



York St. John Students Union Zero Tolerance Policy

General Principles

1. Application and Process

- 1.1. This policy applies to all current members of the Students' Union and is intended primarily to address allegation(s) of harassment, discrimination, harassment, bullying regarding sex, racism, homophobia, transphobia, and biphobia (and any other protected characteristic as defined by the Equality Act 2010), by one student against another.
- 1.2. Breaches of the policy should be reported to the President of Wellbeing and Diversity in accordance with the 'Student Disciplinary Policy and Procedure'.
- 1.3. When an incident report has been received, the President of Wellbeing and Diversity will make an assessment based on the evidence supplied at the time of assessment. If the case is deemed to be harassment, bullying etc. the case will be referred to the University to be handled in accordance with the University's Student Harassment and Bullying Policy: <https://www.yorks.ac.uk/student-services/welfare-advice/bullying-and-harassment/>
- 1.4. If the President of Wellbeing and Diversity is not present, the President of the Students' Union will take their place.

2. Statement

- 2.1. York St. John Students' Union aims to provide a welcoming, safe, protected, and healthy environment that supports a diverse and culturally rich community. The Union is committed to develop, implement, review, and monitor the progress of policies to ensure an environment free from all forms of unfair treatment.
- 2.2. York St. John Students' Union believes that:
 - 2.2.1. All students and staff have the right to live, study, work, and relax in an environment where they feel safe, and enables diverse views and values to be expressed.
 - 2.2.2. That all students and staff have access to support when needed, ensuring all students and staff can enjoy campus/student life without experiencing sexual harassment, discrimination, harassment, bullying, racism, homophobia, transphobia, and biphobia.

- 2.2.3. Sexual harassment is not tolerated by the Students' Union, and those who commit acts of sexual harassment should be appropriately disciplined for their actions. <https://www.yorks.ac.uk/student-services/welfare-advice/bullying-and-harassment/>

3. Expectations

3.1. Everyone in York St. John Students Union is expected to:

- Treat others with dignity and respect;
- Take accountability for resolving problems;
- Act with respect in all situations- with staff, students, and the local community;
- Create an environment free from sexual harassment, discrimination, harassment, bullying, racism, homophobia, transphobia, and biphobia on the grounds of; age, carer status, criminal background, disability, gender, gender identity, pregnancy and maternity, race, religion or belief, sexuality, or marital status.

What will happen if there is a breach

4. The Union as a Resolver

- 4.1. The Union adopts a zero-tolerance approach to harassment, discrimination, bullying regarding sex, racism, homophobia, transphobia and biphobia on Union premises and/ or perpetrated by/ against students.
- 4.2. The Union will take appropriate action, (informally or formally), against students or staff that perpetrate harassment, discrimination, bullying regarding sex, racism, homophobia, transphobia and biphobia. If necessary, the case will be referred to the University, to be handled in accordance with the University's Student Harassment and Bullying Policy and Procedure: <https://www.yorks.ac.uk/student-services/welfare-advice/bullying-and-harassment/>
- 4.3. The Union will make students and staff aware that if the incident could constitute a criminal offence, the union may report it to the police.
- 4.4. The Union will publicly promote the Union as a zero-tolerance space.

5. General Principles

- 5.1. The Students' Union does not tolerate any kind of sexual harassment, discrimination, harassment, bullying, racism, homophobia, transphobia, and biphobia. If deemed appropriate, your case will be referred to the 'University Student Discipline Procedure' and could result in disciplinary action: <https://www.yorks.ac.uk/ssr/policies-and-regulations-/discipline-/>
- 5.2. Where possible allegations of sexual harassment, discrimination, harassment, bullying, racism, homophobia, transphobia, and biphobia should be reported to the President of

Wellbeing and Diversity. Where appropriate, allegations shall be resolved informally using the procedures in this policy.

5.3. There are two informal stages to this procedure: *Informal Level One* and *Formal Level Two*.

5.3.1. Level One – Informal

5.3.1.1. The Union will encourage individuals to try and resolve an issue through the Informal Level One process first. The purpose of this process is for the student to informally approach the other individual(s), if it is safe to do so, and resolve the issue whilst giving the individual(s) the opportunity to cease any behaviour which causes distress.

5.3.1.2. The Union understands that it can be challenging for victims of sexual harassment, discrimination, harassment, bullying, racism, homophobia, transphobia and biphobia, to speak directly to the individual(s) and therefore we are able and willing to provide support to enable this.

