

University Executive Committee

9 December 2019

Sponsor: Jeremy Cook

Author: Clarissa Humphreys

Sexual Misconduct and Violence Annual Trend Monitoring Paper

Proposed Resolution

University Executive Committee is asked to:

- a) **note** the case trends in sexual misconduct and violence impacting the University community and how the University is responding to these issues in accordance with current sector guidance.

Communication Status: Paper	Open	X	Open Internal		Confidential Restricted/External	
Communication Status: Appendices	Open	Appendix A and C	Open Internal		Confidential Restricted/External	Appendix B
Freedom of Information Exemption	Paper: N/A					
	Appendices: Section 40, Personal Information					

Previous Consideration by this or other Committee

N/A

Further Committee approval required

This report will be submitted to Audit Committee and Council for assurance purposes.

Appendices

Appendix A - Analysis of Themes and Issues

Appendix B - Data on Disclosures and Reports of Sexual Misconduct and Violence

Appendix C - Current Sector Guidance and References

1. Executive Summary

1.1 This paper provides a summary of the trends identified through the central recording of disclosed and reported incidents of sexual misconduct and violence (“sexual misconduct”) and related policy breaches as defined under the Sexual Misconduct and Violence Policy (“the Policy”). It will highlight key themes and issues arising from the reported data¹ during the last 5 academic years. A statistical analysis and raw data that is frequently requested through Freedom of Information Requests (FOI) is included in Appendix B. This paper is produced annually for assurance purposes in accordance with best practice identified in sector guidance (Baird, Renfrew, Nash-Henry, & Towl, 2019). A separate report that presents the work of the Sexual Misconduct and Violence Operations Group (SMVOG) providing a more detailed

¹ It is only through the voices of victim-survivors willing to come forward and talk about what has happened that the University is able to access this information as there has been no prevalence study conducted at Durham. We thank each and every individual who was able to speak out whether through named or anonymous processes. We hope this work will continue to break down barriers for individuals to come forward and that the University response will help prevent future incidents whilst helping victim-survivors access support for recovery.

explanation of institution-wide prevention and response initiatives will be produced at the end of 2019/20 academic year.

- 1.2 University Executive Committee, Audit Committee and Council are receiving this paper as it is imperative that leaders at the highest level of the institution are informed regarding the impact sexual misconduct continues to have on the University community and there is assurance that at an operational level this issue is being addressed in line with sector guidance and best practice.
- 1.3 While this paper makes no direct request for additional funding or resources, it will acknowledge the limitations of the current resource noting the impact on students and staff due to investigations conducted by volunteer investigators, a continued waiting list for students and staff attempting to access the specialist counselling by the Rape and Sexual Abuse Counselling Centre (RSACC), and a lack of progress in culture change work due to the increased case load for the Sexual Misconduct Prevention and Response Manager (SMPRM), formerly known as the Student Support and Training Officer (Sexual Violence and Misconduct). This situation will improve as following the 2018/19 planning round, a new Case Manager will be joining in University in December 2019.

2. Strategic Context

- 2.1 During the 2015/16 academic year, the University's Sexual Violence Task Force (SVTF) set the strategic vision that Durham would become "*a University community where survivors are supported while we strive to eliminate sexual violence.*" The SMVOG aim is to operationalise this vision by ensuring that prevention and response initiatives addressing sexual misconduct are embedded within the University for students and staff. The SVMOG actively monitors progress on key initiatives while continuing to implement new recommendations and best practice identified across the sector.
- 2.2 It is necessary to focus on how the goals of the 2017-2027 University Strategy impact on this work, but also how this work supports the Strategy itself. As the University begins to recruit more international students and provide accommodation to more students each year, core training for students is of the utmost importance. The prevention and response work helps ensure that staff and students are treated equally, fairly and with respect. Ensuring that students have access to a wider student experience that is as good as any in the world includes creating a culture where students can access their studies free from harassment, discrimination and violence. In addition, the core training offered to students helps equip students to transition successfully to the next stage of their lives, as alumni and citizens.

3. Background and Analysis

- 3.1 In the last five years, there have been significant changes in how the University, and the Higher Education sector more widely, address sexual misconduct. The University, through the Student Conduct Office (SCO), began recording disclosures of sexual misconduct on a central, anonymised database during the 2014/15 academic year. In 2015/16, the Sexual Violence Task Force took a leading step in the sector producing guidance (2016) in this area and ensuring there was specialist counselling available for survivors on campus. In 2016/17, the University appointed the first full-time dedicated specialist to address sexual violence in a university in the UK who began to embed core training² for students and staff. That same year a campaign was launched by the Students' Union (SU) raising awareness of these issues. In 2017/18, the University implemented the Sexual Violence and Misconduct Policy and Procedure and encouraged students to disclose and report sexual violence. At the end of that year, the SU launched *Pincident*³, an anonymous online mapping tool, which allows students

² To see core training available for students and staff, see: <https://www.dur.ac.uk/sexualviolence/education/>

³ <https://www.durhamsu.com/pincident>

and staff to report incidents of sexual misconduct and hate crime. Finally, in the last academic year, the University 1) implemented the *Procedure for managing disclosures or reports involving allegations of staff sexual violence and misconduct*, 2) increased participation in core and enhancement training for students and staff and 3) created and launched the *Active Bystander Course Durham* written by John Oliver, a Van Mildert Research Fellow, and 4) delivered the course to over 500 Freshers' Reps in September 2019 using trained and paid peer facilitators at the SU.

