

Protocol for Discrimination and Hate-Related Misconduct

1. Introduction

This protocol gives specific information about student discipline in relation to discrimination and hate-related misconduct.

The protocol should be read in conjunction with the [Student Discipline Policy](#). If you are the subject of disciplinary proceedings in this area (either as The Student Reporter or The Student Responder), we advise you to read this protocol carefully and familiarise yourself with its contents.

The purpose of this document is:

- To reinforce our expectations around the unacceptability of discrimination and hate-related misconduct;
- To provide you with clarity and confidence around the processes in place to deal with discrimination and hate-related misconduct when it occurs;
- To outline how the University will respond to reports of incidents of discrimination and hate-related misconduct between or by student members of the University community and support students;
- To show how reports of this nature will be specifically investigated and managed under its civil [Student Discipline Procedure](#).

2. Key Principles

Newcastle University is committed to developing a culture that is safe, positive, inclusive and supportive where all can reach their full potential, and to which all staff and students contribute.

All Newcastle University students are entitled to enjoy a safe and positive experience whilst at Newcastle University.

The University's Student Charter sets out the standards of conduct the University expects of students in order to ensure a fair, equitable and supportive environment for all members of the University community.

Any report of discrimination or hate-related misconduct will be treated with utmost seriousness, and anyone found to have behaved unacceptably will be subject to investigation in line with the [Student Discipline Procedure](#).

3. Options for reporting incidents and obtaining support

Any student can report or disclose incidents of discrimination or hate-related misconduct, or seek support, via the following routes:

- **The University's Report and Support system:** <https://reportandsupport.ncl.ac.uk/>
Reports received via this route are held confidentially by the Student Health and Wellbeing Service, and will not be shared with other departments without the explicit consent of the Reporting Party unless the Reporter, or anyone else, is at risk of harm. Students have the option to submit anonymous reports via this route, or can choose to provide their contact details if they wish for the report to be investigated by the University.
- **Student Health and Wellbeing Service:** <https://www.ncl.ac.uk/wellbeing/supportservices/>
- **The Student Progress Service:** casework@ncl.ac.uk
- **The Students' Union Report and Support system:** <https://www.nusu.co.uk/support/>

Further support can be obtained from the following external agencies:

[Galop](#) is an LGBT+ anti-violence charity. They offer a confidential and free service to anyone who has experienced any form of homophobia, biphobia or transphobia. **Tel:** 0800 999 5428

[GATE Herts](#) is a hate incident reporting site and support service that is run by and for Gypsy, Traveller and Roma communities in the UK. **Tel:** 07534 790 984

[LGBT Foundation](#) is a national charity working to support lesbian, gay, bisexual and trans people. They provide free support, advice and talking therapies to anyone who identifies as part of the LGBT community. **Tel:** 03453 30 30 30

[True Vision](#) is a Police-funded website designed to provide information about racism and hate crime and aimed at improving the service that Police provide to minority communities. Online facilities allow you to report hate crime quickly to the Police.

[RUILS](#) provides support and advocacy for anyone who has experience a disability-related hate crime. **Tel:** 0208 831 6083

[Stop Hate UK](#) is a national organisation working to challenge all forms of hate crime and discrimination based on a person's identity. They operate a 24/7 helpline for anyone wishing to report hate crimes and offer specific reporting routes for LGBT and Learning Disability hate crimes and hate crimes against young people. **Tel:** 0800 138 1625

[TellMAMA](#) is an independent and confidential support service for those who face anti-Muslim hatred and prejudice. **Tel:** 0800 456 1226; **WhatsApp:** 0734 184 6068

[Victim Support](#) is an independent charity, who work to support people affected by crime or traumatic events. They provide help to ensure people feel safer and find strength to move beyond crime. Their support is free, confidential and can be tailored to your needs. **Tel:** 0808 168 9111

4. Definitions

Ableism: hostility toward or discrimination against disabled people.

Anti-Semitism: hostility toward or discrimination against Jewish people as a religious, ethnic, or racial group.

Banter: a term which describes the playful exchange of teasing remarks. The excuse of 'banter' is often used as a way to minimise harmful, unacceptable and inappropriate comments or behaviours.

