

Investigation Protocol for Discrimination, Harassment and Hate-Related Behaviours

Introduction

This protocol gives specific information about how reports of discrimination, harassment and hate-related behaviours will be handled.

The protocol should be read in conjunction with the [Student Disciplinary Policy](#). If you are the subject of disciplinary proceedings in this area (either as a Student Reporter or a 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, harassment and hate-related behaviours;
- To provide you with clarity and confidence around the processes in place to deal with discrimination, harassment and hate-related behaviours when they occur;
- To outline how the University will respond to reports of incidents of discrimination, harassment and hate-related behaviours 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 Student Disciplinary Procedures.

A note on terminology

The University understands that preferred terminology surrounding discrimination, harassment and hate-related behaviours differs from person to person. For the purposes of University procedures, we refer to all acts of this nature investigated by the University as “misconduct”. This is because the University’s Disciplinary procedures are civil proceedings: student disciplinary investigations cannot investigate whether criminal offences have occurred, but rather whether there has been a breach of the University’s code of conduct (i.e. whether “misconduct” has occurred).

Key Principles

Newcastle University is committed to promoting a safe and inclusive environment that challenges all forms of discrimination, harassment and intimidation. All Newcastle students can expect to be treated with dignity and respect and enjoy a positive University experience.

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, harassment or hate-related behaviours will be treated with utmost seriousness, and anyone found to have behaved unacceptably will be subject to investigation in line with the [Student Disciplinary Procedures](#).

Options for reporting incidents and obtaining support

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

- **Student Health and Wellbeing Service:**
<https://www.ncl.ac.uk/wellbeing/supportservices/>
- **The Student Progress Service:**
casework@ncl.ac.uk
- **The Students' Union:**
<https://www.nusu.co.uk/support/>

Further support can be obtained from the following external agencies:

- [Community Security Trust](#) is a charity which protects people facing anti-Jewish based hatred and prejudice. Tel: 0800 032 3263
- [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
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
- [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.

- [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

Definitions

Ableism: hostility toward or discrimination against disabled people.

Ageism: hostility toward or discrimination against a person because of their age.

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.

Harassment: acts that either violate a person's dignity or create an intimidating, malicious, hostile, degrading, humiliating or offensive environment for another person. Bullying is a form of harassment

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.

Misogyny: hostility toward or discrimination against women.

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 it 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, non-binary or gender nonconforming.

Xenophobia: hostility toward or discrimination against people from other countries.

Investigation Process

Where a report of discrimination, harassment or hate-related behaviours 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 behaviours by a University employee, this will be investigated under the [Student Complaint and Resolution Procedure](#);
- For anyone reporting that they have been subjected to discrimination or hate-related behaviours by a Newcastle University student, this will be investigated under the [Student Disciplinary Procedure](#).

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

- Request the University formally investigate the incident under the [Student Disciplinary Procedure](#) (or the [Student Complaints and Resolution Procedure](#) if the incident relates to a University employee)
- 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 does not 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.

The University will not normally investigate reports made about a student anonymously. However, if a student wishes to make a report of discrimination, harassment or hate-related behaviours in confidence, a discussion may take place as to whether it is appropriate for their name and any other identifying details to be removed from the report before it is shared with the Student Responder. This will usually take place as part of a wider risk assessment exercise.

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

If a case is being considered under the criminal process, the University reserves the right to pause its disciplinary investigation until any criminal investigation or judicial proceedings have come to a conclusion. Where the University has 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 all parties (including any Student Reporter and Student Responder), and a decision will be made as to whether the disciplinary investigation should continue.

Risk assessment

During the investigation, a Risk Assessment Panel will carry out a risk assessment and this may result in precautionary action being put in place for the Student Responder while the investigation is ongoing. This may include, but is not limited to:

- Receiving an interim suspension of studies;
- Receiving a ban from attending University campus;
- Relocation of the University accommodation;
- A change to their timetabled programme sessions (in consultation with their Head of Academic Unit).