- 3.2 Although the background given is only a whistle-stop tour of some of the prevention and response initiatives applied to date, it helps provide a framework for understanding where the University is in its progress in addressing this issue and how disclosures and reports have increased in the last five years. From October 2014 to September 2019, the University recorded 264 disclosures of sexual misconduct, 57 reports made to the University, and 92 made to the Police.
- 3.3 It is important to note the multiple doorways students and staff are able to use to disclose being subjected to sexual misconduct. Reporting Parties may disclose to a friend, family member or peer/colleague in the first instance. They may choose to disclose to a trusted member of staff. Students may disclose to a volunteer on Nightline, a welfare rep in their College or Society or online through Pincident or the new Report and Support platform⁴. It is difficult to collate all this data and report on prevalence without conducting a campus climate survey. Therefore this paper provides reported data only. In **Appendix A** there is a detailed analysis of the themes and issues arising from the data and in **Appendix B** the raw data is set out.
- 3.4 Overall in 2018/19 the following trends have been evident:
- 3.4.1 **There was a decrease in disclosures recorded centrally.** However, there is no evidence to suggest that a decrease in disclosures recorded centrally indicates a decrease in incidents. Rather, the specific trend identified was that staff stopped informing the University centrally when they had received a disclosure as required under the Policy. This issue has now been addressed.
- 3.4.2 **Students and staff are not making disclosures and reports against staff under the Policy.** It is hoped that this will be addressed via planned work to deliver bespoke training to HR Business Partners on responding to disclosures and offering appropriate guidance/advice to managers.
- 3.4.3 **University investigations into potential breaches of the Policy can be delayed and sometimes take too long.** As investigators are taking on complex investigations in addition to their current workload, cases can be delayed due to investigators' availability. The Office of the Independent Adjudicator for England and Wales (OIA) considers it best practice for complaints and disciplinary processes to be conducted within 90 days of receipt of a report making allowance for some delay for complex cases (2018a). During the 2017/18 academic year investigations were completed on average in 133 days from confirmation of the report to the investigators' outcome. This slightly improved in 2018/19, shortening to 120 days.
- 3.4.4 **Students are reporting sexual harassment through online reporting platforms but not always following up with in-person disclosures.** This may mean that students do not feel it warrants disclosing in person OR staff may not see it as 'sexual misconduct' needing to be treated under the Policy, possibly minimising students'

⁴ The Report and Support online tool went live on 18 October 2019. The tool documents reports of bullying and harassment, hate incidents, sexual misconduct and domestic abuse. It acts as a centralised platform from which to distribute these cases appropriately through university systems and capture trends and patterns. All staff, students and visitors to the campus are able to use the online tool. Please see: <https://reportandsupport.durham.ac.uk/>

experiences. In addition, online platforms are providing additional information not previously accessed at the University.

- 3.4.5 **There has been an increase in Freedom of Information Requests related to sexual misconduct.** In response to this, the intention is to publish this paper, which includes raw data in Appendix B, in order to: 1) increase trust in the University by proactively and transparently sharing this information, 2) act as a deterrent to potential perpetrators who can see that the University will take disciplinary action following a founded report of sexual misconduct, and 3) reduce staff time and resource to answer the many FOI requests received throughout the year by allowing the Information Governance Unit to refer requests to this paper in the first instance.

4. Financial and Resource Implications

- 4.1 Investigations into reports of potential breaches of the Policy require staff time and expertise for case management, student support, investigations and disciplinary proceedings. The Investigator Pool consists of volunteers who take on investigations as an additional task to their existing workload. Although the pool has increased significantly, in October 2019 only 2 investigators were available to take on a case with the next availability not opening up until mid-November. Three solutions for consideration are to 1) increase the investigator pool and individual availability by adding this to staff workload model, 2) appoint full time specialist investigators or 3) commission an external company to run internal investigations. It is worth noting that a number of the leading institutions in this field have followed option 2 and appointed full time specialist investigators. This issue will be highlighted in the Student Support & Wellbeing Directorate Planning Round submission for 2019.
- 4.2 The Rape & Sexual Abuse Counselling Centre (RSACC) offers a specialist service within the Counselling Service and despite increasing the therapeutic provision to 2 specialist counsellors delivering a service across 3.5 days/week, there continues to be a waiting list for Reporting Parties within the University. The CEO of RSACC, a member of SMVOG, expects that waiting times will increase this year due to the increased need. To date during Michaelmas Term 2019, there is already a waiting list of 8 clients for this service, some of whom have been on this list for longer than the average wait last year. Helpfully, the waiting list for the RSACC service is considerably shorter at the University than in the community.
- 4.3 Beginning in August 2016 to date, the Sexual Misconduct Prevention and Response Manager has managed all sexual misconduct cases whilst being responsible for institution-wide student support, training and education of students and staff in areas of prevention and response and policy development. Beginning in December 2019, a new Senior Case Management Officer will join the SCO. It is expected that this new case manager will take on cases under the Policy allowing the SMPRM to dedicate more time to the other areas of the role which support cultural change required to prevent sexual misconduct.

