

Hate-Related Misconduct Procedure

This procedure gives specific information in relation to hate-related misconduct, including discrimination and harassment, for both the reporter and the respondent. It is an appendage to the University Disciplinary Policy.

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1. Summary

The University adopts a stance of zero-tolerance to founded allegations of hate-related misconduct against any student, colleague or any other individual conducting business for or on behalf of the University. Any report of a hate incident will be treated seriously; anyone found to have behaved unacceptably will be subject to investigation in line with the disciplinary procedures.

If you are the subject of disciplinary proceedings as a result of an accusation of hate-related misconduct, you should ensure that you read this procedure and understand it fully.

If you are reporting an allegation of misconduct against another colleague, we recommend you read this procedure which will outline what you can expect to happen once you make your report.

The purpose of this document is:

- To reinforce our expectations around the unacceptability of hate-related misconduct
- To provide you with clarity and confidence around the processes in place to deal with hate-related misconduct when it occurs.
- To outline how the University will respond to reports of incidents of hate-related misconduct and what support is in place for colleagues.
- To show how reports of this nature will be specifically investigated and managed under the Disciplinary Policy

This procedure may apply in the following circumstances:

- Where there is an allegation made by a colleague, relating to another colleague (or several other colleagues), that may wholly or partly relate to allegations hate-related misconduct
- Where there is a student complaint made against a colleague that wholly or partly relates to allegations hate-related misconduct
- Where there is a complaint made, or concern raised by a colleague, relating to a student that wholly or partly relates to allegations of hate-related misconduct

For allegations made by a student against another student/students please refer directly to the student disciplinary procedures you can find [here](#).

2. Definitions

Our definitions include hate-related misconduct, discrimination and harassment through any medium, including, for example, online.

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).

Discrimination is when someone is treated unfairly for any of these reasons:

- Age
- Disability
- Gender Reassignment
- Marriage & Civil-Partnership
- Pregnancy & Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

These are called protected characteristics under the law (Equality Act 2010).

Harassment is unwanted behaviour “which you find offensive or which makes you feel intimidated or humiliated” ([Citizens Advice](#)). This might include:

- Verbal abuse
- Physical abuse
- Physical gestures or facial expressions
- Offensive or distressing emails, and comments on social media or in online forums
- Unwanted and offensive ‘jokes’
- Destruction of property

There are multiple statutes which define harassment, for example the [Protection from Harassment Act 1997](#) and the [Public Order Act 1986](#). The Protection from Harassment Act 1997, for example, states that harassment is when the person carrying out the behaviour knows, or ought to know, that the behaviour is causing harassment.

Under the [Equality Act 2010](#), individuals are protected from harassment if it is connected to a protected characteristic as listed above.

3. Reporting allegations

Any colleague can report or disclose potential hate-related misconduct, or seek support, via the following routes:

- **The University’s [Grievance Policy](#)**
- **Anonymous Reporting:** <https://forms.office.com/r/uNQne49sfK>
Anonymous reports by colleagues can be submitted here. All reports received via this route are held confidentially by University advisors. As this form is anonymous, we will not be able to offer direct support or trigger any formal reporting mechanisms.
- Line Manager – if appropriate
- [People Services](#)
- [ED & I Colleague Networks](#) – we have a number of colleague networks run by colleagues for colleagues. They can offer peer support and mentoring on matters of interest and concern.

- [Just Ask](#) – Just Ask is a service offering confidential support and direction to University employees who are feeling stressed at work. It is operated by a team of volunteers who can provide a listening ear and information to their colleagues on a range of issues.
- **Employee Assistance Programme:** <https://newcastle.sharepoint.com/hub/orghas/Pages/Employee-Assistance-Programme.aspx> - Our confidential 24 hour helpline that provides support through any of life's issues or problems.

