

## Council

11 July 2023

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**Sexual Misconduct & Violence Annual Trend Monitoring Paper for the 2021/22 Academic Year****Proposed Resolution**

Council is asked to **note** the case trends in sexual misconduct and violence impacting students and employees during the 2021/22 academic year and how the Student Conduct Office is responding to these issues in accordance with current sector guidance.

**Appendices:**

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

Appendix 2 – References and New Sector Guidance

Appendix 3 – For Students: SMV Prevention and Response Training Programme Menu

Appendix 4 – For Staff: SMV Prevention and Response Training Programme Menu

**Previous Committee Consideration and Financial Approvals:**

University Executive Committee (UEC) 30 May 2023

Senate 20 June 2023

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**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) and related procedures. It will highlight key themes and issues arising from the reported data<sup>1</sup> during the 2021/22 academic year. A statistical analysis and raw data that is frequently requested through Freedom of Information (FOI) Requests is included in **Appendix 1**. This paper and appendices remain Open each year so the University community, public and those seeking data for FOIs can freely access this information and to demonstrate transparency in how the University engages in prevention and response initiatives in this area.
- 1.2 This paper is produced annually for assurance purposes in accordance with best practice identified in sector guidance and expectations set by the Office for Students [OfS] (2021; Humphreys & Towl, 2020). University Executive Committee, Audit and Risk Committee, Senate and Council are receiving this paper in full as it is imperative that leaders at the highest level of the institution are informed of the impact SMV continues to have on students and employees and to provide assurance that at an operational level this issue is being addressed in line with sector guidance and best practice whilst remaining a strategic priority.

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<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 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. We also thank the employees who received disclosures and then provided SMV Disclosure Recording Forms to the SMV case managers within the Student Conduct Office, so this data can be collated and analysed.

## 2. Key Issues and Analysis

- 2.1 In 2021/22, students and staff had the following ways they could disclose SMV, either through disclosing to staff in their College, their Department, Human Resources, the Counselling and Mental Health Service (CMHS), the Student Conduct Office (SCO), or online through the Report + Support (R+S) platform or the Student's Union (SU) Pincident tool. Having this range of options available to students and staff is purposeful to reduce barriers to disclosures so more victim-survivors can access support as it is recognised that there are many internal and external reasons<sup>2</sup> a victim-survivor may feel unable to disclose SMV. However, having multiple ways to disclose, means that collating data on a centralised database is a challenge because it relies on staff who receive a disclosure to ensure they submit a SMV Disclosure Recording Form<sup>3</sup> for any disclosures they receive. This is expected for anyone who receives a named or anonymous disclosure as 1) this is used for trend monitoring purposes, 2) a specialist SMV case manager can provide advice and guidance to the individual who received the disclosure and 3) to allow a specialist SMV case manager to check risk and safeguarding needs. If a SMV Disclosure Recording Form was not submitted, there is no a central record of the disclosure, so it would not be included in this data set.
- 2.2 This paper includes a discussion of data recorded on the centralised database and the R+S platform. A set of recommendations following the listed trends is provided. Analysis of the data from the 2021/22 academic year revealed the following trends:
- 2.2.1 The number of disclosures and incidents of SMV recorded increased significantly from the previous year from 131 to 213 disclosures and 162 to 307 incidents (See **Appendix 1**, Figures 1 and 7). This includes 24 anonymous reports made on the R+S platform which is similar from the year before (n=28). For comparison, 18 SMV incidents were recorded on the SU's Pincident. It is notable that at Durham only a minority of cases are reported anonymously which means that the majority of those who disclose are speaking with a member of staff and being signposted to the specialist SMV case managers and relevant specialist support.
- 2.2.2 The number of reports made to the University increased significantly from the previous year from 46 reports to 73 reports, of which 50 were confirmed and investigated (See **Appendix 1**, Table 5 and Figure 8). The reports that did not proceed to investigation were because 1) the Responding Party could not be identified, 2) the Responding Party's status at the time of the incident was not affiliated to the University, or 3) the Reporting Party chose not to proceed with the investigation.
- 2.2.3 Despite an increase in the number of reports to the University, there continues to be a significant gap between disclosures and reporting rates with only 36% of those disclosing choosing to make a report to the University where the Responding Party is affiliated to the University (n=164) (See **Appendix 1**, Figures 8 and 9 and Table 5). 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 choose to access support only, and our trauma-informed and survivor-led approach is rightly respectful of such choices. Some do not feel able to report for the reasons highlighted in Figure 9.
- 2.2.4 There continues to be multiple disclosures and reports made by different Reporting Parties against the same Responding Parties, with 9 Responding Parties named