5. Risk, Equality, Environmental, and Social Responsibility Impact Analyses

- 5.1 **Risk:** The sexual misconduct and violence as well as domestic abuse remain on the University's Strategic Risk Register in accordance with best practice and minimum safeguarding standards (Baird, Renfrew, Nash-Henry, & Towl, 2019). SMVOG is a key existing control for the risks SR8 'Failure to provide world-class wider student experience', SR13 'Negative impact on University reputation due to failure to respond appropriately to incidents and events', and SR16 'Failure to provide a safe and secure environment for staff, students, visitors and the public.'
- 5.2 **Equality:** Sexual misconduct can be experienced by any individual, regardless of gender, sexual orientation, relationship status, age, disability, faith, ethnicity and economic status. It is noted that women, individuals with disabilities, and individuals in the LGBT community are

disproportionately subjected to sexual violence; individuals may also be targeted on their ethnicity, race and/or faith (UUK, 2016). It is necessary to understand sexual misconduct from an intersectional approach recognising that individuals experience privilege and oppression uniquely based on the intersecting identities they hold, e.g. Asian women international students with disabilities will experience privilege and oppression in a different way from white British men Home students. Universities are required as part of the Public Sector Equality Duty under the Equality Act 2010 to ensure that students and staff are able to study and work in environments free from discrimination and harassment (EVAW, 2015; UUK, 2019b). The United Nations identifies violence against women, including sexual violence, as a breach of human rights and calls Higher Education Institutions to ensure they are addressing this from a human-rights based approach (UN Women, 2018).

5.3 **Environmental:** N/A

5.4 **Social Responsibility:** The approach to sexual misconduct is indicative of the University's commitment to social responsibility.

6. Consultation

6.1 N/A

7. Next Steps

7.1 This report will be shared with Audit Committee and Council for assurance purposes.

8. Further Information

8.1 Further information on work in this area is available at www.dur.ac.uk/sexualviolence or can be requested from Sam Dale, Director of Student Support and Wellbeing, or Clarissa Humphreys, Sexual Misconduct Prevention and Response Manager.



Analysis of Themes and Issues

1. **There was a decrease in disclosures recorded centrally.** During the 2018/19 academic year, the SCO saw a decrease in disclosures being reported to the Sexual Misconduct Prevention and Response Manager (SMPRM). This was an unexpected trend as it was predicted that that implementation of the staff procedure, the change of language from 'sexual violence' to 'sexual misconduct', and the increase in awareness raising would bring an increase in disclosures. There is no evidence to suggest that a decrease in disclosures recorded centrally indicates a decrease in incidents. Rather, the specific trend identified was that staff stopped informing the SMPRM as required under the Policy. Unfortunately the implication of this means that the reported data available from the 2018/19 academic year is less able to provide an accurate picture of the number of disclosures made to staff by Reporting Parties. The following are explanations for this specific decrease:
 - 1.1 Staff began/continued to take a view that students/staff could 'choose' to make a disclosure to the University after the student/staff had already made the disclosure to them rather than recognising that once a disclosure is made to a member of staff the Reporting Party has, by definition, disclosed to the University;
 - 1.2 An email was sent out on an internal mailing list to key staff questioning the appropriateness and legality of using the Disclosure Recording Form which resulted in the form being removed from the webpage for a significant period of time. However this unfortunate and erroneous intervention was subsequently corrected; and
 - 1.3 Not all staff have participated in the Level 1 SMV: Awareness and Disclosure Training⁵, and therefore, could have been unaware that they were expectations under the Policy to report this centrally.
 - 1.4 In response to these issues, the Disclosure Recording Form went through Legal Services, Information Governance Unit and the University Secretary for a second approval. It was noted that the use of the Disclosure Recording Form is identified as best practice in sector guidance (UUK, 2018). The form was again provided to all staff in student support roles and is included in staff training. The form is available online at dur.ac.uk/sexualviolence for all staff to access. The SMPRM has attended key meetings at the start of this academic year to communicate the need to complete the Disclosure Recording Form for 1) trend monitoring and 2) for the protection of staff and the Reporting Party if reported to the Police. In these meetings, staff did confirm that they have been giving students the 'option' to disclose to the University. The SMPRM has used two analogies for staff to consider when following the Policy: 1) the Disclosure Recording Form acts as a health and safety report ('if everyone trips coming into the Palatine Centre, someone needs to know to address a trip hazard'), and 2) in the same way once a member of staff is aware that a student has a Disability, legally the University knows, an employee who receives a disclosure, means the University has received a disclosure. The SMPRM has been clear (and the guidance is provided on the form) that the Disclosure Recording Form can be submitted without including the names of the Reporting Party and Responding Party. In comparison, the SMPRM has had over 20 Disclosure Recording Forms submitted to the SCO during the first 6 weeks of term in 2019/20, already showing an increase from last year. In addition, this year Level 1 training will be available centrally as normal, but also will be piloted in key departments across the University to hopefully increase staff engagement.

⁵ Each year there are 675 spaces offered on this course. Only one Department has made the course mandatory for all staff in PGRs.