The implementation of precautionary action does not imply that the University has prejudged the student to be guilty, only that the nature of the report is sufficiently serious to warrant interim risk-prevention measures.

If a Student Reporter decides to withdraw their report, the Risk Assessment Panel will determine whether the case or any presenting safeguarding issues are sufficiently serious for an investigation to proceed without the Student Reporter's consent.

Sanctions

The level of Investigation and possible sanctions are listed in [Appendix 1](#).

Any sanctions imposed as a result of a Student Disciplinary Committee on discrimination or hate-related misconduct may prevent the Student Responder from readmission to the University for a further programme of study. This is specific to any Newcastle University sanction imposed as a result of a disciplinary hearing.

Information sharing

Reports of discrimination, harassment or hate-related behaviours 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.

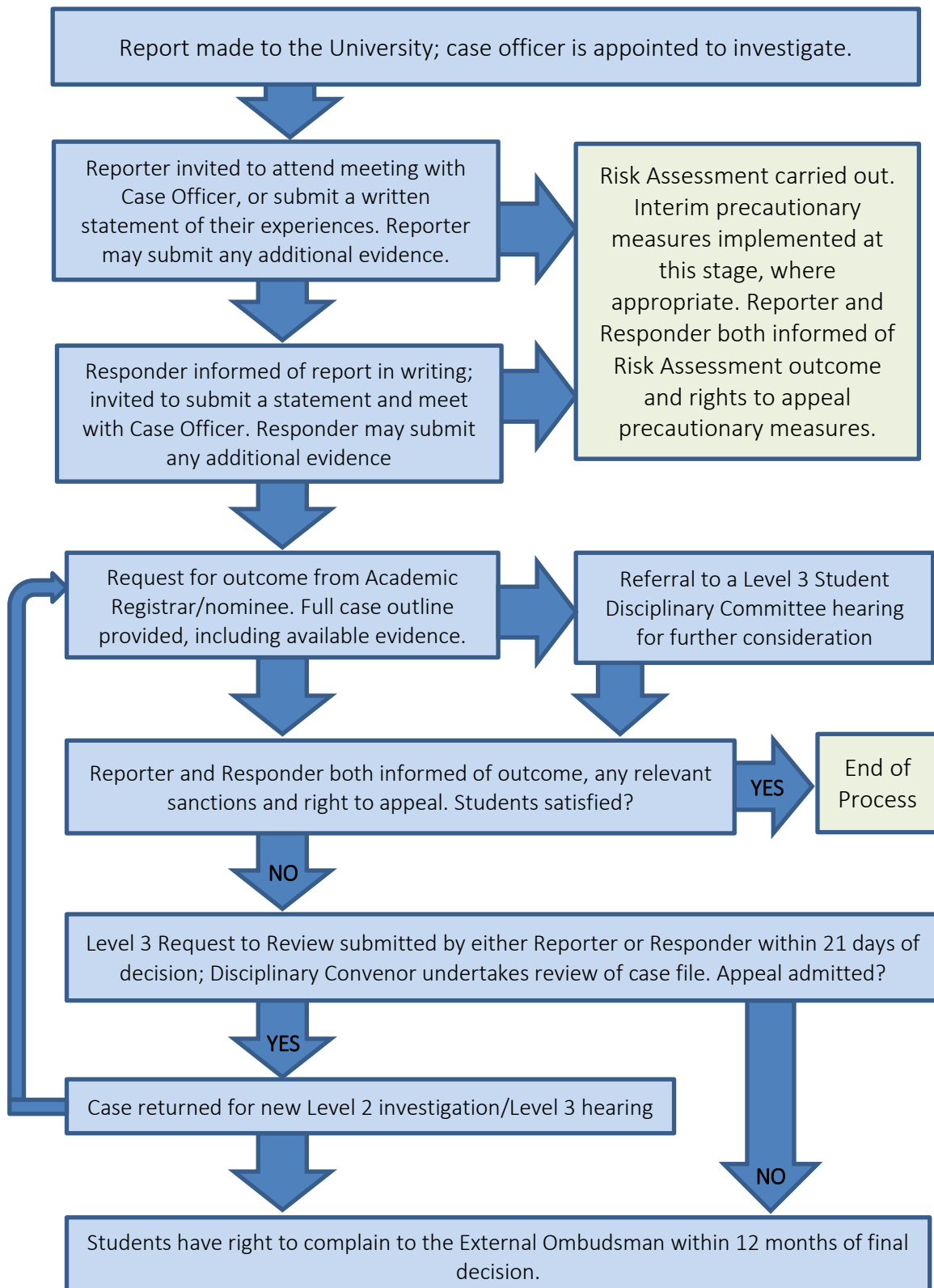
If a case is referred to a Student Disciplinary Committee, the Student Responder and any Student Reporter (if attending) will be provided with all relevant documentation in advance.