Discrimination: treating a person unfairly because of who they are or because they possess certain characteristics.

Ethnicity: shared cultural experiences, religious practices, traditions, ancestry, language, dialect or national origins.

Hate incident/hate crime: acts of intimidation, hostility or violence directed at someone because of their identity or their perceived identity (for example, if you are disabled, or if someone thinks that you are gay). A hate incident becomes a hate crime when a criminal offence is committed (for example, assault, harassment, criminal damage). Hate Crime takes into account five protected

characteristics [disability, race, religion, sexual orientation or transgender identity], only part of the nine protected characteristics covered by the Equality Act.

Homophobia/biphobia: hostility toward or discrimination against gay/bisexual people.

Islamophobia: hostility toward or discrimination against the religion of Islam and Muslim people.

LGBT: an acronym meaning Lesbian, Gay, Bisexual and Transgender People. It can sometimes be written LGBT+, which, among other identities, includes people who are questioning of their sexual orientation or gender identity, are intersex (i.e. have both male and female internal/external reproductive systems or sexual organs), or who are asexual (have no sexual attraction to any gender).

Microaggression: brief and commonplace daily acts of indirect, subtle or unintentional discrimination towards a marginalised group. Microaggressions can be equally as damaging as more overt forms of discrimination or hate-related misconduct and can constitute a form of harassment.

Prejudice: a preconceived opinion, bias or idea about a person or group of people based on their perceived identity.

Protected Characteristic: The following are protected characteristics under the Equality Act (2010): age, disability, gender reassignment, marriage and civil partnership (in employment only), pregnancy and maternity, race, religion or belief (including lack of belief), sex and sexual orientation. This means that is unlawful to discriminate against somebody because of any of these characteristics.

Race: a categorisation of people based primarily on their shared physical traits or skin colour.

Racism: hostility toward or discrimination against a person because of their race or ethnicity.

Transphobia: hostility toward or discrimination against people who are transgender, nonbinary or gender nonconforming.

5. Investigation Process

Where a report of discrimination or hate-related misconduct is made to the University, one of the following internal procedures will be followed:

- For students reporting that they have been subjected to discrimination or hate-related misconduct by a member of staff, this will be investigated under the [Student Complaint and Resolution Procedure](#);
- For anyone reporting that they have been subjected to discrimination or hate-related misconduct by a Newcastle University student, this will be investigated under the [Student Discipline Procedure](#).

After the initial meeting (see 'Investigation Process' in the [Student Discipline Procedure](#)), the Student Reporter for the case has the following options available to them:

- Request the University formally investigate the incident under the [Student Discipline Procedure](#) (or the [Student Complaints and Resolution Procedure](#) if the incident relates to a member of University staff)
- Report the incident to the Police;
- Initiate support via the [Student Health and Wellbeing Service](#) or external agencies;
- Make a disclosure which will be held confidentially;
- Make no report of the incident at this time.

The provision of support is not dependent on a formal report being made.

If a Student Reporter doesn't wish to attend a meeting, they can submit a statement for consideration in any disciplinary case or can decide to allow the initial report or Police Disclosure (if applicable) to be investigated without their further involvement. The Student Reporter will be advised of the implications of their decision and their wishes will be respected if they subsequently decide to withdraw their report, unless it is determined by the Academic Registrar or Risk Assessment Panel that the case is sufficiently serious and/or there are safeguarding issues and an investigation should go ahead.

In most cases, the investigation of the incident will follow the [Level 2 Investigation Procedure](#) as set out in the Student Discipline Procedure. Occasionally, the Academic Registrar will determine that the case is sufficiently serious or complex that it should be referred to the Disciplinary Convener. The case will then be investigated in accordance with Level 3 of the Student Discipline Procedure.

To support the Student Reporter, neutral precautionary measures may be implemented (including, but not limited to, a no contact instruction for both parties and boundaries within University accommodation, academic units or services). During the investigation, a Risk Assessment Panel will carry out a risk assessment and this may result in the Student Responder receiving an interim suspension/ban from attending the Campus and/or include relocation of their accommodation or, in consultation with the Head of Academic Unit, a change to their timetabled programme sessions.

