

**University Executive Committee**

**11 January 2020**

**Sponsor:** Jeremy Cook

**Author:** Clarissa Humphreys

**Sexual Misconduct and Violence Annual Trend Monitoring Paper for 2019/20**

**Proposed Resolution**

University Executive Committee is asked to:

- a) **note** the case trends in sexual misconduct and violence impacting the University community during the 2019/20 academic year and how the University is responding to these issues in accordance with current sector guidance.
- b) **endorse** the Sexual Misconduct and Violence Annual Trend Monitoring Paper for 2019/20 to Audit and Risk Committee and Council.

<b>Communication Status: Paper</b>	Open	<b>X</b>	Open Internal		Confidential Restricted/External	
<b>Communication Status: Appendices</b>	Open	<b>X</b>	Open Internal		Confidential Restricted/External	
<b>Freedom of Information Exemption</b>	Paper: N/A					
	Appendices: N/A					

**Previous Consideration by this or other Committee**

N/A

**Further Committee approval required**

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

**Appendices**

**Appendix 1** – Disclosures and Reports of Sexual Misconduct and Violence: Data & Discussion

**Appendix 2** – 2020/21 Student SMV Prevention & Response Training Menu

**Appendix 3** – 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 (SMV) and related policy breaches as defined under the Sexual Misconduct and Violence Policy (SMV Policy). It will highlight key themes and issues arising from the reported data<sup>1</sup> during the 2019/20 academic year. A statistical analysis and raw data that is frequently requested through Freedom of Information Requests (FOI) is included in **Appendix 1**. This paper is produced annually for assurance purposes in accordance with best practice identified in sector guidance (Humphreys & Towl, 2020). A separate report that presents the work of the Sexual Misconduct and Violence

<sup>1</sup> 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. 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.

Operations Group (SMVOG) providing a more detailed explanation of institution-wide prevention and response initiatives will be produced at the end of 2020/21 academic year.

- 1.2 University Executive Committee, Audit and Risk 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 SMV continues to have on the University community and to provide assurance that at an operational level this issue is being addressed in line with sector guidance and best practice. Beyond this report, we recommend that a five-year review is conducted to consider the trends impacting the University community and the University's progress in addressing SMV following from the Sexual Violence Task Force recommendations made at the end of the 2015/16 academic year.
- 1.3 This paper makes no direct request for additional funding. A Senior Case Management Officer focussed on SMV joined the Student Conduct Office on December 2019. Our first Senior Investigating Officer joined the Student Conduct Office in December 2020; we hope to recruit a second Senior Investigating Officer early in 2021. These additional resources will greatly improve our ability respond to SMV in a timely fashion and allow for additional prevention work to occur. Please note we do continue to see a waiting list for the specialist counselling delivered by the Rape and Sexual Abuse Counselling Centre (RSACC) which will be highlighted below (See Section 4). Thank you to the University Executive who have continued to resource this important area of work, particularly during the pandemic.

## 2. Strategic Context

- 2.1 In 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 SMV 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. This work supports the wider University Strategy and recommendations of the Respect Commission. 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.

## 3. Background and Analysis

- 3.1 Last year the *Sexual Misconduct and Violence Annual Trend Monitoring Paper*<sup>2</sup> provided a background of the University's approach to preventing and responding to SMV and reported on all known data recorded between the 2014/15 and 2018/19 academic years. During the 2019/20 academic year, our approach did not change significantly at first. However, as a result of the Covid-19 pandemic, the year was uniquely challenging resulting for example, in the introduction of remote interviews with our investigative processes. The trends in terms of case numbers and case types remain important for informing future planning.
- 3.2 As a brief summary of prevention initiatives<sup>3</sup>, the beginning of the 2019/20 academic year started similarly to previous years with consent education embedded into student induction through *Awareness Talks*, the compulsory online *Consent Matters* course and peer-facilitated *Consent Workshops*. Key student leaders participated in the peer-facilitated *Active Bystander*

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<sup>2</sup> The *Sexual Misconduct and Violence Annual Trend Monitoring Paper* dated 9 December 2019 for the University Executive Committee is published here: <https://www.dur.ac.uk/resources/committees/uec/201920Open/UEC-19-154SexualMisconductandViolenceAnnualTrendMonitoringReportO.pdf>

<sup>3</sup> Further information will be provided in Sexual Misconduct and Violence Operations Group report at the end of 2020/21 academic year.

Course Durham<sup>4</sup> and *Responding to Disclosures of Sexual Violence for Student Leaders* training. Staff had access to the full core training programme which covers awareness raising, disclosure response, student support and trauma-informed investigation training. The induction packs for College Student Support Offices and Departments were enhanced to include additional information on responding to disclosures and updated information on support options. New students received *Consent Matters* business cards which also had the Report + Support (R+S) platform address on the back to promote both.

3.3 In 2019/20, students and staff had even more routes to disclose SMV, either through disclosing to staff in College, their Department, Human Resources, Counselling Service (including RSACC), the Student Conduct Office, Nightline, or online through the R+S platform or the SU's Pincident tool.

3.4 Having the range of routes helps to reduce barriers to disclosure through student choice; however, they also make it challenging to collate that data on the centralised anonymous database, which requires staff to submit a Disclosure Recording Form<sup>5</sup> for any disclosures they receive. This paper includes a discussion of data recorded on the centralised database, the R+S platform, SU's Pincident and data from Rape & Sexual Abuse Counselling Centre. Overall in the 2019/20 academic year the following trends have been evident:

3.4.1 **Disclosures doubled from the previous year, up from 64 to 124 (See Appendix 1, Figure 1).** This includes 102 disclosed incidents to staff and 22 anonymous reports made on the R+S platform. An increase in disclosures is a measure of success indicating increased awareness of reporting pathways, increased trust in the institution and most importantly, evidence that more Reporting Parties are accessing support. Additionally, it is notable that perhaps unusually, at Durham only a minority of cases are reported anonymously.

3.4.2 **The pandemic caused a significant decline in disclosures and reports made to the University (See Appendix 1, Figure 9).** Despite a significant increase in disclosures and reports between October 2019 and 15 March 2020 which meant that overall there were still more disclosures during the year, after 16 March 2020 this changed and decreased significantly. Normally, disclosure and reporting rates are about even when comparing the first 5 and half months to the last 5 and half months of the academic year. In the second half of the 2019/20 academic year, disclosures decreased from 86 to 12 and reports from 16 to 4. This is not, necessarily, indicative of a decline in SMV. In fact, sector guidance from Universities UK (2020a, 2020b) highlighted an increase in domestic abuse (i.e. intimate partner abuse) and technology mediated sexual abuse (e.g. image based sexual abuse) for university students during lockdown. This is evidence of new barriers to disclosing and reporting SMV due to the pandemic which requires us to consider how to remove these new barriers, particularly whilst many staff continue to work remotely.