When a case has been determined, a Student Reporter will be informed that the case has been concluded and the outcome. A Student Reporter will be told whether a Student Responder remains on campus and what sanctions have been imposed.

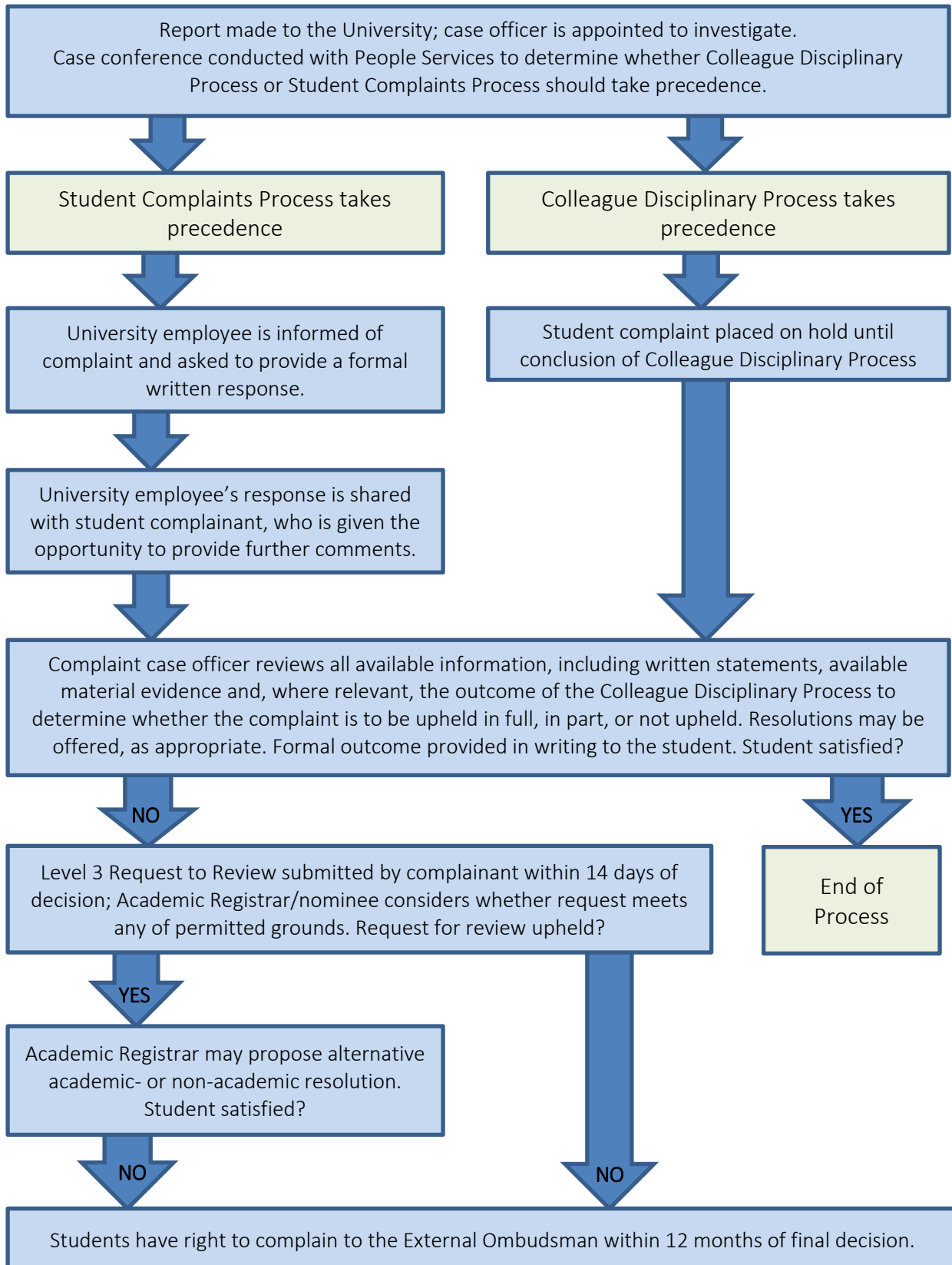
Appeals

Both a 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 Disciplinary Procedure](#).

Appendix 1: Quick guide: how will my case be handled under the Student Disciplinary Procedure (where the Responder is a Newcastle University student)?



Appendix 2: Quick Guide: how will my case be handled under the Student Complaints and Resolution Procedure (where the Responder is a University employee)?



Appendix 3: Examples of reported discrimination, harassment or hate-related behaviours considered under this protocol and likely sanctions

Examples of discrimination or hate-related misconduct	Possible level of procedure	Likely sanctions
Use of inappropriate language that may be perceived as discriminatory towards a person or group of students. 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"> - Advice and Guidance – kept on record - Written warnings - Final warning
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"> - Advice and Guidance – kept on record - Written warnings - Final warning - Suspension - Deferred expulsion - Expulsion with immediate effect
Making abusive comments relating to an individual’s actual or perceived protected characteristic.	Level 2 or 3	<ul style="list-style-type: none"> - Advice and Guidance – kept on record - Written warnings - Final warning - Suspension - Deferred expulsion - Expulsion with immediate effect

<p>Creating, sharing or distributing discriminatory or hate-related materials, comments or literature, whether online or offline.</p>	<p>Level 2 or 3</p>	<ul style="list-style-type: none"> - Advice and Guidance – kept on record - Written warnings - Final warning - Suspension - Deferred expulsion - Expulsion with immediate effect
