Guidance on completing the Sexual Misconduct and Violence Reporting Form

# **When to use this form:**

You may use this form to make a report of sexual misconduct and violence to the University for the purposes of initiating the procedures within the Sexual Misconduct and Violence Policy. In other words, use this form to request that the University take action in response to an incident(s) of sexual misconduct and violence where the Responding Party is a member of the Unversity community, e.g. student or employee.

# **How to complete this form:**

Please complete this form to the best of your knowledge. You may choose to leave some sections blank. After submitting this form, you will be given the opportunity to meet with a SMV case manager. If after your meeting, you choose to continue with the formal process an investigation will be conducted. This form will be used to represent your experience to the investigator, but you will also have the opportunity to speak to the investigator. This form will also be shared with the Responding Party during the investigation in order to inform him/her/them of the report.

Please note if you choose not to identify yourself on the form, we will be unable to take action in response to the form. Anonymous reports will be accepted for information only. You may wish to submit and anonymous report online through our Report + Support tool at [reportandsupport.durham.ac.uk](https://reportandsupport.durham.ac.uk/). The University is only able to initiate an investigation if the Reporting Party is willing for the Responding Party to be informed of the report against them which includes knowing who has made the report. Disciplinary action against a Responding Party can only be taken following the outcome of an investigation that indicates that disciplinary action is required. All investigations are conducted using the civil standard of proof – the balance of probabilities.

1. **Reporting Party:**

The Reporting Party is the invididual who was the subject of the sexual misconduct and violence and has chosen to formally report this to the University. After the form is submitted, the following information will be redacted so that the Responding Party does not receive your contact details: your email address, phone, College and Academic Department.

1. **Responding Party:**

The Responding Party is the individual who is alleged by the Reporting Party to have committed the sexual misconduct and violence. If there is more than one Responding Party for the same incident, please note that in the Incident Information section.

1. **Incident/s Information:**

Use this section to describe what happened. The more detail you provide in this section the fewer questions the investigator may need to ask about those details during the investigation. If there is more than one incident related to the same Responding Party, please indicate this in the description of the incident. If there were witnesses who have knowledge of the incident/s, you may wish to include them in the investigation. In order for the witnesses to be included, they have to consent to participate in the investigation.

1. **Supporting Documentation:**

Supporting documentation may include, but is not limited to: photos, videos, e-mails, text messages and/or screenshots of online material. If you submit supporting documentation, this will be shared with the Responding Party at the time he/she/they is informed of the report and receives a redacted copy of this form.

1. **Outcome:**

In this section, please decribe what actions you desire to be taken from this process. This may include requests for information on specialist support, a disciplinary response, and/or no contact arrangements/orders. *If you aren’t sure what outcome you want, you can leave this blank.*

# **How to submit this form:**

Please submit this to the Sexual Misconduct Prevention & Response Manager using the contact details at the end of the form.

# **What happens next?**

Before an investigation begins you will be asked to attend a meeting with the Sexual Misconduct Prevention & Response Manager or Senior Case Mangement Officer (for SMV) during which the procedure to be followed will be explained and the details of the report will be confirmed. In this meeting you will have the opportunity to confirm whether you want to move forward with the formal report. If you choose to move forward with the formal report, an investigation will be undertaken as quickly as possible.

The University will hold a confidential Initial Review Meeting to consider any non-judgmental precautionary measures necessary to support you, the Responding Party and other parties involved whilst investigations take place. You and the Responding Party do not attend this meeting, but your views will be represented by the case manager or a member of staff supporting you.

You will be asked to attend an investigation meeting with the trauma-informed specialist investigator. You may be accompanied by a member of the University community such as a member of staff, Students’ Union representative or a fellow student or by someone external such as a family member, friend or a member of a specialist external agency, e.g. the Sexual Assault Referral Centre or Rape Crisis.

The Responding Party will receive written notification of the report made against them, informed of the procedure being followed and asked to attend a meeting with the same investigator. During that meeting the procedure will be explained and the details of the report against them will be confirmed. The Responding Party will be given a full and fair opportunity to explain or present their version of events in response. You will be given an opportunity to review any evidence submitted by the Responding Party and witnesses.

You will be informed of the outcome of the investigation and if the investigator determined that a breach of the policy occurred and any further action that may occur.