2. **Students and staff are not making disclosures and reports against staff under the Policy.** Studies conducted in UK Higher Education on staff sexual misconduct reveal that staff sexual misconduct is underreported with as little as 9.6% of students subjected to staff sexual misconduct reporting to their institution (NUS, 2018). In the last 5 years, only 4% of disclosures at Durham related to staff Responding Parties which included student and staff Reporting Parties. What is more concerning is how this trend may link to the first issue noted with regard to staff and students possibly trying to disclose this information, but not receiving an appropriate response. A recent study highlighted that “responses to disclosures often included a failure to respond on behalf of the institution, i.e. people giving a personal response rather than one that aligned with the duties relating to their role, or responding in ways that put the interviewee at risk of retaliation or further harm,” (Bull & Rye, 2018, p. 4). At a recent conference hosted by Universities UK on staff sexual misconduct (20 November 2019), many issues with discrepancies on how universities respond to student sexual misconduct compared to staff sexual misconduct were highlighted, e.g. ‘protecting’ staff and institutional betrayal. This impacts on safety, trust in the institution and can lead to reputational damage. In response to this trend, the SMPRM is working with HR to deliver bespoke training to HR Business Partners on responding to disclosures and offering appropriate guidance/advice to managers.
3. **University investigations into potential breaches of the Policy can be delayed and sometimes take too long.** Most investigators are taking on complex investigations in addition to their current workload often working above their contracted hours to complete investigations. Investigations are tend to delayed due to volunteer investigators’ availability and the availability of having only one case manager (SMPRM) who is also responsible for the wider culture change aspect of this work. Delay in progressing cases has the potential to impact students’ wellbeing, academic progress, and relationship with the University. The Office of the Independent Adjudicator for England and Wales (OIA) considers it best practice for complaints and disciplinary processes to be conducted within 90 days of receipt of a report making allowance for some delay for complex cases (2018a). The OIA will accept cases before students complete an internal process if there is undue delay in progressing the report, where they believe the provider might be obstructing the report, or where there is nothing to be gained by progressing with the internal processes (2018b). During the 2017/18 academic year investigations were completed on average in 133 days from confirmation of the report to the investigators’ outcome. This only slightly improved in 2018/19, shortening to 120 days. This does not include any further disciplinary outcome if the case was referred to the Senate Discipline Committee (SDC) under General Regulation IV- Discipline. Normally, hearings occur within 6 weeks of a referral to SDC.
4. **Students are reporting sexual harassment through online reporting platforms but not always following up with in-person disclosures.** This may mean that students do not feel it warrants disclosing in person OR staff may not see it as ‘sexual misconduct’ needing to be treated under the Policy, possibly minimising students’ experiences. In addition, online platforms are providing additional information not previously accessed at the University. The following is a brief summary of key points noted in the SU’s *Pincident: One Year Update* (2019). During the 2018/19 academic year, 71.2% of all incidents reported on Pincident were of a sexual nature. The most frequently reported type of sexual misconduct reported was ‘wolf whistling, catcalling, or offensive sexual noises’, which was reported in 42 incidents, followed by ‘unwelcome sexual comments’ (34 incidents), ‘groping, pinching or smacking someone’s body,’ (22 incidents), ‘unwelcome sexual invitations, innuendos, and offensive gestures’ (18 incidents), ‘other form of sexual harassment’ (13 incidents), ‘rape’ (9 incidents), ‘stalking’ (8 incidents), ‘tugging, pulling or lifting up someone’s clothing’ (6 incidents), and ‘exposure of sexual organs’ (3 incidents). Most notably, the SU report provides helpful insights to the continued barriers students are facing in making reports to the University: The most common reason for not reporting a sexual incident was ‘Nothing would be done if I made a complaint’, which was selected in 56.6% of reports. The second most common reason was ‘I cannot prove the incident took place’, selected in 49.4%. Other reasons included ‘I feel too embarrassed or ashamed’ (12%); ‘I feel partly to blame for what happened’ (10.8%), ‘I don’t have time to make a complaint’ (9.6%); I don’t know how to

make a complaint (9.6%); I'm worried I won't be believed (9.6%) and I'm worried the perpetrator might retaliate (8.4%)” (p. 8-9).

5. **There has been an increase in Freedom of Information Requests related to sexual misconduct.** As the sector becomes more aware of the pervasive issue of sexual violence within Higher Education, we have seen a significant increase in the number of FOI requests. During 2017, the Information Governance Unit received 13 FOI requests. In 2018 that increased to 16. From January 2016 to October 2019, we had received 30. As noted in the Executive Summary, this year this paper provides raw data on sexual misconduct alongside this analysis and the paper will remain open. In previous years, the paper remained open, but the appendix including data analysis was closed. The Sexual Misconduct and Violence Operations Group, in line with good practice identified across the sector, have agreed the entire paper will be open as sharing this paper publicly will 1) increase trust in the University by proactively and transparently sharing this information, 2) possibly act as a deterrent to potential perpetrators who can see that the University will take disciplinary action following a founded report of sexual misconduct, and 3) will reduce staff time and resource to answer the many FOI requests received throughout the year by allowing the Information Governance Unit to refer requests to this paper in the first instance. By publishing the data in this way, we are following recent sector guidance including our own guidance we published for the sector (SVTF, 2016; Baird, Renfrew, Nash-Henry, Towl, 2019). Other HEIs are already beginning this practice⁶. The publication of this data will allow us to respond to most FOI requests under section 21 exemption – information already published online and for current academic year data requested, and under section 22 exemption – for future publication. This means that we will only need to respond to exceptional requests. In other instances we will be able to respond that the information requested is not held. In addition, a trend that has occurred over the past few years is that data requests are asked in very different ways meaning that the data we provide is often different, being reported in the press in different ways. This has often led to a frustratingly confusing message about the prevalence of sexual misconduct at Durham and also has meant institutions' data is being compared inconsistently. For example, if one request asks for how many complaints of sexual violence students have made against fellow students and another request asks for how many disclosures of sexual violence students have made to the University – these numbers are vastly different from 47 to 262, respectively. The former is asking for 'formal reports' and the latter for 'disclosures'. Student to student numbers compared to student to anyone numbers is also very different. By providing clear data defined using our definitions we are not only ensuring accurate data is being published, but the message of what the data means is less likely to be misconstrued. In addition, we can inspire other institutions to publish their data which will allow for transparency across the sector and act as a deterrent to potential perpetrators if they know universities, at the highest level, care about and monitor this information. These measures will also ensure more efficient use of staff time, freeing resources to focus on operational aspects of the Policy.

