

# Zero Tolerance Policy

The Union of Students' Zero Tolerance  
Policy – Updated November 2019

Union of Students  
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**US** UNION OF  
STUDENTS

# 1 Introduction

The Union is committed to creating a safe and inclusive environment in which every student is able to participate. This policy covers any type of bullying, harassment, discrimination and violence.

## 1.1 General principles

This policy reflects the Union of Students core values and exists to:

- Support all Union staff, officers, volunteers, members and visitors attending Union events, activities and affairs or on our premises who have been subjected to sexual harassment, bullying, discrimination or violence
- Foster and maintain an environment in which Union of Students members and staff understand the implications of the aforementioned behaviour
- Remove barriers to reporting incidents
- Enforce a zero-tolerance approach to addressing incidents of sexual harassment, discrimination and violence via our Discipline Procedure
- Commit the Union of Students to monitoring the implementation of this Policy and to evaluating its effectiveness

The Union recognises that sexual harassment, discrimination and violence intersects with other forms of harassment, discrimination and violence that are related to factors including but not limited to gender identity, class, race, sexual orientation, disability, age, and faith.

The Equality Act 2010 legally protects people from discrimination, it is against the law to treat someone differently or unfairly because of their: sex, age, disability, gender reassignment, pregnancy and maternity, race, religion or belief. Please refer to Appendix 1 for further information.

All Union staff, officers, volunteers, members and visitors attending Union events, activities and affairs or on our premises must abide by the Policy. Members must also abide by the Policy as a condition of their membership. Failure to comply may lead to sanctions, including the indefinite suspension of any or all of the privileges of membership of the Union.

This policy extends to online communication, communication by text, email and instant message which are made through official and student media accounts and directly linked to content published by the Union of Students.

## 1.2 Definitions and examples

### 1.2.1 Bullying

Bullying is a form of harassment characterized by the abuse of power or position to undermine a person so that their confidence and self-esteem is weakened or destroyed. Bullying may happen in public or in private, may arise from the personal style of the bully, and attacks may be irrational, unpredictable and unfair.

### 1.2.2 Harassment

Unwanted verbal, non-verbal or physical behaviour of any kind that is unwanted, unreasonable **and offensive to the recipient and violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.**

### 1.2.3 Discrimination

Treating someone less favourably than another person because of the protected characteristic that they have or are perceived to have, or their associations with someone who has a protected characteristic.

Examples of harassment and discrimination include

- Race, ethnic origin, nationality or skin colour
- Derogatory name-calling, insults
- Reference to skin colour
- Racist jokes
- Ridicule for cultural difference
- Verbal abuse and assault
- Gender and/or sexual orientation
- Victimisation

Worse treatment of a person/s because they exercised their equality rights. These included planning to complain, raising a grievance, acting as a witness, refusing to follow an order to discriminate, standing up for others and challenging the organisation about an inequality issue, all in good faith.

### 1.2.4 Sexual harassment

Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive environment.

### 1.2.5 Sexual assault

A person commits sexual assault **if they sexually touch another person without that person's consent.**

## 2 Freedom of expression

Everyone has the right to freedom of expression and the Union fully adopts the University of Derby Freedom of Speech policy to guide its activities. This upholds that everyone has the right to express lawful views and opinions freely, in speech or in writing. The Union further recognise that speech and other forms of expression should only be limited if it would break criminal or civil law. Some of the criminal offences that may occur in relation to speech include:

- speech causing fear or provocation of violence
- acts intended or likely to stir up hatred on grounds of race, religion or sexual orientation
- speech amounting to a terrorism related offence, and
- causing a person harassment, alarm, or distress.

The Union would carefully consider whether the reported behaviour is harassment, bullying or discrimination in conjunction with the guidance published by the Equality and Human Rights Commission.

## 3 Reporting an incident

If a Union member, staff member, officer, volunteer or visitor attending Union events, activities and affairs or on our premises witnesses, experiences or is informed of an incident of sexual

harassment, discrimination or violence they should follow the guidance viewable on our website on how to report an incident of misconduct by a member.

