investigation sharing all information in compliance with GDPR.
- Despite the proactive involvement of the University the police have now stated that all lines of enquiry are now closed.
- Whilst seven students were using specific data it is not possible to identify the individual responsible.
- The gravity of the offence has acted as a barrier for the individual to admit their responsibility as the likely consequence will be suspension and exclusion as a student.

## **Recommendations**

- The use of anonymous reporting tools should be used with caution. This case has shown it is impossible to identify individual who may act inappropriately.
  - Whilst seven students were using specific data it would not be proportionate to treat them as potential offenders. All cooperated and one is a member of the BME community. To take punitive action against these individual risks civil litigation as 6 are potential victims of the Hate Crime and only one is the offender.
  - It may be worthwhile debriefing everyone affected by this incident to ensure they are aware of the level of complexity of the investigation and the proactive attempts of the University to identify the offender.
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I submit this report for your information and consideration.

**David Walton**

Conduct and Investigations Manager

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