3.4.3 There continues to be a significant gap between disclosures and reports made to the Police and/or University (See Appendix 1, Figures 7 & 8). Reporting Parties have the right to choose how to take forward a disclosure and can report to the University, Police, both, or seek support only. Many are choosing support only, and our trauma informed approach is rightly respectful of such choices. Others do not feel able to report for the reasons highlighted in Figure 8. Additional work is required to fully understand these barriers and to identify and implement solutions to reducing/removing them.

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<sup>4</sup> The Active Bystander Course Durham would not be possible without the partnership with the Students' Union who do an outstanding job on appointing and supervising peer-facilitators and scheduling and delivering each course.

<sup>5</sup> The Staff Disclosure Form is available in the Related Links box on all SMV Prevention & Response webpages: [https://www.dur.ac.uk/resources/sexualviolence/SVM\\_DisclosureRecordingForm\\_AY1920.docx](https://www.dur.ac.uk/resources/sexualviolence/SVM_DisclosureRecordingForm_AY1920.docx)

3.4.4 **There was a noticeable increase in SMV incidents disclosed that included additional violence or high risk markers.** All SMV has clear harms for the victim-survivor. It is not our aim to measure the level of violence by comparing disclosures. It is necessary, however, to highlight that we observed an increase in violence or high risk markers occurring with SMV. During the 2019/20 academic year, 17 of the 102 disclosures included additional violence or high risk indicators, e.g. suspected spiked drink, non-fatal strangulation, use of drugs, use of a weapon, physical assault, injury, and/or a stranger as the reported perpetrator – in all cases the reported perpetrator was male. In response to high risk cases, either the Sexual Misconduct Prevention & Response Manager or the Senior Case Management Officer (for SMV) will meet with the Reporting Party to provide additional support, risk assessment, signposting and guidance on reporting options. We work with the Police and the manager of the local Sexual Assault Referral Centre (SARC) to respond to these cases, particularly if the Reporting Party does not feel able to make a report to the Police, so that intelligence can be provided through the appropriate channels, normally the SARC. In addition, a written risk assessment has been added to the Initial Review Meeting process which builds on any initial risk assessment conducted with the Reporting Party. This trend, which is alarming, is in line with trends seen in the wider population in the UK, but highlighted in the news<sup>6</sup> with university students. This is a stark reminder that the University does not function in a vacuum, but needs to be responsive and prepared for changing trends in the population. Prevention and response initiatives need constant review to effectively respond to different types of perpetration and to appropriately manage the risk presented.

3.4.5 The timescale for completing investigations into potential breaches of the SMV Policy continued to extend beyond the best practice guidelines with an average of 148 calendar days (See **Appendix 1**, Table 5). Before the pandemic, the Student Conduct Office had been on track to meet an average of 90 days. We made a decision to delay investigations into SMV in March 2020 whilst we reviewed ethical and practical considerations for taking forward investigations in a safe and supportive way during a pandemic and then received approval through University governance for revised procedures for remote investigations. This exercise took 2 months from the beginning of lockdown to approval of the amended procedure. Additional delays to investigations were sadly expected as many of our volunteer investigators were called to additional duties to respond to Covid-19, were working from home with caring responsibilities, and/or were ill. Thankfully (and truly we cannot express our gratitude enough) during this time, we were able to recruit 1 full-time permanent Senior Investigating Officer and hope to appoint a second in early 2021. These two full time posts will greatly impact our timescales for investigations and we look forward to reporting on this next year.

3.5 There are clearly other trends that could be noted; however, these five listed above are potentially the most significant and farthest reaching. The increase in disclosures coupled with the new barriers created to disclosing during the pandemic, provides us with a focus to continue to creatively reduce barriers and anticipate more students and staff coming forward in the future. The gap between disclosures and reports calls on us to reflect on the reasons Reporting Parties choose not to make formal reports and if there is a way we can reduce those barriers, recognising that for some support is what they want, but for others, they would like to report but do not feel able to do so. Finally, we have already developed and begun to implement our solution to conduct investigations in a timely manner which should see a change in January 2021 data in the next trend monitoring paper.

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<sup>6</sup> See for example:

- BBC News: 'My drink was spiked on my second day at university' <https://www.bbc.co.uk/news/av/uk-50552305>
- BBC News: 'A man tried to choke me during sex without warning' <https://www.bbc.co.uk/news/uk-50546184>

- 3.6 It is important to note the trends highlighted in the sector due to the pandemic including an increase in online sexual misconduct, intimate partner abuse, and technology mediated abuse coupled with an increase in isolation, mental health issues, and additional barriers to disclosing and reporting (UUK 2020a, 2020b). For an intersectional approach, we must also recognise that BAME women, disabled people and LGBT+ people are disproportionately impacted and may face additional barriers due to additional forms of discrimination (UUK, 2020b).
- 3.7 As the pandemic is not over, it is difficult to fully assess the full impact it has had on our community in the area of SMV. However, we recognise the importance of maintaining resource for prevention and response initiatives, communication to students and staff regarding our approach to this area and transparency in demonstrating that the University does respond to SMV holding perpetrators accountable through disciplinary procedures and providing support to victim-survivors regardless of whether they choose to make a formal report. Although the focus of this paper is on the trends of SMV impacting our students and staff, it must be noted that we deliver a robust prevention programme through consent and active bystander education. In the coming year we will expand the reach of the active bystander programme to more students through the recommendations and resources available through the Respect Commission. Fortunately, despite the pandemic, all student training went ahead and has had incredibly positive responses to date. See Appendix B for the 2020/21 Student SMV Prevention & Response Training Menu.

#### 4. Financial and Resource Implications

- 4.1 Investigations into reports of potential breaches of the SMV Policy require staff time and expertise for case management, support for Reporting and Responding Parties, investigations and disciplinary proceedings. From the review of data, it is clear that more victim-survivors are coming forward to seek support. The Rape & Sexual Abuse Counselling Centre (RSACC) provides specialist counselling within the Counselling Service to students and staff of all genders. This service is provided by 2 counsellors whose hours combined total 3.5 days per week (i.e. 0.7 FTE). At the beginning of December 2020, there was a waiting list of 6 clients for this service (with 2 clients who deferred) which mimics the waiting list last year at the same point. We recognise that the waiting list within the University is considerably shorter than in the community; however, it is important to note that some students and staff are still having to wait to access this specialist service. The Counselling Service will offer sessions to students and staff who have to wait for long periods of time in the interim. The Service's model is a maximum of 6 sessions (compared to 20 for RSACC) which often is not appropriate for issues around SMV. This can lead to the Service extending sessions for students and staff which then has a knock-on effect on their resources.