In accordance with the Student Discipline Procedure, if a case is being considered under the criminal process, the University reserves the right to suspend its disciplinary investigation until any criminal investigation or judicial proceedings have come to a conclusion. Where the University has suspended or postponed its investigation, and the conclusion of the criminal investigation/judicial proceedings result in an acquittal, consideration will be given, as relevant, to the details of the case and the needs of both students (The Student Reporter and The Student Responder), as to whether the disciplinary investigation should continue.

6. Sanctions

The level of Investigation and likely sanctions are listed in [Appendix 1](#). Any sanctions imposed as a result of a Student Disciplinary Committee on sexual misconduct may prevent the Student Responder from readmission to the University for a further programme of study until the Student Reporter is no longer a registered student at the University. This is specific to any Newcastle University sanction imposed as a result of a disciplinary hearing and will remain in place for the length of time that the Student Reporter is still a Newcastle University Student.

7. Information sharing

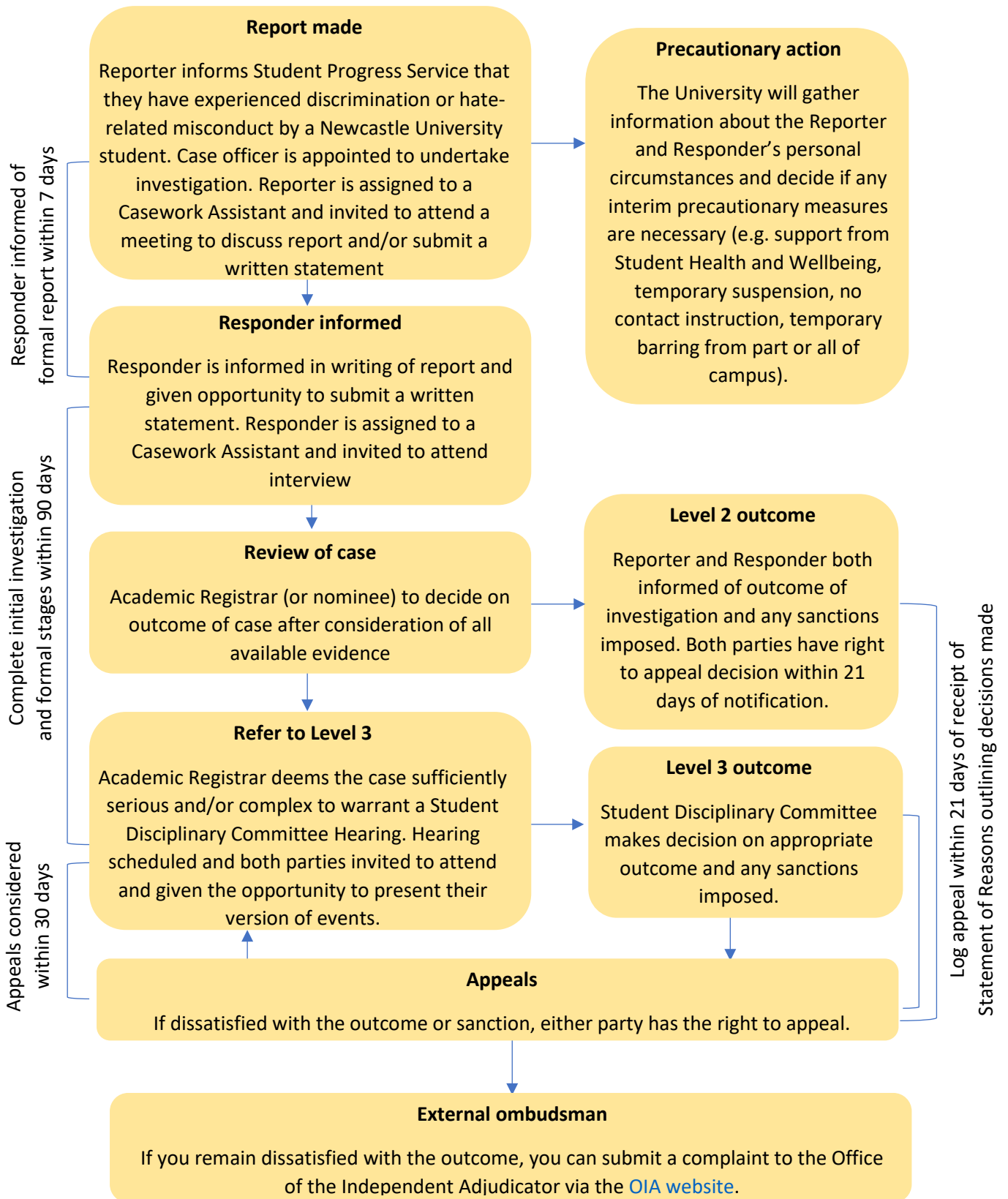
Reports of discrimination or hate-related misconduct will be handled confidentially by the Student Progress Service. Where the reported incident raises concerns for the wellbeing of a Newcastle University student, information may be shared in confidence with the Student Health and Wellbeing Service.