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<sup>2</sup> See Humphreys & Towl, 2020, pp 111-117 for a list of barriers to disclosures and solutions to address these.

<sup>3</sup> The *SMV Disclosure Recording Form* is available on the [SMV Prevention & Response Resources Teams Channel](#), or by requesting one from the Student Conduct Office ([student.cases@durham.ac.uk](mailto:student.cases@durham.ac.uk)). It is important to note this form can be submitted by keeping the Reporting and/or Responding Party anonymous. All staff have access to SMV: Awareness and Disclosure Training (Level 1) where how to respond to a disclosure and how to use the form is taught.

across 23 disclosures/reports. This trend was first identified in the data for the 2020/21 academic year. It is recognised that serial perpetration is common in SMV cases within universities (Humphreys & Towl, 2020; Universities UK [UUK], 2022b, 2022c). New guidance from UUK recommends that on a case-to-case basis “it may be possible to share some information about the existence of other similar complaints” with other Reporting Parties who may find it difficult to report if they think they are alone (2022b, p. 85). UUK highlights the duty of care and legal duties universities have towards all students and employees and recommends the potential for serial perpetration be considered in risk assessments and discipline decision-making.

- 2.2.5 There was a rise in recorded disclosures made regarding staff SMV with 9% of Responding Parties identified as staff, an increase from 3% the year before (See **Appendix 1**, Table 1). Of these, 38% of Responding Parties were noted as in a position of power over the Reporting Party. This concern is clearly noted in the staff SMV procedure in section 1.4 where the misuse of power and unequal relationships is highlighted and the potential to impact equal access to education, opportunities and career progression is identified. In addition, roughly half of the disclosures made regarding staff Responding Parties were made by student Reporting Parties. UUK recently published strategic (2022a) and practical (2022b) guidance specifically on how universities should address staff-to-student sexual misconduct.
- 2.2.6 High risk markers were present in 43% of disclosures recorded (n=182) which demonstrates a significant increase in high risk SMV impacting students and staff. In the previous year where this trend was highlighted (2019/20 AY) only 17% of disclosures featured high risk markers. These markers include for example, additional physical violence such as non-fatal strangulation, biting, injury, or suspected/confirmed spiking; the Responding Party being a stranger, in a position of power, or serial perpetrator; and the Responding Party threatening to harm self or others to the Reporting Party. This concerning trend highlights the importance of ensuring all SMV disclosures are shared with the specialist SMV case managers<sup>4</sup> who are skilled and experienced in conducting risk assessments to ensure appropriate safeguarding and signposting occurs.
- 2.2.7 The timescale for completing investigations into reports against students under the SMV Policy on average increased by 5 weeks during the 2021/22 academic year from 93 calendar days to 124 calendar days (See **Appendix 1**, Table 5). The explanation for this is a combination of factors including: 1) Reporting/Responding Party delays in participating in investigations due to physical/mental health reasons, 2) staff long-term sickness which impacted resource and efficiency within the SCO, 3) pausing an investigation when a police investigation started, and 4) in some cases, having to delay an investigation due to a student’s status changing before or during the investigation.
- 2.2.8 **University Action in Response to these trends:** The University took immediate action, in year, in response to these trends and UEC authorised the Student Conduct Office to recruit an additional SMV Case Manager and an additional Specialist Investigator. These new members of staff joined the team during Michaelmas Term 2022/23 and will have a positive impact in relation to both staff caseloads and the timeliness of investigations. Based on the identified trends it is highly recommended that the University continues to prioritise and invest in prevention focussed initiatives. SMV and other forms of gender-based violence are costly to our community in impact on the individual (emotional, psychological, physical and practical effects), the wider University community, and staff resource and time. It is a much better investment to focus on prevention to prevent harm from being caused than to focus primarily on