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

- 5.1 **Risk:** SMV, including 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 following risks:
- 5.1.1 SR8 'Perception of our wider student experience drops below world-class standard',
  - 5.1.2 SR14 'Negative impact on University reputation due to failure to respond appropriately to incidents and events',
  - 5.1.3 SR15 'Failure to manage key stakeholders effectively including: alumni, local community, local authority, OfS, strategic partnerships, media';
  - 5.1.4 SR17 'Failure to provide a safe and secure environment for staff, students, visitors and the public.'

5.2 **Equality:** 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, 2019). The United Nations identifies sexual violence as a breach of human rights (UN Women, 2018). SMV 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).

5.2.1 It is considered best practice for a comprehensive institutional wide approach to addressing sexual violence to be trauma-informed, survivor-centred, human rights-based and social justice-based whilst being intersectional and requiring perpetrator accountability (Humphreys & Towl, 2020). This year the SMVOG has three sub working groups looking at (1) domestic abuse and intersectionality, specifically considering (2) international students and (3) students with disabilities experiences of sexual misconduct, barriers to reporting, and specific support needs.

5.3 **Environmental:** N/A

5.4 **Social Responsibility:** Working to prevent and respond to SMV 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 and Risk 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](http://www.dur.ac.uk/sexualviolence) or can be requested from Prof Graham Towl, Associate PVC and Professor of Forensic Psychology, or Clarissa Humphreys, Sexual Misconduct Prevention and Response Manager.

## Appendix 1

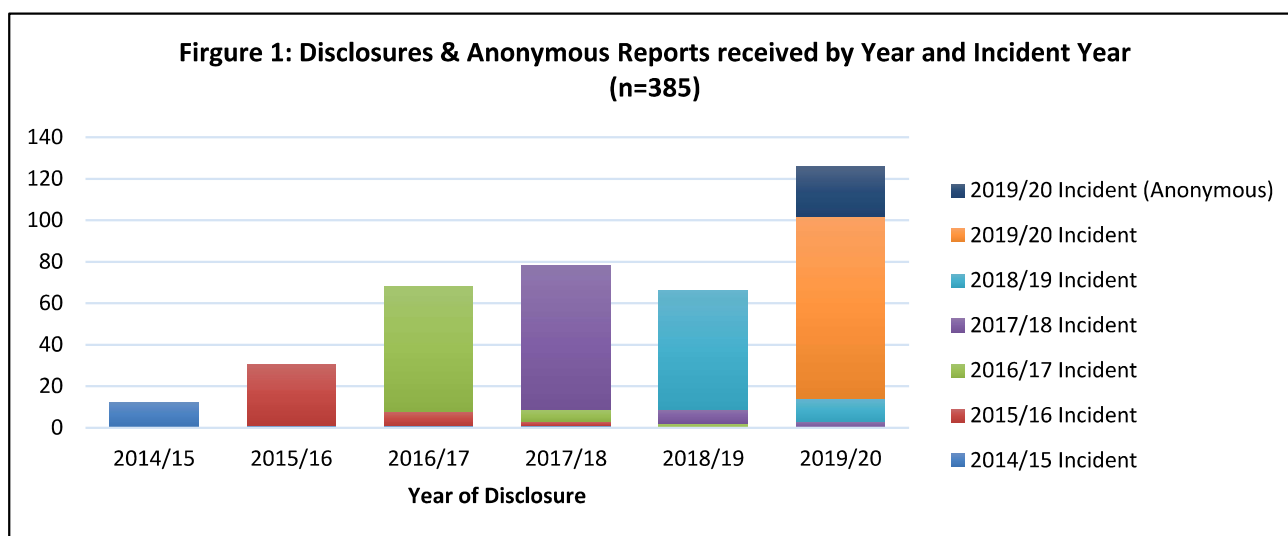
### Disclosures and Reports of Sexual Misconduct and Violence: Data and Discussion

This appendix provides data on disclosures and reports of sexual misconduct and violence (SMV) and related policy breaches as defined in section 4.2 of the Sexual Misconduct and Violence Policy<sup>7</sup> (SMV Policy) received during the 2019/20 academic year.<sup>8</sup> Where relevant data from the 2014/15 to 2018/19 academic years will be included for comparison purposes<sup>9</sup>. This information will continue to be made publically available to respond to Freedom of Information requests and for transparency purposes for the University community as agreed by the UEC in December 2019.

#### 1. Disclosures & Anonymous Reports

1.1. This first section presents information on disclosures and anonymous reports made by students and staff which were anonymously recorded centrally for trend monitoring purposes to help improve prevention and response initiatives. The anonymous reports were made on the Report + Support (R+S) platform. Disclosures were received by staff in Colleges, Departments and centrally in the University. As a reminder, disclosures and reports are separate actions under the SMV Policy. A disclosure involves an individual choosing to tell anyone who is part of the University community about their experience of SMV. This data set also includes named reports to speak to an advisor on the R+S platform that were not confirmed as formal reports.

1.2. **Number of Disclosures:** During the 2019/20 academic year, disclosures doubled from the previous year (n=64) to 126, including 102 disclosures and 24 anonymous reports. Following previous trends, we continue to see some delay in disclosures with some incidents being disclosed 1-2 years later. It is widely acknowledged in the literature that survivors will delay disclosing due to internal and external barriers to disclosure (Humphreys and Towl, 2020). Figure 1 illustrates when we have received disclosures compared to when the incident occurred.



<sup>7</sup> To access the Sexual Misconduct and Violence Policy and related procedures, please see: [www.dur.ac.uk/sexualviolence/policies](http://www.dur.ac.uk/sexualviolence/policies)

<sup>8</sup> 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' / less than 5.

<sup>9</sup> Full published data for the 2014/15 to 2018/19 academic years can be found in the *Sexual Misconduct and Violence Annual Trend Monitoring Paper* dated 9 December 2019 for the University Executive Committee found here: <https://www.dur.ac.uk/resources/committees/uec/201920Open/UEC-19-154SexualMisconductandViolenceAnnualTrendMonitoringReportO.pdf>

1.3. **Demographics:** The majority of Reporting Parties are undergraduate women. The majority of Responding Parties are undergraduate men. This trend has been observed for the last 6 years. Table 1 and 2 provide the full details of the genders and relationship to the University for individuals involved in disclosures and anonymous reports.

