

J. 19-2 Motion to Address Hate Crimes and Incidents in St Andrews.

Owner: Zelda Tobias-Kotyk

In Effect From: April 1st 2019

Review Date: 19 February 2019

Notes

1. Affiliated Societies and Subcommittees are required to follow the policies and rules laid out by Students' Association. **Appendix 1**
2. The Students' Association amended and adopted the Zero Tolerance Policy in 2016 which "enforces a strict zero tolerance policy to harassment and bullying." **Appendix 2.**
3. There has been an increase in visible discriminatory speech and actions against the LGBT+ community within the University, Union, and town during the last academic year.
4. Other individuals with protected characteristics have also experienced visible discriminatory speech and actions.
5. The Affiliation Agreement requires societies "to send a society officer to attend additional training as required by the SSC Societies Committee." **Appendix 3.**
6. Hate crime defined by Police Scotland: "Hate Crime is any criminal offence motivated by a person's hatred of someone because of their perceived race, religion, gender identity, sexual orientation or disability." **Appendix 4.**
7. Hate incidents are defined by Police Scotland: "A hate incident is any incident that is not a criminal offence, but something which is perceived by the victim or any other person to be motivated by hate or prejudice." **Appendix 4.**

Believes

1. That Societies and Subcommittees have an obligation to provide a safe and welcoming environment for all members of their groups and attendees of their events.
2. That increased awareness of different identities and what classifies a hatecrime/incidents as well as how to report a hate crime/incident will help to combat discriminatory speech and action.

Resolves

1. To condemn hate crime in all its forms.
2. To lobby the University to include the Students' Association's Zero Tolerance Policy in the matriculation and rematriculation processes so that every student is aware of this policy.
3. For Equal Opportunities Committee, Societies Officer and other relevant parties to create slides to be inserted into the societies president's training, school presidents' training, Association Councils' training and any other relevant trainings that will encompass pronouns/terminology, police definitions and reporting procedures
4. That a member will be co-opted to Societies Committee to oversee more extensive training sessions, such as Got Consent and Conscious Awareness Training; as well as monitoring adherence to Resolves points 2, 3 and 5.
 - a. In the event that a matriculated student breaches the Students' Association's Zero Tolerance Policy then the student may be referred to the Student's Association Discipline Committee.
 - b. The member will assist the discipline committee in following up with the incident in question by signposting the individual to proper procedures for reporting an incident.

5. Following the co-option of the member described in Resolves; To mandate Societies and Subcommittees to add the following text to the event descriptions of all events held in any Union or University space. They are also instructed and encouraged to add the following text any event regardless of location:

“Our event is a fully inclusive space and follows the Students’ Association’s zero tolerance policy towards discriminatory and hateful speech and actions.”

6. For Equal Opportunities Committee, Sabbatical Officers, and other relevant parties to work towards easing of process of reporting hate crimes/incidents.

Proposed

Zelda Tobias-Kotyk, *Association LGBT+ Officer*

Seconded

Equal Opportunities Subcommittee

Morgan Morris, *Association Community Relations Officer*

Kevin Phelan, *SSC Societies Officer*

Nicholas Farrer, *Director of Wellbeing*

Ciara McCumiskey, *Member for Widening Access and Participation*

Jamie Minns, *Director of Student Development and Activities*

Adam Powrie, *Director of Events and Services*

Appendix 1: University of St. Andrews Students' Association Laws Chapter 27 Association Equal Opportunities

3.1. The principles and practice of equality of opportunity will be promoted by such means as the Association may determine from time to time.

3.2. A brief statement expressing the Association's commitment to equality of opportunity will be clearly printed on all documentation (advertisements, job descriptions, etc.) relating to job opportunities within the Association.

3.3. All societies active within the Association will be expected to conduct their activities in ways that are compatible with the principles and practices of this chapter.

3.4. Appropriate training to staff and student officers of the Students' Association annually to enable them to implement the Association's commitment to equality of opportunity. Breach of the rules of conduct outlined in this chapter shall be regarded as a serious disciplinary matter.

3.5. Any person(s) affected by discrimination or alleged discrimination will be made aware of the full range of counselling and support services offered by the Students' Association and the University of St Andrews.