⁶ See for example UCL's data at <https://report-support.ucl.ac.uk/support/annual-reports-on-bullying-harassment-and-sexual-misconduct> and Goldsmiths' data at <https://www.gold.ac.uk/news/report-and-support-data-2018/>.



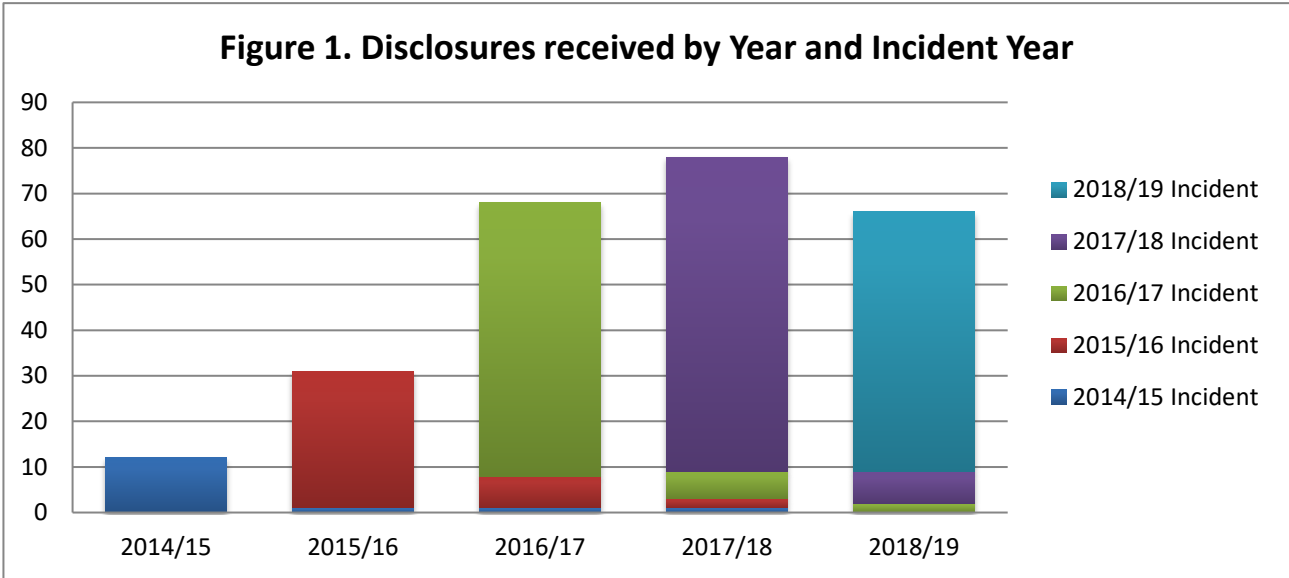
Appendix B

Disclosures and Reports of Sexual Misconduct and Violence

The following information provided is in relation to disclosures and reports of 'sexual misconduct and violence' and related policy breaches as defined in section 4.2 of the Sexual Misconduct and Violence Policy⁷ during the 2014/15 to 2018/19 academic years.⁸ This information will be made publically available to respond to Freedom of Information requests in relation to Sexual Misconduct & Violence data.

1. Disclosures

- 1.1. This first section presents information on disclosures made by students and staff which were then anonymously recorded centrally for trend monitoring purposes to help develop prevention and response initiatives. It should be noted that disclosures and reports are separate actions under the Policy. A disclosure involves an individual choosing to tell anyone who is part of the University community about their experience of sexual misconduct (different from Report). From October 2014 to September 2019, Reporting Parties made 262 disclosures: 15 incidents were reported to have occurred in 2014/15, 39 in 2015/16, 68 in 2016/17, 76 in 2017/18, and 64 in 2018/19.
- 1.2. It is expected that survivors will delay reporting their experience of being subjected to different forms of sexual misconduct. We continue to see, as expected, Reporting Parties disclose sexual misconduct incidents from previous years. Disclosures are recorded by when the incident was alleged to take place; however, this is not necessarily representative of when the incident was reported to the University. Figure 1 illustrates that incidents are disclosed to the University are not always disclosed in the same year they occurred (e.g. Y3 student discloses incident that occurs in Y1).



- 1.3. The majority of Reporting Parties are undergraduate women. The majority of Responding Parties are undergraduate men. No Reporting Parties disclosing incidents that have happened since they joined the University community have identified as transgender/non-binary. It should

⁷ To access the Sexual Misconduct Policy and related procedures, please see: <https://www.dur.ac.uk/sexualviolence/policies/>

⁸ Under section 40 of the Freedom of Information Act 2000 (personal data) the University cannot release information that may identify individuals. Therefore, figures which total fewer than five will be stated as '<5' in order to ensure that no individual can be identified.

be noted that additional demographics such as sexual orientation, race, ethnicity and nationality are not recorded at this time; however, with the launch of the Report + Support tool in October 2019, the University will begin to record this data for disclosures/reports made online.