Table 1. Affiliation of Reporting Parties and Responding Parties to the University for incidents disclosed or anonymously reported during the 2019/20 Academic Year		
Affiliation to Durham University	Reporting Party	Responding Party
Undergraduate	96	67
Postgraduate	9	5
Group of Students	<5	<5
Staff or Contracted Employee	5	8
Not Affiliated with Durham University	7	19
Anonymous/Unknown	6	24
Total	124	124

Table 2. Gender of Reporting Parties and Responding Parties in incidents disclosed or anonymously reported during the 2019/20 Academic Year		
Gender	Reporting Party	Responding Party
Woman	105	6
Man	14	89
Non-Binary/Transgender	<5	0
Anonymous/Unknown	<5	28
Total	123	123

\*Group misconduct is not included in this table.

1.4. Additional demographics are currently only recorded for anonymous reports on the R+S platform. The following information displayed in Figures 2 to 5 on the next page refers to the 22 anonymous reports received. This is about a fifth of the data set. The reasons why someone has chosen to report anonymously online compared to those who have disclosed in person may be impacted by an individual's protected characteristics. There is further discussion on reasons for anonymous reporting in Section 2.3. At this stage we can only report on the data we have and cannot assess this further. Of the Responding Parties who made online anonymous reports 41% reported being White British, and 70% reported being heterosexual. A further did not have a disability (62%) and did not practice a religion (40%). As this data only refers to the 22 anonymous reports received, it is difficult to compare this to the wider student and staff population to fully understand whether any communities within the University are disproportionately impacted by sexual violence, beyond the most obvious group which are women. With continued data collection, it recommended that the anonymous report data is compared to data on the student and staff population by protected characteristics to better assess how specific communities are impacted.



Figure 2: Anonymous Reporting Party - Ethnicity (n=22)

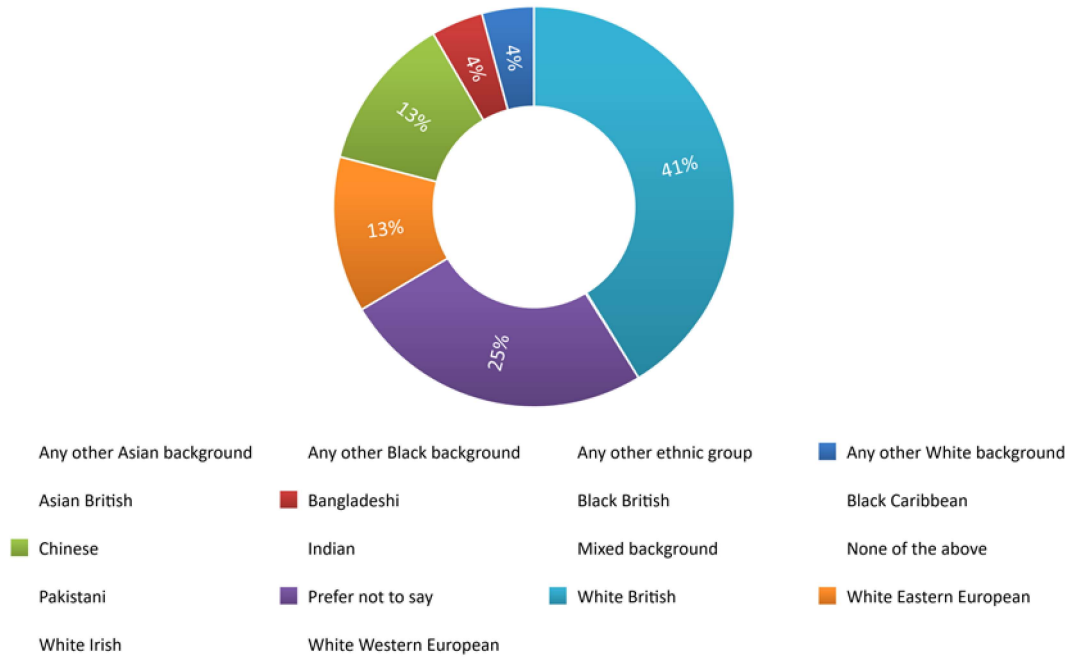


Figure 3: Anonymous Reporting Party - Sexuality (n=22)

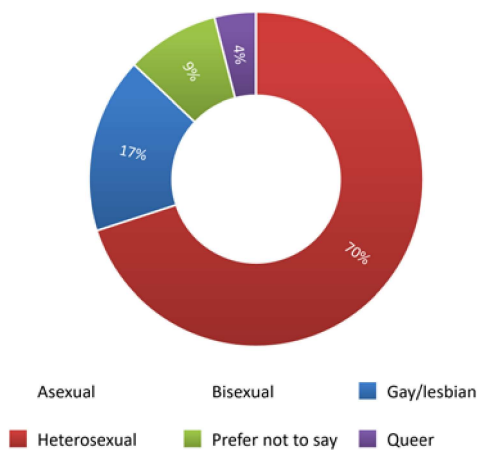


Figure 4: Anonymous Reporting Party - Disability (n=22)

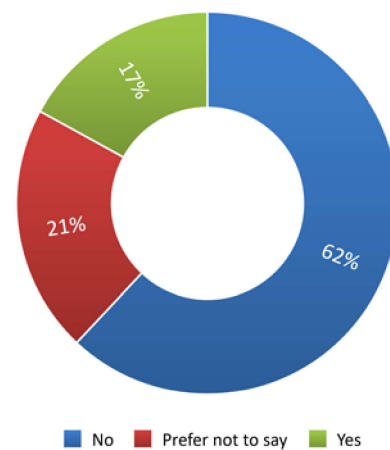
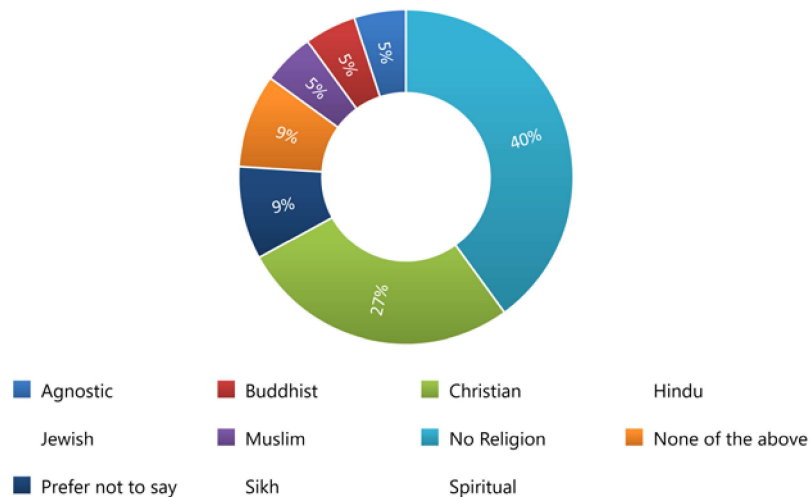


Figure 5: Anonymous Reporting Party - Religion/Belief (n=22)



**1.5. Type of Misconduct:** ‘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 SMV (e.g. sexual assault and stalking), which is why the categorisation records 155 incidents from the 123 disclosures made to the University during the 2019/20 academic year. Since the University started recording data on disclosures of SMV during the 2014/15 academic year, there have been 445 incidents disclosed to the University captured in 385 disclosures received by the University over that 6 year period.