Appendix 2: Students' Association Zero Tolerance Policy (2013)

The Student's Association shall enforce a strict zero tolerance policy to harassment and bullying, as defined below.

The policy shall protect all members, visitors, and staff in all Students' Association venues.

Definition of Harassment: Unwanted verbal, non-verbal or physical behavior 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.

Types of harassment that can occur in "The Union" include but are not limited to:

- Race, ethnic origin, nationality or skin colour
 - Racial Harassment:
 - Derogatory name-calling, insults
 - Reference to skin colour
 - Racist jokes
 - Ridicule for cultural difference
 - Verbal abuse and assault.
- Gender and/or sexual orientation
 - Sexual Harassment:
 - Unwanted sexual comments (including but not limited to comments about your body or private life).
 - Unwelcome sexual invitations, innuendos, and offensive gestures.
 - Wolf whistling, catcalling or offensive sexual noises.
 - Groping, pinching or smacking of your body, such as your bottom or chest.
 - Having any item of your clothing lifted, tugged, removed or altered without your consent.
 - Someone exposing their sexual organs to you without consent.
 - Biting
 - Any other form of unwanted behaviour with a sexual or gender element
 - Sexual Orientation Harassment:
 - Homophobic jokes or remarks
 - Threats to disclose sexual orientation
 - Ridiculing civil partnerships or same-sex couples.
 - Gender Reassignment Harassment:
 - Ridiculing dress and personal appearance
 - Offensive jokes and remarks
- Religious or political convictions
 - Religion or Belief Harassment:
 - Offensive remarks and jokes, ridiculing religious beliefs, practices, and dress.
- Disabilities, illness, sensory impairments or learning difficulties
 - Disability Harassment:
 - Not recognising competencies
 - Drawing attention to disability or personal appearance
 - Jokes
 - Ignoring or focussing on a person because of their disability
- Age
 - Ageist Harassment:
 - Denigrating competencies
 - Patronising
 - Ridiculing

- Marginalising
- Leaving people out of social activities.
- Socioeconomic status
 - Status Harassment:
 - Patronising, ostracising or marginalising people with different social or economic backgrounds

The above list of examples is not exclusive or exhaustive; harassment can occur on the basis of any personal attribute that makes the individual different from the majority, or from the person who harasses them.

Definition of 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.

The policy defines a practical plan for investigating claims of sexual harassment, a clear set of consequences for those found to be guilty of such complaints, and strategies to help each victim of harassment. It also serves as a preventative step; as a result of the policy, security guards and bar staff will be trained in how to prevent sexual assault within the Students' Association, as well as how to recognize its precursory signs. Posters, beer mats, and stickers are used to further the policy's effectiveness throughout the Students' Association.

Appendix 3: Students' Association Affiliation Agreement

AFFILIATION AGREEMENT

- i. _____ ('Society') wishes to affiliate to the University of St Andrews Students' Association ('Association') and the Association wishes to affiliate the Society in accordance with the terms of this Agreement. This Agreement sets out the terms and conditions, which in addition to the Standing Orders for Affiliated Societies, apply to societies affiliated to the Association.
- ii. The Society and Association acknowledge that the Association is only a grant making body to the Society and that the Society is an independent unincorporated membership association. The Society and Association also acknowledge that the Association may provide additional support or advice to the Society.
- iii. The Association agrees to provide the Society with:
 - i. A free stall at the annual Freshers' Fayre upon application received by the Association's fixed deadline.
 - ii. Access to room bookings in University buildings.
 - iii. Access to room bookings in the Association's premises for a minimum number of hours each week per semester determined by the Association.
 - iv. Two audits of financial records in each academic year.
 - v. Public liability insurance cover, provided that the cover shall vitiate if the requirements of Paragraphs 4(H) and 4(I) are not fully met or the provisions of Paragraph 5 are invoked.
 - vi. Asset insurance for high-value items, at the discretion of the Management Accountant.
 - vii. The right to apply for funding from the Association.
 - viii. Any other benefits or discounts that the Association may, from time to time, offer.
- iv. The Society agrees to:
 - i. Permit any student matriculated at the University of St Andrews to become an ordinary member of the society and to exercise the full rights of membership.
 - ii. To hold annual elections for its officers in a free, fair, and transparent manner.
 - iii. Maintain accounts of all income and expenditure and submit such accounts, along with appropriate evidences, to the Association for audit twice each academic year
 - iv. Only expend Society funds to the benefit of the Society as a whole or for the fulfilment of its aims.
 - v. Send a Society officer to attend a training session provided by the Association for treasurers.