If a case is referred to a Student Disciplinary Committee, both the Student Reporter and Student Responder will be provided with all the documentation in advance. When a case has been determined, the Student Reporter will be informed that the case has been concluded and whether misconduct was established. The Student Reporter will be told whether the Student Responder remains on campus and what sanctions have been imposed. Both the Student Reporter and the Student Responder have the right to appeal.

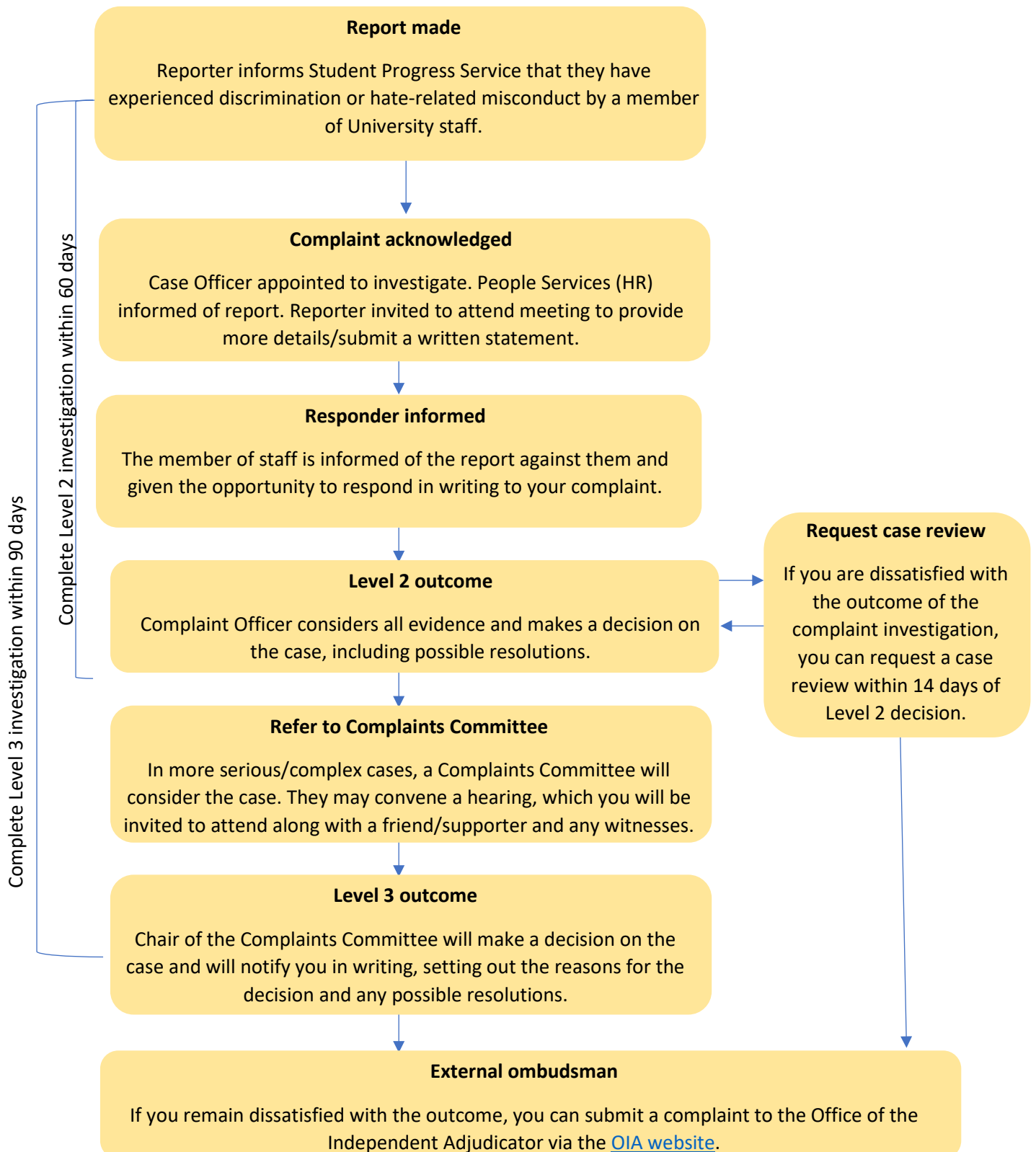
8. Appeals

Both the Student Responder and Student Reporter have the right to appeal against any decision, instruction or sanction imposed as a result of the investigation. If you wish to submit an appeal, you should follow the appeals process as set out in the [Student Discipline Procedure](#).

Quick guide: how will my case be handled under the Student Disciplinary Procedure (where the Responder is a Newcastle University student)?



Quick guide: how will my case be handled under the Complaints and Resolution Procedure (where the Responder is a member of University staff)?



Appendix 1

Examples of discrimination/hate-related misconduct considered under this protocol

Examples of discrimination or hate-related misconduct	Indicative level of procedure	Likely sanctions
Use of inappropriate language that may be indecent, inconsiderate, discourteous, disrespectful or discriminatory with the intention to offend another person. This may be in person or via other methods of communication (including but not limited to via email, social media, telephone and messaging services).	Level 2	<ul style="list-style-type: none"> - Caution - Written warnings - Final warning - Antisocial fines
Verbal or non-verbal harassment, including but not limited to microaggressions, intimidating behaviour, shouting, gesturing, using slurs.	