**Figure 6: Type of SMV Disclosed / Anonymously Reported during the 2019/20 AY (n=155)**

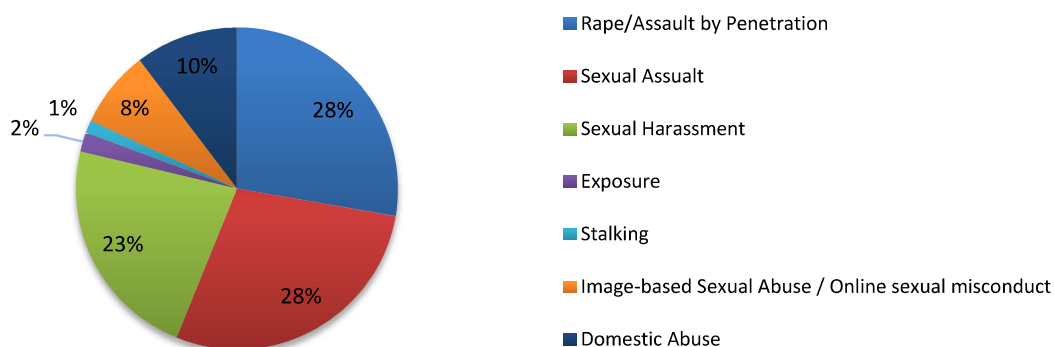


Table 3. Type of SMV disclosed or anonymously reported to the University as defined* under the SMV Policy during the 2019/20 Academic Year†	
SMV Category / Description	TOTAL
Rape/Assault by Penetration / Engaging, or attempting to engage in a sexual act with another individual without consent	43
Sexual Assault / Sexually touching another person without their consent	44
Sexual Harassment †† / 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	35
Indecent Exposure / Inappropriately showing sexual organs to another person	<5
Stalking / Repeatedly following another person without good reason (including Cyberstalking)	<5

Image-based Sexual Abuse <sup>††</sup> / Recording and/or sharing intimate images or recordings of another person without their consent	12
Domestic Abuse / 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.	16
Total	155

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

† A disclosure may include more than one type of SMV 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 SMV will not match.

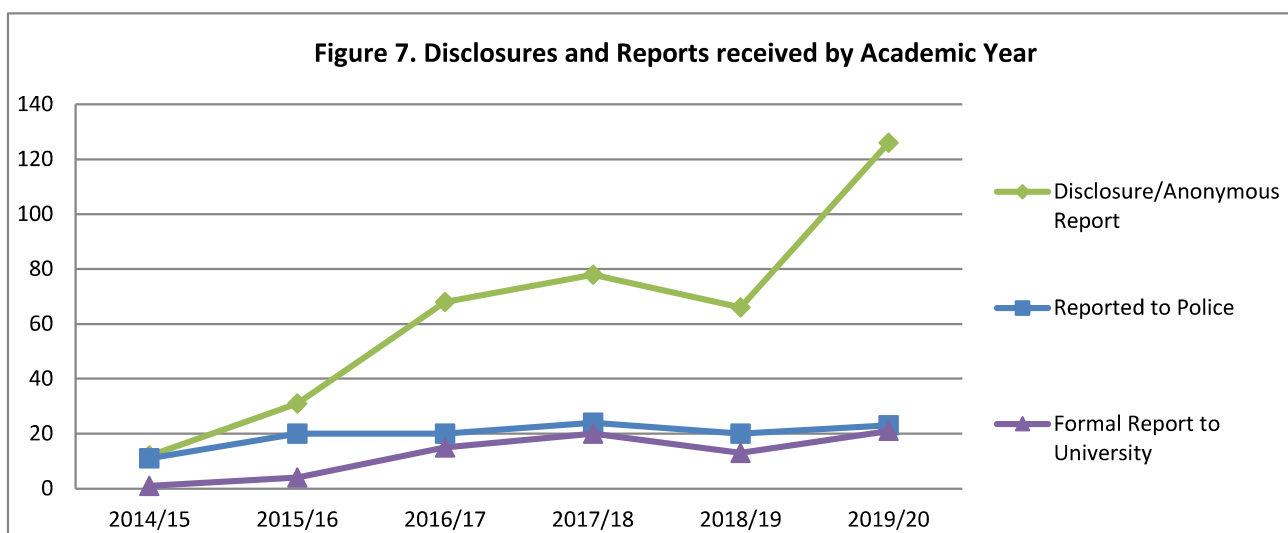
††This category includes other related forms of SMV, e.g. grooming

<sup>†††</sup>This category includes other related forms on technology based SMV, e.g. online sexual misconduct

## 2. Reports

2.1. This section provides information on confirmed **reports** made to the University and/or Police 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 SMV Policy (different from Disclosure and anonymous reports).

2.2. At a national level sexual violence continues to be underreported based on expected rates of SMV within Higher Education from statistical prevalence studies conducted in the UK and internationally. Despite an increase in disclosures, statistically speaking, it appears SMV is



still underreported at Durham<sup>10</sup>. Figure 3 illustrates how many disclosures and reports are made annually. From October 2014 to September 2020, the University recorded a total of 388 disclosures, 79 reports made to the University, and 115 made to the Police. Table 4 shows that the majority of incidents reported are student cases. Table 5 provides the specific data on the University action following a report to the University and/or Police.

