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 SMV 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 SMV 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, if it is 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 *Non-Academic Misconduct Procedures*. 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: <https://www.durham.ac.uk/colleges-and-student-experience/student-support-and-wellbeing/student-conduct/sexual-misconduct-violence/policy-procedure/>

# **Relevant definitions**

Sexual Misconduct and Violence is defined as any unwanted and/or non-consensual conduct which could reasonably be perceived as sexual in nature. This can be a one-off incident or a pattern of behaviour which occurred in person or by letter, telephone, text, email or other electronic and/or social media. It can be physical and/or non-physical. Under this policy, this umbrella term also includes domestic abuse, coercive and controlling behaviour, and stalking regardless of sexual abuse being present. Examples of Sexual Misconduct and Violence includes, but is not limited to, the following behaviour:

* **Non-consensual sexual act:** Engaging or attempting to engage in a sexual act with another individual without consent. This may include, for example, the penetration, or attempted penetration, of someone’s vagina, anus, and/or mouth with a body part/object or making someone engage in a sex act on another without their consent.
* **Non-consensual sexual touching**: Sexually touching another person without their consent. This may include, for example, touching someone above or underneath clothing.
* **Sexual harassment:** unwanted and unwelcome words, conduct, or behaviour of a sexual nature that has the purpose or effect of creating (or that could create) an intimidating, embarrassing, hostile, degrading, humiliating or offensive environment for the recipient.
* **Indecent exposure:** inappropriately showing one’s sexual organs/genitalia to another person. This can include directing this behaviour to a specific person and/or more generally with no targeted person, but where individuals are subjected to this without their consent.
* **Stalking:** unwanted, repeated, fixated, obsessive and / or controlling behaviours that are intrusive and make the recipient distressed or scared. Examples may include regularly following someone, sending unwelcome gifts, making unwanted or malicious communication, checking someone’s internet use, interfering with their property, using their friends/loved ones to gain information about them and /or send messages to them, watching or spying on someone.
* **Image-based sexual abuse:** recording and / or sharing intimate images or recordings of another person without their consent, threatening to share private sexual images without consent, and/or upskirting. This includes content that has been artificially generated and/or digitally altered.
* **Promoting Rape Culture:** Arranging or participating in events which may reasonably be assumed to cause degradation and humiliation to those impacted by sexual violence, for example social events or initiations themed to promote or under pinned by rape myths.
* **Abuse of Power:** Misuses of power enacted by academic, professional, contracted, and temporary staff in their relations with students or misuses of power between students who have unequal institutional power. Examples include inappropriate or unwanted behaviour such as harassment, grooming/boundary blurring, 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. For information on appropriate and inappropriate relationships, please see [Close Personal Relationships between Staff](https://durhamuniversity.sharepoint.com/sites/ph/SitePages/Close-Personal-Relationships-between-Staff.aspx?web=1) and [Close Personal Relationships between Staff & Students](https://durhamuniversity.sharepoint.com/sites/ph/SitePages/Close-Personal-Relationships-between-Staff-%26-Students.aspx?web=1)
* **Domestic / dating abuse and/or coercive or controlling behaviour:** any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been in an intimate personal relationship or are family members, regardless of gender or sexuality. This can include, but is not limited to, psychological, physical, sexual, economic, emotional, identity, and/or spiritual abuse.
* **Acts of Force:** physical force, threats, intimidation, or coercion that takes away an individual’s freedom to consent to sexual activity. Physical force may include the intentional physical impact upon another, strangulation/choking/suffocation, physical restraint and/or the use of a weapon or an object as a weapon. A threat is when there is a negative consequence if the individual said no. Intimidation is the use of power or authority to influence someone’s decision and/or physically being larger or stronger than someone where they fear physical violence if they say no. Coercion is when someone is pressured unreasonably for sex, which can include manipulation.
* **Complicity:** any act that knowingly helps, promotes, or encourages any form of Sexual Misconduct and Violence by another individual.
* **Retaliation:** may constitute any words or actions, including intimidation, threats, or coercion, made in response to disclosures or reports made under the Sexual Misconduct and Violence Policy, by any individual including both the Responding Party and the Reporting Party, as well as witnesses, friends, or relatives.

Definitions can be reviewed in full, in theSMV Policy <https://www.durham.ac.uk/colleges-and-student-experience/student-support-and-wellbeing/student-conduct/sexual-misconduct-violence/policy-procedure/>

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

|  |
| --- |
| **1. Reporting Party**  |
| **Name** |  |
| **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)*

|  |
| --- |
| Please submit any supporting documentation with this form. Please email the completed form to the SMV 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:** [**https://www.durham.ac.uk/colleges-and-student-experience/student-support-and-wellbeing/student-conduct/sexual-misconduct-violence/**](https://www.durham.ac.uk/colleges-and-student-experience/student-support-and-wellbeing/student-conduct/sexual-misconduct-violence/)

**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.

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

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

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

|  |  |
| --- | --- |
|  | What is your sexuality? |
|  |  | Asexual |  | Bisexual |  | Heterosexual |  | Gay/lesbian (Homosexual) |
|  |
|  |  | Queer |  | Prefer not to say |  | None of the above |
|  |