Level 2 or 3	<ul style="list-style-type: none"> - Caution - Written warnings - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Making abusive comments relating to an individual's actual or perceived disability, ethnicity, gender, pregnancy/maternity, religion or belief, sexual orientation or transgender status	Level 2 or 3	<ul style="list-style-type: none"> - Caution - Written warnings - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Creating, sharing or distributing discriminatory or hate-related materials, comments or literature, whether online or offline.	Level 2 or 3	<ul style="list-style-type: none"> - Caution - Written warnings - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Physically, emotionally, or sexually threatening behaviour.	Level 2 or 3	<ul style="list-style-type: none"> - Caution - Written warnings - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Discrimination of any kind, including direct discrimination, discrimination based on perceptions, discrimination based on association and indirect discrimination.	Level 2 or 3	<ul style="list-style-type: none"> - Caution - Written warnings - Final warning - Antisocial fines - Suspension - Deferred expulsion

		- Expulsion with immediate effect
Hate-related criminal damage, such as graffiti or arson.	Level 2 or 3	- Caution - Written warnings - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Discrimination of any kind, including direct discrimination, discrimination based on perceptions, discrimination based on association and indirect discrimination.	Level 2 or 3	- Caution - Written warnings - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Hate-related physical assault.	Level 3	- Suspension - Deferred expulsion - Expulsion with immediate effect
Hate-related sexual assault.	Level 3	- Suspension - Deferred expulsion - Expulsion with immediate effect
Any other hate-related misconduct that would be considered a criminal offence.	Level 3	- Written warnings - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect
Active complicity in any of the above offences (where active complicity implies active promotion of the offence. This does not cover inaction or failing to prevent an offence).	Level 2 or 3	- Caution - Written warnings - Final warning - Antisocial fines - Suspension - Deferred expulsion - Expulsion with immediate effect