4. What happens next?

A People Services Business Partner/Advisor will have an initial meeting with the colleague who is reporting the allegation. Within this meeting, the reporting colleague has the following options available to them:

- Request the University formally investigate the incident. Informal resolution of allegations of this nature is not appropriate and will not be recommended.
- Report the incident to the Police.
- Initiate support via the Employee Assistance Programme or external agencies.
- Make no report of the incident at this time.

In cases of this nature, we would encourage the reporting colleague to attend an investigatory meeting with a colleague or trade union representative. The University would offer support through the Employee Assistance Programme (EAP) and share details of external support partners specialising in cases of this nature to the colleague. A reporting colleague can choose not to attend this meeting, instead submitting their statement for consideration. The reporting colleague may decide they want the investigation to continue without their personal involvement.

To support the Colleague Reporter, neutral precautionary measures may be implemented (including, but not limited to, a no contact instruction for both parties and boundaries within University academic units or service areas).

During the investigation, the Investigating Manager and People Services Business Partner/Advisor will assess the risk, and this may result in the Colleague Responder being suspended. Please refer to the disciplinary policy and procedure for further information on suspension.

If a case is being considered under the criminal process, the University reserves the right to decide whether to proceed with the disciplinary process or suspend its disciplinary investigation until any criminal investigation or judicial proceedings has concluded.

The investigating manager along with the People Services Business Partner/Advisor will decide if following the investigation, there is a disciplinary case to answer. An independent hearing manager will then be appointed, and the responding colleague will be invited to a disciplinary hearing.

5. Disciplinary Action

In deciding the appropriate disciplinary action, the hearing manager should take into account the nature of the misconduct and the colleague's disciplinary record, general record, length of service and explanation of their actions.

If no disciplinary action is to be taken, the colleague should be informed.

If the hearing manager decides that disciplinary action is justified they must decide what form the disciplinary should take, inform the colleague and confirm their decision in writing setting out the details of the misconduct,

the behaviour that is expected, the period for which the warning remains live; together with the colleague's right to appeal.

The University disciplinary procedure outlines the following actions, which will be based on the judged severity of the act committed by the colleague accused:

1. First written warning
2. Second written warning
3. Final written warning
4. Dismissal

Appeals

Colleagues reporting allegations of misconduct do not have the right to appeal against the investigation/disciplinary outcome. The colleague responder does have the right to appeal any formal action taken as a result of the disciplinary process.

6. Information sharing

The strictest of confidentiality will always be maintained.

Where information is shared between Student Progress Service and People Services, this will be in the strictest of confidence and will be limited to the minimum information required to conduct a fair and thorough investigation. Where it is possible, there may be some scope for joint interview of witnesses, as agreed by the two services and where this is appropriate to the case and does not pose issues around confidentiality. Witnesses and complainants would need to consent to this.

Due to reasons of confidentiality, it is unlikely that any outcome for a responding colleague would be shared with the party making the complaint. Therefore, the expectations of the reporter should be managed in terms of the information relating to the outcome that will be shared with them.

All personal data relating to any party involved in any investigation, will be stored, handled and processed in accordance with the General Data Protection Regulations.

7. Support

Colleagues should be aware of the support and services within the University to protect their wellbeing. It may be appropriate to signpost colleagues to appropriate services and further information can be found on the [Wellbeing pages](#).

If you have witnessed something or have made a disclosure that you find upsetting in any way, it is recommended that you speak to your own manager in confidence, or a member of People Services. You may also wish to consider self-referral to the Employee Assistance Programme which offers a comprehensive and varied package of support.

8. Associated documents and further guidance

University Policies

- [Disciplinary Policy](#)
- [Colleague Social Media Guidance](#)

Legal Documents

- [Equality Act 2010](#)

External Resources

- <https://www.sariweb.org.uk/>
- <http://www.equalityadvisoryservice.com/>
- <http://www.lgbt.foundation/>
- <https://www.stonewall.org.uk/>
- <https://www.bitc.org.uk/age-and-multigeneration-teams/>
- <https://everydaysexism.com/help-support>
- <https://www.victimsupport.org.uk/>
- <http://www.crimestoppers-uk.org/>

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