Union members can report to any of our front-line staff, including Union staff and full-time elected officers, as well as staff in Blends, The Academy and our retail outlets, who are able assist you to make a formal report, if you so choose. Alternatively, anyone can submit the details of an incident by contacting [president@derbyunion.co.uk](mailto:president@derbyunion.co.uk) or [victoria.hossack@derbyunion.co.uk](mailto:victoria.hossack@derbyunion.co.uk)

The University of Derby has a Report and Support mechanism where you can report your concerns/incident; this can be done anonymously if you prefer. You can access Report and Support online on the UDo homepage.

### 3.1 Recording incidents

The Union of Students will record and monitor all reported incidents of this nature. All data will be kept in accordance with the Data Protection Act 2018.

The Union of Students will annually review any incidents which may be considered a breach of this policy, and where appropriate seek to identify where enforcement of the policy can be improved and where any potential breaches of the policy could be prevented.

## 4 Discipline Procedure

The Union of Students has a Discipline Procedure which covers the misconduct of individual members, as well as sports clubs, societies, Union-affiliated groups and visitors in relation to sexual harassment, discrimination and violence. The sanctions imposed on individuals or groups who breach this Policy include indefinite removal of all of the privileges of membership of the Union. Alternatively, we may determine, with the consent of the complainant, that the nature of the **complaint is sufficiently serious that the issue(s) should be referred to the University's disciplinary procedures** for investigation.

We regularly review our Discipline Procedure in the context of our Zero Tolerance approach towards sexual harassment, discrimination and violence to ensure that those who have experienced these incidents are properly supported.

## 5 Support and advice

The Union of Students has an Advice team who can offer support by providing advice, support and **guidance through both the University and the Union's disciplinary proceedings.**

Advisors where appropriate will signpost/refer to external support services.

## 6 Monitoring and review

The President and Chief Executive will be responsible for monitoring the day-to-day implementation of this policy.

The Policy will be reviewed every two years to evaluate its effectiveness and approved at Student Affairs Council and by the Trustee Board.

## 7 Zero Tolerance Action Plan

The Union of Students has developed an Action Plan to support in implanting and embedding the Zero Tolerance Policy across the Union and University of Derby.

# Appendix 1

Racism – Prejudice, discrimination, or antagonism directed against someone of a different race based on the belief that one's own race is superior.

1.1 The belief that all members of each race possess characteristics, abilities, or qualities specific to that race, especially so as to distinguish it as inferior or superior to another race or races.

Islamophobia – Dislike of or prejudice against Islam or Muslims, especially as a political force.

Xenophobia – Dislike of or prejudice against people from other countries.

Homophobia – Dislike of or prejudice against homosexual people.

Transphobia – Fear/dislike of transgender people.

Biphobia – Fear/dislike of bisexuality or bisexuals.

Antisemitism – Hostility to or prejudice against Jews.

Misogyny – Dislike of, contempt for, or ingrained prejudice against women.

Consent – **A person consents if they 'agree by choice, and have the freedom and capacity to make that choice'. (Sexual Offences Act 2003)**

If you have experienced sexual harassment, sexual assault or sexual violence you can find guidance and support at [derbyunion.co.uk/pageassets/advice/resources/sexviolenceharassment-Apr19.pdf](http://derbyunion.co.uk/pageassets/advice/resources/sexviolenceharassment-Apr19.pdf)

Sexual Offences Act 2003 – The Sexual Offences Act 2003 replaced older sexual offences laws with more specific and explicit wording. It also created several new offences such as non-consensual voyeurism, assault by penetration, causing a child to watch a sexual act, and penetration of any part of a corpse. It defines and sets legal guidelines for rape in English law. It is also the main legislation dealing with child sexual abuse

For further information on the Sexual Offences Act visit [legislation.gov.uk/ukpga/2003/42/contents](http://legislation.gov.uk/ukpga/2003/42/contents)

Equality Act 2010 – The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which **it's unlawful to treat someone**.

For further information on the Equality Act visit [equalityhumanrights.com/en/equality-act](http://equalityhumanrights.com/en/equality-act)

Protected Characteristics – It is against the law to discriminate against someone because of a protected characteristic.

Age – A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

Disability – A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment – The process of transitioning from one gender to another.

Race – Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief – Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex – A man or a woman.

Sexual orientation – Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.