Protocol for Discrimination and Hate-Related Misconduct

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 Procedure. If you are involved in disciplinary proceedings in this area (either as The Student Reporter or The Student Responder), we advise you to read the protocol carefully and familiarise yourself with its contents.

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All Newcastle University students are entitled to enjoy a safe and positive experience whilst at Newcastle University. The University has a Student Charter which sets out the standards of conduct the University expects of students in order to ensure a fair and equitable, supportive environment for all members of the University community. As part of the Freedom City legacy, Newcastle University is committed to developing our Equality, Diversity and Inclusion (EDI) work in race equality and is a member of the Race Equality Charter (see also the University’s EDI policy www.ncl.ac.uk/who-we-are/equality/).

Any report of discrimination or hate-related misconduct will be treated seriously and anyone found to have behaved unacceptably will be subject to investigation in line with the Student Discipline Procedure.

The purpose of this protocol is:

- To reinforce our expectations around the unacceptability of discrimination and hate-related misconduct;
- To provide students 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 our University students;
- To explain how the University will support students who have experienced any form of discrimination or hate-related misconduct;
- To show how reports of this nature will be specifically investigated and managed under its civil Student Discipline Policy and Procedure.

Acts of misconduct that are likely to be investigated under this protocol include (see also the box below):

- Harassment of any student, member of staff, or visitor to the University. This includes hate-related incidents, harassment, discrimination towards those with protected characteristics and bullying;
- Any sexual misconduct, including, but not limited to, non-consensual sexual activity, sexual violence, assault, harassment and stalking;
- Violent, indecent, disorderly, threatening, offensive, dangerous, abusive, coercive, aggressive, inappropriate, humiliating, unpleasant, unacceptable, inconsiderate, discourteous or disrespectful behaviour or language (including on line or through social media) whilst on or off University premises, whether directed towards a member of staff, another student, visitor, member of the public or the University.
Examples of misconduct considered under this protocol

Set out below are further examples of misconduct that fall within the categories of discrimination and hate related misconduct, together with an indicative level at which the case will be investigated.

<table>
<thead>
<tr>
<th>Examples of misconduct</th>
<th>Indicative level of procedure</th>
<th>Likely Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use of inappropriate language that may be indecent, inconsiderate, discourteous, disrespectful or discriminatory with the intention to offend another person</td>
<td>Level 2</td>
<td>- Caution - Written Warnings + Final Warnings - Antisocial Fines</td>
</tr>
<tr>
<td>Use of inappropriate verbal or non-verbal harassment (e.g. shouting, gesturing) in a way that intimidates others. This includes overt use of inappropriate language, such as slurs or micro-aggressions.</td>
<td>Level 2</td>
<td>- Caution - Written Warnings + Final Warnings - Antisocial Fines</td>
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<tr>
<td>Sharing or creating discriminatory or hate related material or comments online or in digital spaces.</td>
<td>Level 2</td>
<td>- Caution - Written Warnings + Final Warnings - Antisocial Fines</td>
</tr>
<tr>
<td>Creating, displaying or circulating discriminatory or hate-related literature or posters.</td>
<td>Level 2</td>
<td>- Caution - Written Warnings + Final Warnings - Antisocial Fines</td>
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<tr>
<td>Storing or viewing inappropriate material on University IT equipment, as covered by the University Policy on the Use of IT Facilities (<a href="http://www.ncl.ac.uk/itservice/rules/">www.ncl.ac.uk/itservice/rules/</a>).</td>
<td>Level 2</td>
<td>- Caution - Written Warnings + Final Warnings - Antisocial Fines</td>
</tr>
<tr>
<td>Abusive comments relating to an individual’s gender, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age.</td>
<td>Level 2 or 3</td>
<td>- Caution - Warning + Final Warnings - Antisocial Fines - Suspension - Deferred expulsion - Expulsion with immediate effect</td>
</tr>
<tr>
<td>Threats to cause harm (physical, emotional, reputational) to another person.</td>
<td>Level 2 or 3</td>
<td>- Caution - Warning + Final Warnings - Antisocial Fines - Suspension - Deferred expulsion - Expulsion with immediate effect</td>
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<tr>
<td>Defamation of another person with false statements with the intention of harming or causing damage to someone’s personal and/or professional reputation or causing emotional distress.</td>
<td>Level 2 or 3</td>
<td>- Caution - Warning + Final Warnings - Antisocial Fines - Suspension - Deferred expulsion - Expulsion with immediate effect</td>
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<tr>
<td>Discrimination of any kind including: direct discrimination, discrimination based on perception, discrimination based on association and indirect discrimination.</td>
<td>Level 2 or 3</td>
<td>- Caution - Warning + Final Warnings - Antisocial Fines - Suspension - Deferred expulsion</td>
</tr>
<tr>
<td>Offence</td>
<td>Level</td>
<td>Disciplinary Action</td>
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<td>------------------------------------------------------------------------</td>
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</tbody>
</table>
| Acting in an intimidating or hostile manner.                           | Level 3 | - Warning + Final Warnings  
- Antisocial Fines  
- Suspension  
- Deferred expulsion  
- Expulsion with immediate effect |
| Intentionally causing another person to perceive a physical threat (e.g. brandishing a knife or other weapon). | Level 3 | - Warning + Final Warnings  
- 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  
- Warning + Final Warnings  
- Antisocial Fines  
- Suspension  
- Deferred expulsion  
- Expulsion with immediate effect |

