

BY-LAW 11

Equality and Diversity

11.1 Introduction

11.1.1 Discrimination of any nature is unacceptable and will not be tolerated by the Students' Union. Furthermore, the SU strives to create a positive and welcoming atmosphere for its staff, students and visitors, as well as ensuring they are treated fairly at all times.

11.1.2 The SU aims to:

- a) Encourage a community in which all individuals may contribute without fear of discriminatory or unfair attitudes or practices.
- b) Actively promote an environment free from intimidation or victimisation on any grounds including, but not limited to; gender, age, race, ethnic origin, sexual orientation, disability, religious belief, political belief, pregnancy and maternity, marriage or civil partnership, perceived academic ability, appearance, social status, spent criminal convictions, HIV status or gender reassignment.
- c) Create an atmosphere of respect for the diversity of the student membership.
- d) Set out a Code of Conduct for the SU that all members, every Union Club and Society, and the SU as a whole should abide by.
- e) To communicate to all members, volunteers, staff and visitors, that it is our mutual responsibility to comply with anti-discrimination, anti-bullying or anti-harassment legislation and that both Warwick SU and the individual can be held liable if they contravene the law
- f) To challenge behaviour and change practice that directly or indirectly results in discrimination
- g) Be a Union which does not treat all its users identically, but instead one that respects and takes pride in the diversity of its members and one that resolves to treat each individual and group fairly and equitably.

11.1.3 The principles behind this By-Law are to:

- a) Ensure that the SU is proactive in matters relating to equality of opportunity and demonstrate that the organisation values diversity.
- b) Set detailed, practical and realistic procedures, set down unambiguous guidelines for behaviour and set sanctions for those that fail to comply with the procedures and guidelines in place.

11.1.4 Membership of the SU requires commitment to Equality and Diversity and

members of the SU are bound by the policies and regulations of the organisation. As such, it is the personal responsibility of each of the SU's staff, student groups and members to uphold and comply with this By-Law. Failure to do so may result in disciplinary action as described in By-Law 12.

11.1.5 The Welfare and Campaigns Officer will be responsible for being the primary representative and spokesperson for Equality and Diversity within Warwick SU and for interpreting the Equality and Diversity By- Law. If at any time this is deemed inappropriate, the President will have the final power of interpretation, as outlined in the Memorandum and Articles of Association.

11.1.6 It is the duty of all members of the SU and SU staff to implement this By-Law, and the SU should regularly evaluate its effectiveness.

11.1.7 Nothing in this By-Law is intended to, or shall be interpreted in any way which would, curtail the rights and freedoms of individuals as laid down by law.

11.2 Dealing with Complaints

11.2.1 The process for dealing with complaints related to Equality and Diversity is as follows:

- a) An individual may seek confidential advice at any time from an SU Officer or the Advice Centre. This may lead to an informal resolution.
- b) In the interests of impartiality and fairness, every effort will be made to carefully establish the facts of the case before any recommendation will be made.
- c) Alternatively, a formal complaint can be lodged by completing the complaints form <https://www.warwicksu.com/contact/complaints/form/> and this will be investigated in line with the SU complaints policy and procedure.

11.2.2 In the instance of a complaint regarding Equality and Diversity being made about the Welfare and Campaigns Officer, the Welfare and Campaigns Officer will pass all responsibility for Equality and Diversity implementation to the President until the complaint is fully dealt with.

11.3. Debate and Discussion

11.3.1 The SU is committed to providing an inclusive and supportive space for all students. The SU recognises that discrimination can occur whenever it is not consciously challenged. Event organisers or meeting conveners are responsible for upholding equality and diversity policies and will aim to ensure a balance of opinions at any SU event. Freedom of speech is important, yet intention to incite hatred is never acceptable. Any person in an SU space or attending an SU event is accountable for their own language and behaviour.