Table 1. Affiliation of Reporting Parties and Responding Parties to the University for incidents disclosed from Oct 2014-Sept 2019*		
Affiliation to Durham University	Reporting Party	Responding Party
Undergraduate	163	130
Postgraduate Taught	16	8
Postgraduate Research	8	7
Anonymous Student	56	56
Group of Students	5	7
Staff or Contracted Employee	8	12
Not Affiliated with Durham University	8	39
Total	262	257

*Note that in one incident one Responding Party can subject more than one Reporting Party to sexual misconduct and violence, e.g. indecent exposure, and one Reporting Party can be subjected to sexual misconduct and violence by more than one Responding Party, e.g. gang rape. Therefore, numbers of individuals per incident will not match.

Table 2. Gender of Reporting Parties and Responding Parties in incidents disclosed from Oct 2014-Sept 2019*		
Gender	Reporting Party	Responding Party
Woman	230	6
Man	25	241
Transgender/Non-Binary	0	0
Anonymous Student	<5	5
Total	259	252

*Group misconduct is not included in this table.

- 1.4. 'Sexual misconduct and violence' is an umbrella term covering a broad range of unwanted or non-consensual conduct of a sexual nature. Since 2014/15, the incidents disclosed have most often been behaviours which might also constitute a criminal offence. The incidents disclosed can include more than one type of sexual misconduct (e.g. sexual assault and sexual harassment), which is why the categorisation records 295 incidents from the 262 disclosures made to the University in this period.

Figure 2. Type of SMV Disclosed from Oct 2014 to Sept 2019 (n=290)

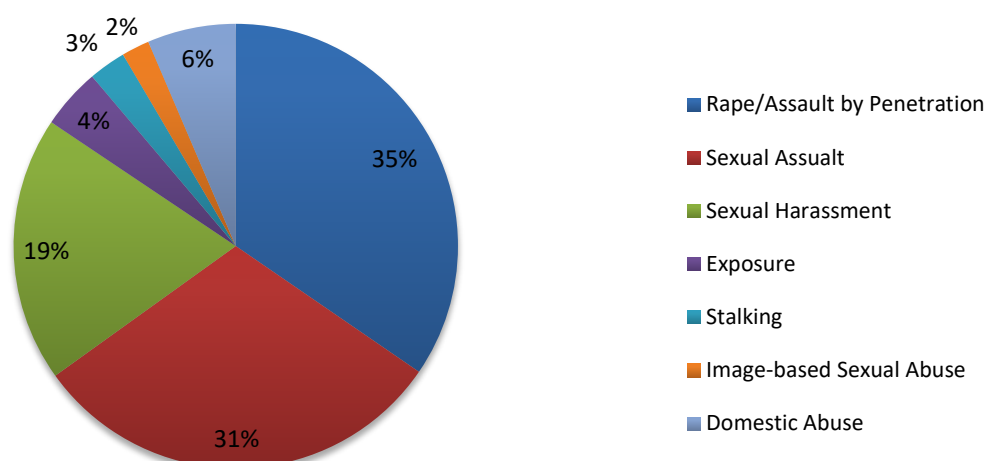


Table 3. Type of sexual misconduct and violence disclosed to the University as defined* under the Sexual Misconduct and Violence Policy from Oct 2014-Sept 2019†						
SMV Category / Description	2018/19	2017/18	2016/17	2015/16	2014/15	TOTAL
Rape/Assault by Penetration / <i>Engaging, or attempting to engage in a sexual act with another individual without consent</i>	24	21	23	19	12	99
Sexual Assault or <i>Sexually touching another person without their consent</i>	14	30	24	19	<5	89
Sexual Harassment / <i>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</i>	18	20	14	<5	<5	56
Exposure / <i>Inappropriately showing sexual organs to another person</i>	<5	8	<5	0	0	13
Stalking / <i>Repeatedly following another person without good reason (including Cyberstalking)</i>	<5	<5	<5	0	<5	8
Image-based Sexual Abuse / <i>Recording and/or sharing intimate images or recordings of another person without their consent</i>	<5	0	<5	0	0	6
Domestic Abuse / <i>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,</i>	<5	5	6	<5	0	19

<i>psychological, physical, sexual, financial and/or emotional abuse.</i>						
Total	68	87	74	44	17	290

*Examples of criminal offence labels are also used here as in some cases the disclosures were reported to the Police and incidents were crimed.

†A disclosure may include more than one type of sexual misconduct in one incident or a disclosure may include a number of incidents by one Responding Party, e.g. rape and image based sexual abuse in one incident or rape and stalking across multiple incidents by the same Responding Party. Therefore, numbers of disclosures and types of sexual misconduct will not match.

2. Reports

2.1. This section provides information on **reports** made to the University and the actions the University took. A report is the sharing of information with a staff member of the University regarding an incident experienced by that individual for the purposes of initiating the investigation process by the University, as set out in the Policy and the accompanying procedures (different from Disclosure).

2.2. At a national level sexual misconduct continues to be underreported based on expected rates of sexual misconduct within Higher Education from statistical prevalence studies conducted in the UK and internationally. Figure 3 illustrates how many disclosures and reports are made each year.