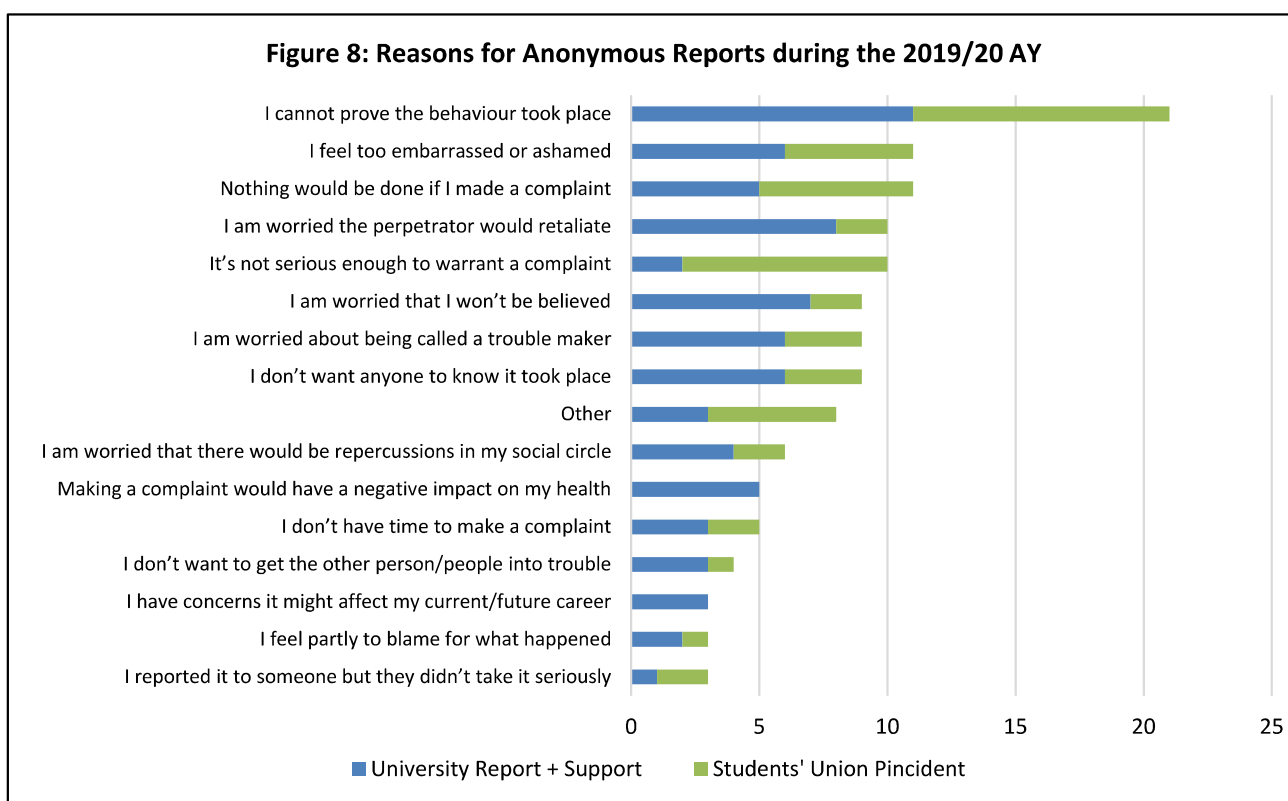
Table 4. Reports made to the University under the SMV Policy during the 2019/20 Academic Year														
Academic Year	Reporting Party	Student			Staff			Staff			Staff			
	Responding Party	Student			Staff			Student			Staff			
2019-2020	Gender	M	W	NB	M	W	NB	M	W	NB	M	W	NB	
	RP	<5	17	<5	0	<5	0	0	0	0	0	0	0	0
	RSP	18	<5	0	<5	0	0	0	0	0	0	0	0	0
TOTAL		20			<5			0			0			
<b>Key</b> RP – Reporting Party, individual reporting they were subjected to SMV RSP – Responding Party, individual reported to have committed the SMV M – Man W – Woman NB – Non-binary/Trans														

Table 5. University Action Following Formal Reports made during the 2019/20 Academic Year	
<b>Formal Reports</b>	
Reports made to the University*	21
Reports made to the Police <sup>†</sup>	23
<b>Precautionary Measures Imposed during an Investigation</b>	
No Contact Arrangement <sup>††</sup>	10
Partial Suspension	<5
Full Suspension	6
No Precautionary Measure Required	<5
Responding Party not affiliated with Durham University	5
<b>Investigation Outcomes following reports made under the SMV Policy</b>	
No Further Action	<5
Non-major breach of SMV Policy = Category 1 Discipline Offence	<5
Major breach of SMV Policy referred to Senate Discipline Committee as a potential Category 2 Discipline Offence	11

<sup>10</sup> A prevalence survey (e.g. campus climate survey) will help better understand if our reporting rates are still low. This is planned for the 2021/22 academic year.

Reports Withdrawn by Reporting Party	<5
Referred to HR for Investigation	<5
Student Conduct Office Investigation Ongoing	<5
Student Conduct Office Average Length of Time in Calendar Days from Confirmed Report to Investigation Outcome	148 §
<b>Discipline Outcomes under the Non-Academic Misconduct Disciplinary Procedure</b>	
Expulsion / Dismissal (staff)	<5
Exclusion for 1 year	<5
Other Sanction (e.g. No Contact Order, Formal Reprimand, Requirement to Change College Membership, Oral Warning (staff), etc.)	5
Responding Party withdrew prior to completion of investigation/disciplinary procedure	<5
Decision to not take forward disciplinary action, e.g. student graduated before discipline hearing could occur	<5
<p>*Note the reports made to the University will include cases where incidents occurred and were disclosed in previous academic years, e.g. incident date June 2018, disclosure date September 2018, report date October 2018 – the incident and disclosure would be logged for the 2017/18 academic year, but the report and University action would occur in the 2018/19 academic year.</p> <p>†Reporting Parties have the option to report incidents to the University, Police, both 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.</p> <p>††No Contact Arrangements are the minimum precautionary measure used for all investigations under the SMV 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> <p>§ Unfortunately, due to lockdown measures beginning on 16 March 2020, the Student Conduct Office made the decision to purposely suspend most investigations whilst we developed revised procedures to ensure that any investigations conducted remotely were done so in an ethical, safe, confidential, fair and transparent way for all individuals involved. The revised procedures were approved on 7 May 2020 through Council Chair's action. However, this caused a two-month delay. Volunteer investigator's capacity to investigate cases was also impacted by Covid-19 due to working from home (without a confidential space while caring for children), taking on other duties related to responding to Covid-19, or becoming ill.</p>	