**Report and Support**

Any student can disclose or report potential misconduct of this nature to the University and seek support via:

- [https://reportandsupport.ncl.ac.uk/](https://reportandsupport.ncl.ac.uk/)
- Student Health and Wellbeing Service and external services [https://www.ncl.ac.uk/wellbeing/supportservices/](https://www.ncl.ac.uk/wellbeing/supportservices/)
- Newcastle University Students’ Union report and support via [https://www.nusu.co.uk/support/](https://www.nusu.co.uk/support/)
- The Student Progress Service [casework@ncl.ac.uk](mailto:casework@ncl.ac.uk)

**Investigation process**

Where misconduct has been reported to the University that falls within the scope of this protocol the investigation process of the Student Discipline Procedure will be followed.

After the initial meeting (see ‘Investigation Process’ in the [Student Discipline Procedure](https://studentdiscipline.ncl.ac.uk/)), the Authorised Person for the disciplinary case has the following options available to them:

- Request the University formally investigate the incident under the Student Discipline Procedure;
- Report the incident to the Police;
- Receive support via University’s Health and Wellbeing Service or external agencies;
- Make a disclosure which will be held confidentially;
- Make no report of the incident at this time.

If the student making the report (The Student Reporter) doesn’t wish to attend a meeting they can submit a statement for consideration in any disciplinary case, or elect to allow the initial report/Police Disclosure to be investigated without their further involvement. The Student Reporter will be advised of the implications of their decision and, if they subsequently decide to withdraw their report, their wishes will be respected 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, 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.

During the investigation, a Risk Assessment Panel will carry out a risk assessment and this may result in the person against whom the report has been made (The Student Responder) receiving an interim suspension/ban from attending the campus. It may also result in a relocation of their accommodation or, in consultation with their 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 results in an acquittal, the University will consider the details of the case and the needs of both students (The Student Reporter and The Student Responder) before deciding whether its disciplinary investigation should continue.

**Information sharing**

When a case has been determined, the Student Reporter will be informed that the case was concluded and whether misconduct was established. The Student Reporter will be told if a no-contact instruction is to remain in place and if The Student Responder will be remaining as a registered student.

**Appeals**

If you would like to appeal against a decision or sanction imposed in line with this protocol, you should follow the process set out in the Student Discipline Procedure.

**Confidentiality**

Please refer to the Confidentiality Statement included as part of the main Student Discipline Procedure.

**Important note**

There are two versions of the Student Discipline Procedure - one for ‘The Student Reporter’ and one for ‘The Student Responder’. If you are involved in a disciplinary case, we encourage you to read the appropriate version of the procedure. They have been written to help you understand what to expect throughout the process.