11.3.2 If behaviour occurs that is not in accordance with this policy, the Chair of the meeting, elected representative or student group president may immediately act upon a complaint in a number of ways:

- a) Reiterate to speakers and those in attendance the principles of the Equality and Diversity policy and issue them with a warning that they can be asked to leave an event.
- b) Ask any student or speaker complained about to leave.
- c) Work with any security put in place to remove speakers/attendees.
- d) Make the Welfare and Campaigns Officer aware of any incident that has violated this By-Law.

11.3.3 If a student attending the event wishes to make a formal complaint they can do so using the complaints procedure at <https://www.warwicksu.com/contact/complaints/> .

11.4 Bullying by Members

11.4.1 The definition of bullying for the purposes of this By-Law is “persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions, which make the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress”. Clear definitions of whether a given action constitutes bullying will be available from the Welfare and Campaigns Officer or President.

11.4.2 In order to address the issue of bullying, the SU aims to:

- a) Provide clear guidelines on bullying so that individuals feel sufficiently confident to raise any problems they experience.
- b) Provide effective procedures for dealing with the perpetrators of bullying.

11.4.3 Bullying generally consists of a pattern of behaviour or incidents on more than one occasion. It can be perpetrated by one individual or a group; equally the victim may be one individual or a group. Examples of bullying shall include but not be limited to:

- a) Shouting at, ridiculing or demeaning someone, particularly in front of others or by written forms such as email or via a social network.
- b) Isolating an individual or preventing others from communicating with the individual.
- c) Exclusion from activities, such as social gatherings.
- d) Creating an atmosphere of fear and intimidation by setting rules of behaviour that prevents individuals from seeking advice or support from others.
- e) Applying this By-Law unfairly and not within the spirit of the By-Law
- f) Misuse of power or position
- g) Deliberately undermining a competent individual e.g. with constant criticism or by making threats.
- h) Making detrimental comments about an individual's personal qualities without substantive or quantifiable evidence of poor performance.
- i) Setting unreasonable targets or deadlines.
- j) Deliberately attempting to discredit an individual.
- k) Unfairly blocking opportunities for personal development
- l) Spreading malicious rumours or gossip.
- m) Constant picking up on trivialities with regards to a person's character or performance.

- 11.4.4 The SU will not tolerate bullying and therefore complaints made will be treated seriously, confidentially and with sensitivity. Any complaints by members with regard to bullying on SU premises or in SU Clubs or Societies can be registered using <https://www.warwicksu.com/contact/complaints/> . If the complaint is about a member of staff, the Staff/Student Protocol will be followed.
- 11.4.5 Making false, vexatious or malicious complaints of bullying will be regarded as misconduct and will result in a formal investigation. If proven, this will result in disciplinary action in accordance with By-Law 12.

11.5. Club and Society Responsibilities

- 11.5.1. The SU requires all Union Clubs and Societies to abide by this section specifically, as well as any other section of this By Law that relates to one of their projects e.g. entertainments or publicity. Membership of a Club or Society will be taken to imply an understanding of their commitment and acceptance of this By-Law.
- 11.5.2 SU Clubs and Societies will implement the aims of this section by following this non-exhaustive list of points:
- a) SU Clubs and Societies should acknowledge their responsibilities regarding equality and diversity extend beyond their members, to the membership as a whole.
 - b) All Clubs and Societies will provide a welcoming atmosphere of inclusivity for all members and potential members.
- 11.5.3 The responsibilities of SU Club and Society Executive Committees concerning Equality and Diversity shall include the following;
- a) Ensuring that they have an Executive Officer responsible for Equality and Diversity.
 - b) This Executive Officer will be responsible for advising the rest of the of the Executive Committee on Equality and Diversity matters.
 - c) This Executive Officer along with the Welfare and Campaigns Officer and the Sports/Societies Officer will act as a point of call for any internal Equality and Diversity related matters.
 - d) The Club or Society President (or equivalent) will be responsible for attending Equality and Diversity training.
 - e) The Club or Society President (or equivalent) will be responsible for ensuring that any Executive member with responsibility for publicity activity attends Equality and Diversity training.
 - f) The Club or Society President (or equivalent) will be responsible for actively encouraging and maintaining participation from a diverse membership.
 - g) Where the Club or Society has supplementary activities, such as social or promotional activities, the Executive Committee must ensure that there is a range of activities that appeal to the diverse SU membership and do not explicitly exclude SU members.
 - h) Ensuring that all core activities outlined in their constitution are accesible to all SU members, so far as the natue of the activity allows.
 - i) The Club or Society President (or equivalent) will be responsible for advising the rest of the of the Executive Committee on Equality and Diversity matters.
 - j) The Club or Society President (or equivalent) along with the Welfare and