2.3. As shown in Figure 7 above, we continue to see a significant gap between disclosures and reports made to the Police and/or University. The University has a clear principle in the SMV Policy that we will respect the right of the individual disclosing an experience to choose how to take forward a Disclosure (2.1.4). However, it is very important to understand why students and staff do not choose to report as this may also help understand barriers to disclosing as well. Through the implementation of the R+S platform and the SU's Pincident programme, the University is now able to better understand why there is such a large gap between students and staff choosing to disclose or make an anonymous report and making a formal report to the University and/or Police (See Figure 8). Accessing this data is vital to removing or reducing barriers to both disclosures and reports to the University. Initially, we can see that Reporting Parties are worried they cannot prove the misconduct occurred, e.g. worrying it will be a 'he said/she said' scenario, feel ashamed or embarrassed, and believe nothing will be done if they make a complaint. Interestingly, embarrassment was the most common reasons victim-survivors did not report to the Police in the Crime Survey for England and Wales (Office of National Statistics, 2018). At the University level, these reasons for not reporting are particularly worrying, because 1) the University makes judgments on alleged misconduct on a balance of probabilities, 2) only the perpetrator is responsible for sexual violence and 3) the University has specific procedures for how to respond to disclosures and reports of sexual violence. More work is needed to better



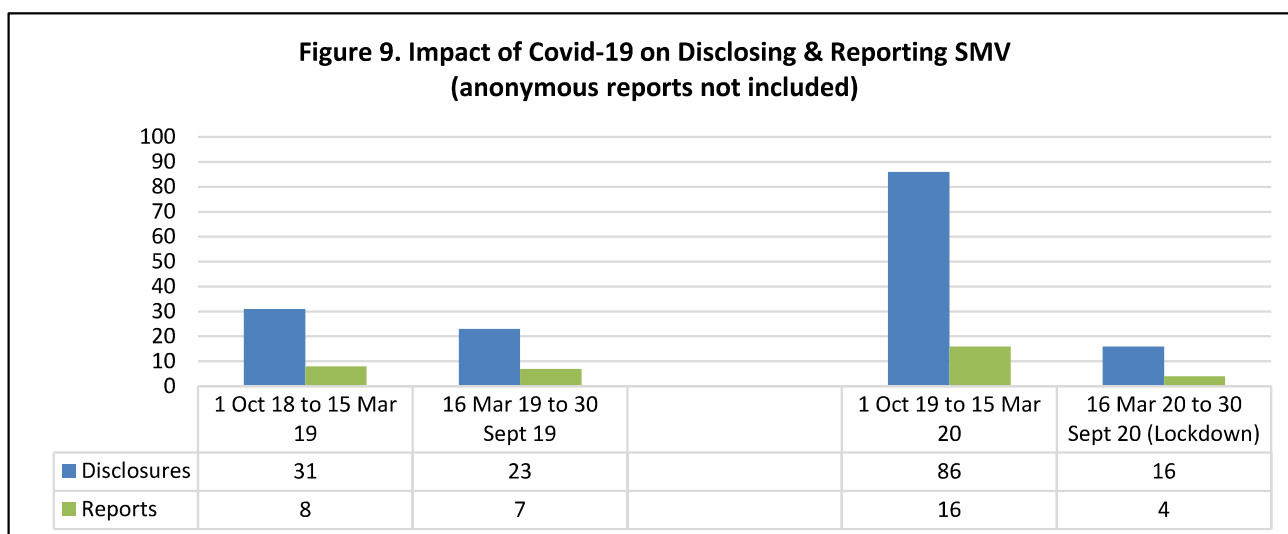
understand how we can break down these barriers.

2.4. **Impact of Covid-19 on Disclosing and Reporting.** During the first half of the 2019/20 academic year, the Student Conduct Office observed a significant increase in disclosures and reports made to the University greatly surpassing the number that had been received the year before during the same time period. However, in March 2020 disclosures and reports decreased significantly. This same decrease was observed by the SU:

*“... no incidents were reported via Pincident during the months April, May and June 2020. As noted above, it's highly likely that this is due to the Covid-19 pandemic, and is **not** indicative that incidents such as this weren't happening at all. Rather, it's more likely that the way in*


*which sexual misconduct, violence and hate were experienced changed, along with the way these incidents are reported.” – 2019/20 Pincident Report*

- 2.5. Through anecdotal evidence within the Student Conduct Office, we observed students and staff have difficulty finding private, confidential spaces in their homes/accommodation to make disclosures. Many did not want their family or friends to overhear and find out what had happened. According to sector guidance (UUK, 2020b), disclosing would have been near impossible for anyone living with their perpetrator. Overtime, we were able to provide guidance and creative ideas to help those who had disclosed to us online to discuss with us over Microsoft Teams their reporting and support options. However, we were only able to do this with individuals who had already made contact.
- 2.6. Figure 9 demonstrates the difference between the disclosures and reports received in the 2018/19 and 2019/20 academic years based on the time period before and after lockdown.



### 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 Parties, Responding Parties and even witnesses through internal and external proceedings and beyond formal processes.
- 3.2. The Counselling Service supports Responding Parties and Reporting Parties alongside the specialist counsellors from the Rape & Sexual Abuse Counselling Service (RSACC). During 2019/20, RSACC worked with 29 University clients (22 undergraduates, <5 postgraduates and <5 staff) who were referred following an assessment by the Counselling Service. Of the 29 clients, 5 did not engage with the service attending 0-2 sessions only. On average, clients who did engage in the service received 17 sessions of the 20 sessions available to them. Fifty-two per cent of their clients were subjected to sexual violence while they were current students/staff. Forty-one per cent reported the sexual violence occurred in Durham. At the beginning of December 2020, there was a waiting list of 6 clients (plus 2 who deferred) for this service which mimics the waiting list last year at the same point. This data does not include University students/staff who engage in the service outside the University.
- 3.3. This data only reflects disclosures related to SMV 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 whilst they are members our communities.

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- 3.4. Over the past year, we have noted specific areas for improvement including how we support students on study abroad/work placement and staff on international research. We are in the process of training more staff on how to respond to disclosures from community members abroad and are updating handbooks, websites and training for students.
  - 3.5. Sexual misconduct and violence and other forms of gender-based violence are costly to our community both in impact on the individual (emotional, psychological, physical and practical effects) and the wider University community.



## Appendix 3

### New Sector Guidance and References

Along with references made in the paper, this is a list of key publications that focus on best practice that are new since the last Sexual Misconduct and Violence Annual Trend Monitoring Paper was submitted in 2019.

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/>

Culture Shift. (2020). *Exceeding expectations: Guidance on tackling harassment and sexual misconduct White Paper*. Retrieved from: <http://info.culture-shift.co.uk/exceeding-expectations>

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-ProtectWomen-StudentsEy-Safety-Equality.pdf>

Humphreys, C. J., and Towl, G. J. (2020). *Addressing Student Sexual Violence in Higher Education: A Good Practice Guide*. Emerald Group Publishing.

Office of National Statistics. (2018). *Sexual offending: victimisation and the path through the criminal justice system*. Retrieved from: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffendingvictimisationandthepaththroughthecriminaljusticesystem/2018-12-13#how-prevalent-are-sexual-offences>

Towl, G.J. and Walker, T. (2019) *Tackling Sexual Violence at Universities; An International Perspective*. Routledge.