<p>Physically, emotionally, or sexually threatening behaviour.</p>	<p>Level 2 or 3</p>	<ul style="list-style-type: none"> - Advice and Guidance – kept on record - Written warnings - Final warning - Suspension - Deferred expulsion - Expulsion with immediate effect
<p>Discrimination of any kind, including direct discrimination, discrimination based on perceptions, discrimination based on association and indirect discrimination.</p>	<p>Level 2 or 3</p>	<ul style="list-style-type: none"> - Advice and Guidance – kept on record - Written warnings - Final warning - Suspension - Deferred expulsion - Expulsion with immediate effect
<p>Hate-related criminal damage, such as graffiti or arson.</p>	<p>Level 2 or 3</p>	<ul style="list-style-type: none"> - Advice and Guidance – kept on record - Written warnings - Final warning - Suspension - Deferred

		<ul style="list-style-type: none"> expulsion - Expulsion with immediate effect
Hate-related physical assault.	Level 2 or 3	<ul style="list-style-type: none"> - Advice and Guidance – kept on record - Written warnings - Final warning - Suspension - Deferred expulsion - Expulsion with immediate effect
Hate-related sexual assault.	Level 2 or 3	<ul style="list-style-type: none"> - Advice and Guidance – kept on record - Written warnings - Final warning - Suspension - Deferred expulsion - Expulsion with immediate effect
Any other hate-related behaviours that would be considered a criminal offence.	Level 2 or 3	<ul style="list-style-type: none"> - Advice and Guidance – kept on record - Written warnings - Final warning - 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	<ul style="list-style-type: none"> - Advice and Guidance – kept on record - Written warnings - Final warning - Suspension

		<ul style="list-style-type: none">- Deferred expulsion- Expulsion with immediate effect
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