Campaigns Officer, the Sports Officer and the Societies Officer will act as a point of call for any internal Equality and Diversity related matters.

- 11.5.4 If there is a concern regarding individual members of a Club or Society, then this can be taken up informally with the Club or Society President. If the complainant feels that a sanction is warranted then they should register the complaint via <https://www.warwicksu.com/contact/complaints/>
- 11.5.5 If there is a complaint regarding the Equality and Diversity practices of any Club or Society, then it can be reported to the Welfare and Campaigns Officer, who will investigate and attempt to achieve an informal resolution. Alternatively, a complaint can be submitted at <https://www.warwicksu.com/contact/complaints/> and it will be investigated under the complaints procedure. If the investigation concludes that the Club or Society has shown insufficient commitment to, or disregard for, this By-Law, then they can be sanctioned in the following ways:
- a) Fine or warning
 - b) Withdrawal of all publicity and advertising
 - c) Suspension of financial accounts or use of SU facilities
 - d) Suspension or closure
 - e) Any other sanction outlined in the Disciplinary Regulations in By-Law 12.

11.6. Elections

- 11.6.1 Warwick SU aims to ensure that SU elections and related practices:
- a) Abide by the main requirements of this By-Law
 - b) Treat every candidate equally within all parts of the election process.
- 11.6.2 The Democracy and Development Officer and the Welfare and Campaigns Officer will be responsible for ensuring Equality and Diversity within the elections process. The Welfare and Campaigns Officer will also work with the the Democracy and Development Officer to improve participation in standing for or voting in elections where necessary, to ensure that members from all areas of the student body are encouraged to participate.
- 11.6.3 If a candidate is believed to have broken this By Law within any aspect of the election process, a complaint should be submitted to the Elections Adjudication Panel who will deal with it as per the Election Regulations set out in By Law 9.

11.7 Entertainments

- 11.7.1 In its entertainment provision the SU aims to:
- a) Provide a welcoming atmosphere without fear of harassment to any members of the student body at SU events.
 - b) Contract artists who are obliged not to be racist, sexist, ableist, homophobic or transphobic
 - c) Minimise occasions of racist, sexist ableist, homophobic and transphobic language at SU events

- 11.7.2 The SU, and all of its Clubs and Societies which organise events, must be fully satisfied with an agency's Equality and Diversity policy before contracting any artist on that agency's books. If an artist under contract is deemed to be racist, sexist, ableist, homophobic or transphobic that artist should not be re-engaged and the agency from which the artist was obtained should be reviewed.
- 11.7.3 There will be no stipulations that would deny certain groups of students access based on arbitrary distinctions.
- 11.7.4 As far as possible, songs that contain racist, sexist, ableist, homophobic or transphobic language should not be played in SU premises. Upon receiving a complaint from members of the SU, the Welfare and Campaigns Officer shall maintain a list of songs that contravene this aim using the following procedure:
- a) Additions to or removals from this list can be made at any time by agreement of the Welfare and Campaigns Officer and the President, or by resolution by Student Council.
 - b) All changes by the Sabbatical Officers must be reported and ratified at the next meeting of Student Council.
 - c) It is the responsibility of all people playing music on behalf of the SU to observe this list in addition to following their best judgement in avoiding songs that contain racist, sexist, ableist, homophobic or transphobic language.