UN Women. (2018). *Guidance note on campus violence prevention and response*. Retrieved from: <https://www.unwomen.org/en/digital-library/publications/2019/02/guidance-note-on-campus-violence-prevention-and-response>

Universities UK. (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>

Universities UK. (2019). *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>

Universities UK. (2020a). *Beginning the conversation: Responding to domestic violence and abuse in higher education communities during the COVID-19 pandemic*. Retrieved from: <https://www.universitiesuk.ac.uk/covid19/Documents/uuk-briefing-domestic-abuse-covid.pdf>

Universities UK. (2020b). *Continuing the conversation: Responding to domestic violence and technology mediated abuses in higher education communities during the Covid-19 pandemic*. Retrieved from: <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2020/continuing-the-conversation.pdf>

# Student SMV Prevention & Response Training

## Training Menu for the 2020/21 Academic Year<sup>1</sup>

A. Core Training for Students				
Courses	Participants	Objectives	Facilitation	Time
1. Consent Matters: Boundaries, Respect, and Positive Intervention	Compulsory for all new starters	<ul style="list-style-type: none"> <li>Raise awareness and knowledge of sexual consent</li> <li>Build skills for healthy relationships, including communication and boundary setting</li> <li>Develop positive interventions to look out for others in difficult situations</li> <li>Build safer communities by encouraging consent culture and positive intervention</li> </ul>	Self-paced 3 module online course available on DUO under My Organisations & Online Training	1 hour Pre-arrival/ Induction Week
2. SMV Induction Awareness Talks (Core Messages)	Compulsory for all new starters	<ul style="list-style-type: none"> <li>Raise awareness that Sexual Misconduct &amp; Violence is not tolerated within the University community and that individuals who are targeted will be supported.</li> <li>Signpost to key areas of support available for all students</li> </ul>	Delivered during Induction Week by College staff and Student leaders	20 min. Induction Week
3. Active Bystander Course Durham	Student Leaders & Student Groups	<ul style="list-style-type: none"> <li>To empower and equip students to be Active Bystanders with regards to sexual misconduct and violence – specifically on identifying consent, coercion and control.</li> <li>Educate - To educate students with regards to:               <ul style="list-style-type: none"> <li>The definition of sexual misconduct and violence at university</li> <li>The concept of Bystander Intervention and how it applies to sexual misconduct and violence</li> </ul> </li> <li>Empathy - To help students to empathise with others with regards to:               <ul style="list-style-type: none"> <li>The impact of sexual misconduct and violence on an individual</li> <li>The difficulties faced by an individual when sharing or reporting their experiences of sexual misconduct and violence</li> </ul> </li> <li>Equipping - To equip students to be able to:               <ul style="list-style-type: none"> <li>Identify situations which require appropriate Bystander Intervention</li> <li>Intervene appropriately as an Active Bystander</li> </ul> </li> <li>Empowerment - To empower students by:               <ul style="list-style-type: none"> <li>Encouraging them to think about their role in forming the society that they live in</li> <li>Guiding students to other resources which can aid future learning</li> </ul> </li> </ul>	Facilitated by trained paid peer facilitators via Zoom	2 hours Available beginning the last week of September each Year

<sup>1</sup> Updated in light of health and safety guidance due to Covid-19 restrictions. All training will delivered online during Michaelmas Term due to social distancing restrictions and the need to prioritise all space for teaching. In-person training will resume as soon as restrictions are lifted and in-person training is approved. At this time, in-person training is expected to resume in January.

B. Optional Enhancement Courses	
4.	<p>Consent 1<sup>st</sup> year students</p> <ul style="list-style-type: none"> <li>Learn about the importance of sexual consent</li> <li>Combat rape culture and victim-blaming</li> <li>Learn how to create a positive consent culture</li> </ul> <p><i>This course is most effective linked to a campaign week to build on the Take Action at the end of the course.</i></p> <p>Facilitated by trained volunteer peer facilitators via Zoom</p> <p>1 hour Campaign Weeks / Induction</p>
5.	<p>Consent Workshop Train the Trainer</p> <ul style="list-style-type: none"> <li>Train peer facilitators to be able to facilitate engaging and informative discussions that encourage a healthy view of sexual consent and challenge harmful misconceptions.</li> </ul> <p>Facilitated by Clarissa Humphreys via Zoom</p> <p>3 hours (includes practice facilitation)</p>
6.	<p>Responding to Disclosures of Sexual Violence as a Student</p> <ul style="list-style-type: none"> <li>Review definitions of consent and sexual violence</li> <li>Develop practical skills to respond appropriately to peer disclosures of sexual misconduct and violence</li> <li>Understand appropriate referral pathways and reporting options to offer to individuals making disclosures</li> <li>Understand the importance of self-care</li> </ul> <p>Student Leaders, Welfare, Reps, &amp; Nightline Volunteers</p> <p>Facilitated by Clarissa Humphreys via Zoom</p> <p>50 min. / 90 min. versions</p>
<b>C. Other</b>	
7.	<p>Good Lad Initiative Workshops</p> <ul style="list-style-type: none"> <li>Men only UG focus or PG focus options</li> <li>Interactive workshops for students in university teams, colleges and societies which challenge participants to think about the ways in which gender inequality exists in their lives by facilitating honest and constructive conversations in ways that are meaningful and relevant to students.</li> <li>This course is delivered by Good Lad Initiative. <b>Fees apply.</b> Bookings can be made with multiple student groups/Colleges to reduce cost. Contact Clarissa for more information or see <a href="http://www.goodladinitiative.com/for-university-students">www.goodladinitiative.com/for-university-students</a></li> </ul> <p>External organization – Good Lad Initiative</p> <p>90 min.</p>
8.	<p>Bespoke training available upon request</p> <p>TBD</p> <p>Examples of bespoke training include campaign support, domestic abuse awareness training, discussion group facilitation, e.g. The Hunting Ground / Know her Name.</p> <p>Facilitated by Clarissa Humphreys via Zoom</p> <p>TBD</p>

**For More Information or to Book a Course**

Please contact Clarissa Humphreys, Sexual Misconduct Prevention & Response Manager, at [clarissa.l.humphreys@durham.ac.uk](mailto:clarissa.l.humphreys@durham.ac.uk). To book the Active Bystander Course Durham, please contact the Students' Union – Nicola Frampton, Policy Coordinator (Welfare), at [nicola.a.frampton@durham.ac.uk](mailto:nicola.a.frampton@durham.ac.uk).