5.3.2. Level Two – Formal

5.3.2.1. If it is not been appropriate to resolve the situation through the Informal Level One process, your allegation will be passed to University to be handled according to the University Student Harassment and Bullying Policy: <https://www.yorks.ac.uk/student-services/welfare-advice/bullying-and-harassment/>

Appendix: Definitions

1. Sexual Harassment

1.1. For the purposes of this policy the definition of **sexual harassment**¹ is as follows; The defining characteristics of sexual harassment are that it is behaviour that is unwanted, of a sexual nature and either persistent or likely to cause someone to feel harassed, alarmed, or distressed. Examples of such unacceptable behaviour include:

- Unwanted sexual comments (including comments about your body or private life);
- Unwelcome sexual invitations, innuendoes, and offensive gestures;
- Wolf whistling, catcalling or offensive sexual noises;
- Groping, pinching or smacking of your body, such as your bottom or breasts;
- Having your skirt or top lifted without agreeing;
- Someone exposing their genitals to you without consent.

1.2. This behaviour could be perpetrated by or against anyone of any gender.

2. Bullying

2.1. There is no legal definition of **bullying**², but it usually includes the following: Bullying is a form of aggressive behaviour where the perpetrator intends to inflict harm or distress on the victim. It is an experienced aggressive behaviour that is experienced repeatedly over time. A single conflict, argument or other isolated act of aggression is not deemed to be bullying. Incidences of bullying involve a power imbalance between the perpetrator and the victim, where the perpetrator is deemed to be more powerful than the victim. Such a power imbalance can include differences in physical strength, popularity, or ability. A one-off fight or falling out is not bullying; this is more akin to conflict. Conflict is quite common in relationships, and common causes of conflict at university include; living with others in shared accommodation, working with others on group projects, and general fallings out in friendship groups.

2.2. Bullying and harassment can take several different forms and can include:

- Physical bullying; such as hitting, kicking, physical fights, and threats of physical violence;
- Verbal bullying; such as name calling and using threatening language;
- Psychological/ Emotional bullying; such as excluding people from conversations and/ or activities, hostile looks and stares, rumour spreading and ignoring people;
- Cyberbullying; such as sending nasty or hostile text messages, posting nasty/ embarrassing/sexually explicit or humiliating messages, images or videos on social media;
- Humiliating initiation rites, hazing.

¹ National Union of Students (2010). Hidden Marks: A study of women students' experiences of harassment, stalking, violence and sexual assault. London: NUS.

² <https://www.yorks.ac.uk/media/content-assets/student-services/documents/Harassment-&-Bullying-Definitions-Appendix-A.pdf>

3. Harassment

3.1. **Harassment**³ is behaviour that has the purpose or the effect of violating dignity, or offending, hurting, degrading, or intimidating a person or persons. It may be a single event, sporadic events or a continuing process.

3.2. There is additional protection within the Equality Act 2010 for persons who experience harassment related to any of the 'protected characteristics' of age, disability, gender reassignment, race, religion or belief, sex (gender), or sexual orientation. Sexual harassment is unwanted behaviour of a sexual nature and has the same purpose or effect as described above. The law also covers harassment by perception or by association with an individual or individuals with a protected characteristic, for example, where an individual is harassed because they are friends with someone who is lesbian or gay, or because they are perceived to be lesbian or gay.

4. Sexual Harassment

4.1. **Sexual harassment**⁴ is defined as unwanted behaviour of a sexual nature. Sexual harassment is when someone behaves in a way which makes you feel distressed, intimidated, or offended, and the behaviour is of a sexual nature. Sexual harassment is a form of discrimination under the Equality Act 2010. Sexual harassment is not okay and has no place in the University community, as this York St John video makes clear in the 'It's not okay' video.

4.2 Sexual harassment includes many things;

- Unwanted pressure for sexual favours;
- Unwanted deliberate touching;
- Unwanted sexual looks or gestures;
- Unwanted letters, texts, telephone calls, or materials of a sexual nature;
- Displaying pictures, photos, or drawings of a sexual nature;
- Unwanted sexual teasing, jokes, questions, comments, wold whistling or cat calls;
- Sexual comments about a person's clothing, anatomy, or looks;
- Telling lies or spreading rumours about a person's personal sex life.

³ <https://www.yorks.ac.uk/media/content-assets/student-services/documents/Harassment-&-Bullying-Definitions-Appendix-A.pdf>

⁴ <https://www.yorks.ac.uk/media/content-assets/student-services/documents/Harassment-&-Bullying-Definitions-Appendix-A.pdf>