11.8 Harassment by Members

- 11.8.1 The definition of harassment for the purposes of this By-Law is "unwanted conduct based on gender, age race, ethnic origin, sexual orientation, disability, religious belief, political belief, perceived academic ability, appearance, social status, spent criminal convictions, HIV status or gender reassignment which affects the dignity of of the individuals or groups. This can include unwelcome physical or non verbal contact." Whether an act constitutes harassment depends on how it is regarded by the recipient rather than the motive or intention of the alleged perpetrator.
- 11.8.2 In order to address the issue of harassment, the following list gives examples of unacceptable behaviour that the SU would classify as harassment:

Physical contact including:

- I. Unwanted touching, patting or pinching
- II. Brushing up against someone in a suggestive manner
- III. Serious assault
- IV. Threats of physical violence
- V. Unwelcome sexual advances
- VI. Threatened or actual sexual violence
- VII. Lewd acts

Verbal conduct including:

- I. Unwelcome propositions
- II. Insults
- III. Lewd comments

- IV. Abusive language
- V. Offensive jokes
- VI. Derogatory terms or jokes
- VII. Promoting the superiority of one form of relationship over another

Non verbal conduct including:

- I. Display of pornographic or offensive materials, pictures or posters
- II. Offensive graffiti
- III. Offensive emails, memos or posts on social media
- IV. Promoting the superiority of one form of relationship over another

Unacceptable conduct including:

- I. Blackmail
- II. Bribery
- III. Coercion
- IV. Pressure for sexual favours
- V. Pressure to join particular political or religious groups
- VI. Where the behaviour may include one or many of the above examples and this is not exhaustive.

11.8.3 The SU will not tolerate harassment and therefore any complaints will be treated seriously, confidentially and with sensitivity. Any complaints with regard to harassment will be investigated in line with the Complaints Procedure; details to be found at <https://www.warwicksu.com/contact/complaints/> .

11.8.4 Making false or malicious complaints of harassment will be regarded as gross misconduct. If proven, this will result in disciplinary action.

11.9 Publications and Publicity

11.9.1 The SU aims to ensure that all those who produce publications or publicity should be aware of, and comply with, this By-Law, and that all publicity and student media should reflect the diversity of the SU's membership. This applies to the SU's publications, all publications from the SU's committees, Clubs and Societies and publicity from other SU groups.

11.9.2 It is the responsibility of anyone producing publicity and any editor of a publication to ensure that all articles and publicity abide by this By-Law. If unsure about any individual issue, queries can be directed to the Welfare and Campaigns Officer.

11.9.3 The SU will not tolerate publicity or publications associated with the SU breaching this By-Law and therefore all complaints will be treated seriously, confidentially and with sensitivity. Any complaints made with regard to publicity or publications can be lodged using the complaints procedure at <https://www.warwicksu.com/contact/complaints/> .

11.10 SU Access

11.10.1 The SU aims to enable all students, staff and visitors to access the facilities on the

premises and wherever possible be of practical assistance. The services of the SU should cater for students, staff and visitors with disabilities wherever possible and be in line with the law. The aim should be reflected in managerial decision making and staff training.

- 11.10.2 On the issue of SU access, the responsibilities of the SU are to:
- a) Review the accessibility of its buildings, and seek to make its buildings and equipment suitable for all users, where necessary and practical.
 - b) Fully account for accessibility issues when building and alterations works are proposed, both in the SU and within the University (via Student Representatives in the University's governance structures)
 - c) Ensure that the structure and services of the SU are as accessible as possible to all (via the Welfare and Campaigns Officer liaising with relevant staff and Officers).
 - d) Ensure that if the SU building or the facilities that the SU offers are at any time restricted or inaccessible, then the issue should be addressed by SUHQ Reception during the day and by the Duty Manager in the evenings. An immediate short term solution should be implemented if possible, and the Welfare and Campaigns Officer should be informed to find a long term solution.
 - e) Any complaints about building access should be directed to the Welfare and Campaigns Officer, where they will be dealt with as soon as possible.
 - f) Do anything else deemed to be appropriate and relevant by a recognised SU body.