Please refer to the *Sexual Misconduct and Violence Policy* for full details of the process. If you are making a report against a student, please review the *Procedure for Students*. If you are making a report against a member of staff, the *Procedure for managing disclosures or reports involving allegations of staff sexual violence and misconduct*, will apply. The Policy and related procedures can be found here: [dur.ac.uk/sexualviolence/policies](https://www.dur.ac.uk/sexualviolence/policies/)

# **Relevant definitions**

**Sexual Misconduct and Violence** is defined as any unwanted conduct of a sexual nature which occurred in person or by letter, telephone, text, email or other electronic and/or social media and includes, but is not limited to, the following behaviour:

* Engaging, or attempting to engage in a sexual act with another individual without consent;
* Sexually touching another person without their consent;
* Conduct of a sexual nature which creates (or could create) an intimidating, hostile, degrading, humiliating, or offensive environment for others including making unwanted remarks of a sexual nature;
* Inappropriately showing sexual organs to another person;
* Repeatedly following another person without good reason;
* Recording and/or sharing intimate images or recordings of another person without their consent;
* Arranging or participating in events which may reasonably be assumed to cause degradation and humiliation to those who have experienced sexual violence, for example inappropriately themed social events or initiations.
* Misuses of power enacted by staff especially in their relations with students or staff members, e.g. inappropriate or unwanted behaviour such as harassment, grooming, bullying, sexual invitations, comments and non-verbal communication with sexual content or overtones, creation of inappropriate sexual atmosphere, and promised resources in exchange for sexual interaction.
* **Domestic abuse and coercive or controlling behaviour** is defined as any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to, psychological, physical, sexual, financial and/or emotional abuse.

Please refer to the guidance on pages 1-2 of this document before completing this form.

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| --- |
| **1. Reporting Party**  |
| **Name** |  |
| **Preferred Pronouns** |  |
| **Email Address**  |  |
| **Phone** |  |
| **Gender** |  |
| **College** |  |
| **Academic Department** |  |
| **Student / Staff Status** |  |
| **2. Responding Party**  |
| **Name** |  |
| **Gender** |  |
| **Relationship to Reporting Party**  | (e.g. friend, peer, partner, stranger, lecturer, colleague, etc.) |
| **Affiliation with Durham University**  | (e.g. student, staff, other) if known |
| **College** |  |
| **Academic Department**  |  |
| **3. Incident/s Information**  |
| **Date and Time of Incident/s** |  |
| **Please provide a description of the incident/s.** | (add more pages if necessary) |
| **Please provide the details of any witnesses to the incident.** Please include their email address if known. |  |
| **Have you told anyone about this incident?** | [ ]  Yes [ ]  No If yes, who:  |
| **Have you notified the police?** | [ ]  Yes [ ]  No [ ]  Not Applicable [ ]  I would like more information on this option.  |
| **4. Supporting Documentation**  |
| **Are you submitting supporting documentation?**  | [ ]  Yes [ ]  No If yes, please describe (where possible, please submit this with your report): |
| **5. Outcome** |  |
| **What actions do you desire from this process?**Leave blank if not known |  |

|  |  |  |
| --- | --- | --- |
|  |  |  |

**Signature: Date**:

*(You may type your name)*

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| Please submit any supporting documentation with this form. Please email the completed form to the Sexual Misconduct Prevention & Response Manager in the Student Conduct Office, at student.cases@durham.ac.uk |

**For more information regarding support, reporting options, and prevention and response efforts by the University,**

**please visit:** [**www.dur.ac.uk/sexualviolence**](http://www.dur.ac.uk/sexualviolence)

**Monitoring Information:**

The following questions are optional. We monitor complaints/reports by these equality groups to inform our future work. For example, we might want to know how many female students have made a complaint/report in the last 6 months. Personal details are not included in these monitoring reports.

Please put an **X** in the box to indicate your response.

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| --- | --- |
|  | Do you consider yourself to be disabled within the definition of the Equality Act 2010? The Equality Act 2010 describes a disabled person as: *"…anyone who has a physical, sensory or mental impairment, which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities."* |
|  | Yes |  | No |  | Prefer not to say |
|  |

|  |  |
| --- | --- |
|  | What is your ethnic group? |
|  |  | Asian British |  | Indian |  | Pakistani |  | Bangladeshi |  | Chinese |
|  |
|  |  | Any other Asian background |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  | Black British |  | Black African |  | Black Caribbean |  | Any other Black background |
|  |
|  |  | Afghani |  | Iraqi |  | Iranian |  |  |
|  |
|  |  | Any other Middle Eastern background |  |  |
|  |
|  |  | White British |  | White Irish |  | White Eastern European |  | White Western European |
|  |
|  |  | Irish Traveller or Gypsy |  | Any other ethnic group |  | Mixed background |
|  |
|  |  | Any other White background |  | Prefer not to say |  | None of the above |
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| --- | --- |
|  | I describe my gender as... |
|  |  | Man |  | Woman |  | Non Binary |  | Prefer not to say |  | In another way |
|  |
|  | Do you identify as trans? |
|  |  | Yes |  | No |  | Prefer not to say |  |  |
|  |

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| --- | --- |
|  | Do you have a religion or belief? |
|  |  | Agnostic |  | Buddhist |  | Christian |  | Hindu |  | Humanist |
|  |
|  |  | Jewish |  | Muslim |  | No religion |  | Sikh |  | Spiritual |
|  |
|  |  | Prefer not to say |  | None of the above |  |  |
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| --- | --- |
|  | What is your sexuality? |
|  |  | Asexual |  | Bisexual |  | Heterosexual |  | Gay/lesbian (Homosexual) |
|  |
|  |  | Queer |  | Prefer not to say |  | None of the above |
|  |