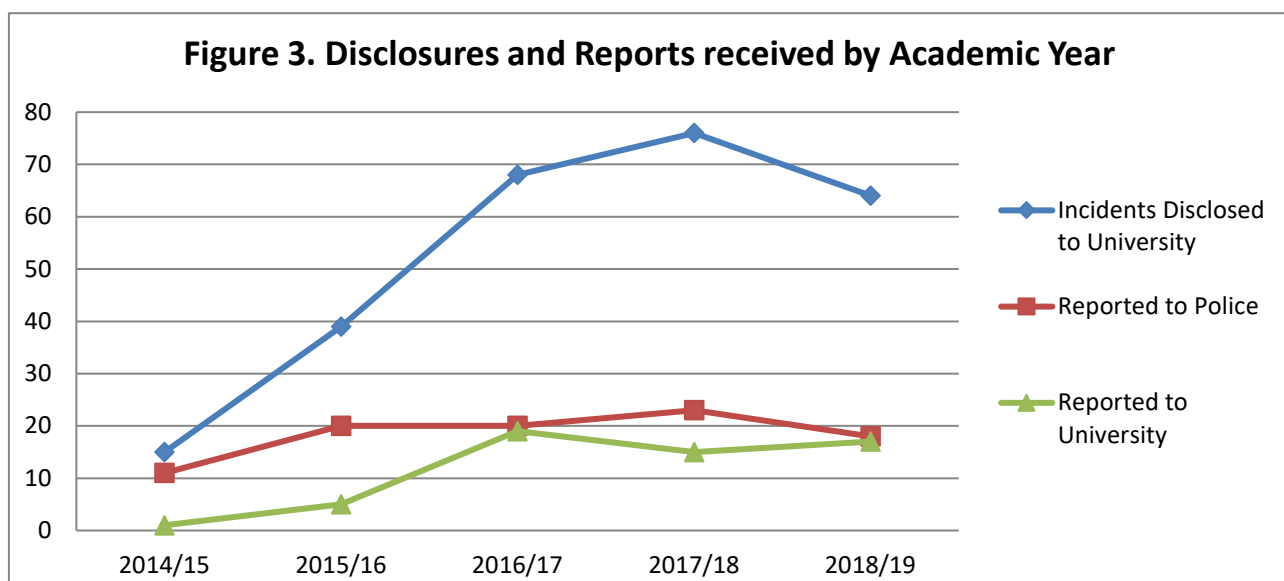


Table 4. Reports made to the University under the Sexual Misconduct and Violence Policy (effective 2017/18), or equivalent older policy

Academic Year	Reporting Party	Student			Staff			Staff		
	Responding Party	Student	Staff	Staff	Student	Staff	Staff			
2014-2015	TOTAL	0			<5			0		
	Gender	M	W	T	M	W	T	M	W	T
	RP	0	0	0	0	<5	0	0	0	0
	RSP	0	0	0	<5	0	0	0	0	0
2015-2016	TOTAL	<5			<5			0		
	Gender	M	W	T	M	W	T	M	W	T
	RP	0	<5	0	0	<5	0	0	0	0
	RSP	0	<5	0	0	<5	0	0	0	0

	RSP	<5	0	0	<5	0	0	0	0	0	0	0	0
2016-2017	TOTAL	17			<5			<5			0		
	Gender	M	W	T	M	W	T	M	W	T	M	W	T
	RP	<5	14	0	0	<5	0	<5	<5	0	0	0	0
	RSP	<5	16	0	<5	0	0	<5	<5	0	0	0	0
2017-2018	TOTAL	11			<5			0			<5		
	Gender	M	W	T	M	W	T	M	W	T	M	W	T
	RP	<5	10	0	0	<5	0	0	0	0	0	<5	0
	RSP	11	0	0	<5	0	0	0	0	0	<5	0	0
2018-2019	TOTAL	15			<5			0			<5		
	Gender	M	W	T	M	W	T	M	W	T	M	W	T
	RP	0	15	0	<5	0	0	0	0	0	0	<5	0
	RSP	14	<5	0	<5	0	0	0	0	0	<5	0	0
OCT 2014-SEPT 2019 TOTAL		47			7			<5			<5		
													58
Key RP – Reporting Party, individual reporting they were subjected to sexual misconduct and violence RSP – Responding Party, individual reported to have committed the sexual misconduct and violence W – Woman M – Man T – Trans/Non-binary													

Table 5. University Action Following a Report					
	2018/19	2017/18	2016/17	2015/16	2014/15
Formal Reports					
Reports made to the University*	17	15	19	5	<5
Reports made to the Police [†]	18	23	20	20	11
Precautionary Measures Imposed during an Investigation					
No Contact Arrangement ^{††}	<5	<5	<5	0	<5
Partial Suspension	5	<5	<5	<5	<5
Full Suspension	<5	10	15	7	5
No Precautionary Measure Required / Imposed	<5	<5	<5	5	<5
Responding Party not affiliated with Durham University	<5	6	8	<5	0
Investigation Outcomes following reports made under the Sexual Misconduct and Violence Policy (2017/18 – 2018/19) or Respect at Study Policy (2014/15-2016/17)					
No Further Action	0	<5	<5	0	0
Non-major breach of SMV Policy / RAS Policy	5	<5	<5	0	0
Major breach of SMV Policy referred to Senate Discipline Committee for a potential Category 2 Discipline Offence	<5	5	7	<5	0
Reports Withdrawn by Reporting Party	5	<5	<5	<5	0
Referred to HR for Investigation	<5	<5	<5	<5	<5
Student Conduct Office Investigation Ongoing	0	0	0	0	0
Student Conduct Office Average Length of Time from Confirmed Report to Investigation Outcome	120 days	133 days	Not recorded	Not recorded	Not recorded
Discipline Outcomes under General Regulation IV – Discipline					
Expulsion / Dismissal (staff)	<5	<5	<5	<5	0
Exclusion for 1 year	0	0	<5	<5	0
Other Sanction (e.g. No Contact Order, Formal Reprimand,	5	<5	<5	0	0