vi. Send a Society officer to attend an awareness session provided by the Association for health and safety practices.

vii. Send a Society officer to attend additional training as required by the SSC Societies Committee.

viii. Submit to the Association an adequate General Risk Assessment for all events within the Society's general course of business and an adequate Supplementary Risk Assessment for any and all events outwith the scope of the General Risk Assessment.

ix. Fully implement the mitigation measures set out in its General Risk Assessment and any Supplementary Risk Assessment.

x. Maintain at least 25 paid ordinary members at all times and provide the Association with a full membership roll upon request.

xi. Charge an annual membership subscription of at least £3.00.

xii. Adhere to the Standing Orders for Affiliated Societies (attached as Exhibit A), as adopted by the Association and as the Association may amend from time to time.

v. The Association may, at its discretion, decline to extend to the Society public liability insurance cover for any event for which it believes risks are not adequately mitigated by providing the Society with notice of the same.

vi. The Association agrees to provide the Society with 7-days' notice of any proposed change to the Standing Orders for Affiliated Societies. The Association further agrees that no change to the Standing Orders for Affiliated Societies shall become effective sooner than 21 days after its adoption. With the consent of the Society, the Association reserves the right to grant waivers or variances from the Standing Orders to the Society.

vii. By executing this Agreement the Society additionally agrees to adhere to the following provisions, unless it agrees at a General Meeting to opt-out from any of the following provisions:

i. To designate the SSC Societies Committee as the exclusive arbitrator to which disciplinary charges against any officer or member of the Society will be referred and to agree to be bound by the SSC Societies Committee's decision.

ii. To agree to submit to the SSC Societies Committee for arbitration any disputes of the following nature and that any decision rendered by the SSC Societies Committee shall be final and binding:

i. Disputes between members and the Society, officers, and/or other members

ii. Disputes between the Society and any other society affiliated to the Association that has not opted-out from this provision

viii. This Agreement shall have effect until May 2019 ("Termination Date"). The Association may extend the effective period of this Agreement by up to 60 days, provided that the Association provides the Society with seven-days' notice of the extension and the Society does not notify the Association within said seven-day period that it declines the extension.

ix. Notwithstanding the foregoing provision, the Association reserves the right to terminate this Agreement without notice if the Society materially breaches any provision of this Agreement or of the Standing Orders for Affiliated Societies.

x. The Society may terminate this Agreement by approving a resolution to disaffiliate at a general meeting, provided that the Society provides 14-days' notice to its members of the meeting and informs the Societies Officer. Termination shall not become effective until the Society has removed the Association General Manager and Association Management Accountant as signatories on the Society's bank account and provided documentation of the same to the Association.

xi. The Society agrees that if it or the Association terminates this Agreement pursuant to the foregoing paragraphs or if it fails to execute another Affiliation Agreement before the Termination Date, the Association may seize all capital assets purchased with Association grants or a sum equivalent to the depreciated value of such assets, which shall be no less than its salvage value.

xii. The Society agrees that if it winds up, disbands, dissolves, or in any other way ceases to operate (collectively 'Dissolution'), the Association may hold its assets in trust for a period of up to three years and assign those assets to any other society party to an affiliation Agreement with substantially the same aims as the Society. The Society agrees that at the conclusion of the three-year period, the Association may liquidate its assets and dispose of them in any way that benefits any other society or societies party to an affiliation Agreement. Notwithstanding the foregoing provisions, if the Society has a constitutional aim to support a charity or charities registered in the United Kingdom, the Society may donate its assets to such charity or charities upon Dissolution.

Appendix 4: Police Scotland on Hate Crime

<http://www.scotland.police.uk/keep-safe/advice-for-victims-of-crime/hate-crime/what-is-hate-crime/>