Requirement to Change College Membership, Oral Warning (staff), etc.)					
Responding Party withdrew prior to completion of investigation/disciplinary procedure	<5	5	<5	0	0
Decision to not take forward disciplinary action taken by the University	0	<5	0	0	0
<p>*Note the reports made to the University will include cases where incidents occurred in previous academic years and in some cases they were disclosed in a previous academic year, e.g. incident date June 2017, disclosure date September 2017, report date October 2017 – the incident and disclosure would be logged for the 2016/17 academic year, but the report and University action would occur in the 2017/18 academic year.</p> <p>†Reporting Parties have the option to report incidents to the University, Police, both the University and Police or to seek support only. Where incidents are reported to the Police, the University will suspend any internal investigation whilst the criminal justice process is conducted. The number of reports to the Police includes cases where Reporting Parties are students/staff but the Responding Party is not affiliated with Durham University, meaning that no action would be possible from the University.</p> <p>††No Contact Arrangements are the minimum precautionary measure used for all investigations under the Sexual Misconduct and Violence Policy beginning in 2017/18. Therefore, it is only noted here if it was used on its own and not with a further precautionary measures, e.g. partial suspension, as normal practice.</p>					

3. Support

- 3.1. The figures above represent the numbers of cases centrally recorded by the Student Conduct Office. The numbers alone do not represent the complexity of the individual cases and the amount of resource required to support Reporting and Responding Parties through internal and external proceedings and beyond formal processes through to recovery.
- 3.2. The Counselling Service holds its own records of the number of Reporting and Responding Parties they support alongside the specialist counsellors from the Rape & Sexual Abuse Counselling Service. Nightline volunteers receive disclosures of sexual misconduct and maintain their own records.
- 3.3. This data only reflects disclosures related to sexual misconduct which occurred while students/staff were members of the University community regardless of the location of the incident. This data does not reflect students and staff dealing with historic sexual violence and abuse and other forms of gender-based violence who also require support.

Appendix C

Current Sector Guidance and References

- Baird, H., Renfrew, K., Nash-Henry, Z., & Towl, G. (2019). *Evaluation of safeguarding students Catalyst Fund projects: Summative evaluation report, Report to the Office for Students*. London, UK: Advance HE. Retrieved from: <https://www.officeforstudents.org.uk/publications/evaluation-of-safeguarding-students-catalyst-fund-projects/>
- Bull, A. & Rye, R. (2018). *Institutional responses to staff sexual misconduct in UK higher education. The 1752 Group/University of Portsmouth*. Portsmouth, UK. Retrieved from: https://1752group.files.wordpress.com/2018/09/silencing-students_the-1752-group.pdf
- EVAW. (2015). *Spotted: Obligations to protect women students' safety and equality. Using the public sector equality & the human rights act in higher and further education institutions to improve policies and practices on violence against women and girls*. Legal Briefing. Retrieved from: <http://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Spotted-Obligations-to-Protect-Women-StudentsEy-Safety-Equality.pdf>
- NUS. (2018). *Power in the academy: staff sexual misconduct in UK higher education*. London: National Union of Students. Retrieved from: <https://www.nusconnect.org.uk/resources/nus-staff-student-sexual-misconduct-report>
- OIA. (2018a). *Good practice framework: Disciplinary procedures*. Retrieved from: <https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/>
- OIA. (2018b). *OIA briefing note: Complaints involving sexual misconduct and harassment*. Retrieved from: <https://www.oiahe.org.uk/media/2041/bn-sexual-misconduct-and-harrasment.pdf>
- Pinsent Masons LLP & UUK (2016). *Guidance for Higher Education Institutions: How to handle alleged student misconduct which may also constitute a criminal offence*. Retrieved from: <http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/guidance-for-higher-education-institutions.pdf>
- SU. (2019). *Pincident: One Year Update*. Durham, UK: Durham Students' Union
- SVTF. (2016). *Durham University's Sexual Violence Task Force: A higher education initiative to address sexual violence and misconduct on campus*. Retrieved from: <https://www.dur.ac.uk/resources/svtf/SVTFbrochurePROOF.pdf>
- UN Women. (2018). *Guidance note on campus violence prevention and response*. Retrieved from: http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/campus-violence%20note_guiding_principles.pdf?la=en&vs=3710
- UUK. (2016). *Changing the Culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students*. Retrieved from: <http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/changing-the-culture.pdf>
- UUK. (2017). *Changing the culture: Responding to cases of violence against women, harassment and hate crime affecting university students - Directory of case studies*. Retrieved from: <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2017/changing-the-culture-harassment-case-studies.pdf>
- UUK. (2018). *Guidance for allegations of student misconduct: Implementation of the Universities UK/Pinsent Masons guidance on how to handle alleged student misconduct which may also constitute a criminal offence*. Retrieved from: <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Pages/guidance-allegations-student-misconduct-responding-first-disclosures.aspx>
- UUK. (2019a). *Tackling online harassment and promoting online welfare*. Retrieved from: <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Pages/tackling-online-harassment.aspx>
- UUK. (2019b). *Changing the culture: Tackling gender-based violence, harassment and hate crime: Two years on*. Retrieved from: <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Pages/changing-the-culture-two-years-on.aspx>