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<sup>4</sup> See Prince and Franklin-Corben (2023) for a detailed discussion of the importance of specialist case managers for SMV cases.

response. Part of the prevention efforts already developed include a comprehensive SMV: Prevention and Response Training Programme for students and staff which can be viewed in **Appendices C** and **D**. The University will consider how we can expand engagement and attendance in these courses. The University last ran a campus-wide campaign in 2016/17. We are keen to take forward a prevention campaign (for example, such as [Erase the Grey](#)) which would act as a call to action, raise awareness and challenge myths that perpetuate sexual misconduct and violence in our community.

- 2.2.9 **Strategic Context:** The strategic vision set by the Sexual Violence Task Force remains unchanged – for Durham to be “*a University community where survivors are supported while we strive to eliminate sexual violence.*” The Sexual Misconduct and Violence Operations Group’s (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 and are in line with best practice and sector guidance. The University is currently looking at the operation of SMVOG, to ensure it continues to be fit for purpose. Preventing and responding to SMV helps ensure that staff and students are treated equally, fairly and with respect and aims to provide students with a wider student experience that is as good as any in the world by ensuring students can access their studies free from harassment, discrimination and violence.
- 2.2.10 **Financial & Resource Implications:** The University provided additional resources to fund the two new posts in the Student Conduct Office. It is noted that resource for responding to SMV and engaging in culture change and prevention initiatives remains critical. Investigations into reports of potential breaches of the SMV Policy require staff time and expertise for specialist case management, risk assessment, support for Reporting and Responding Parties, and trauma-informed investigations and disciplinary proceedings. Prevention and response training is crucial, and the aim is to improve staff and student engagement in training. The PVC CSE and Student Conduct Office are keen to look at how we might develop a process whereby the scale and complexity of SMV casework is directly linked to the available resource.
- 2.2.11 **Risk:** SMV is currently identified as a risk factor on the Strategic Risk Register under SR8 Student Wellbeing. The University has dedicated resource to prevention and response initiatives since the findings of the Sexual Violence Task Force in 2015/16. This paper demonstrates that there is still much to be done to address SMV within the University community. The University will continue to focus on prevention and response initiatives for SMV at the individual and organisational level; the University remains committed to continuous improvement in this area.
- 2.2.12 **Legal, Regulatory, Policy or OfS Compliance:** The OfS’s (2021) *Statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in Higher Education* has 7 expectations universities are asked to meet. These expectations are built on the principle that “all students registered at a provider, however and wherever they may be studying, should be protected from harassment and sexual misconduct from other students, staff and visitors” (para 2). This annual trend monitoring reports supports Expectation 2(b). In addition, 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.

### 3. Consultation and previous committee consideration

- 3.1 The data for this paper was gathered from the following areas of the University: the Student Conduct Office (primary source), the Equality, Inclusion and Diversity Unit (who manage the Report + Support platform), Human Resources, the Counselling and Mental Health Service,

the Rape and Sexual Abuse Counselling Centre, and Durham Students' Union (who manage Pincident).

#### **4. Next Steps**

- 4.1 The reported data of disclosures and reports made by students and employees of any form of SMV will continue to be collected, monitored and analysed on an annual basis to inform university-wide prevention and response initiatives.

## 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 of the *Sexual Misconduct and Violence Policy*<sup>5</sup> (SMV Policy) and section 1.4 of the *Procedure for managing disclosures or reports involving allegations of staff sexual violence and misconduct* received during the 2021/22 academic year.<sup>6</sup> Data from previous academic years will be included for comparison purposes. This information will continue to be made publicly available to respond to Freedom of Information requests and for transparency purposes for the University community as agreed by the UEC in December 2019.

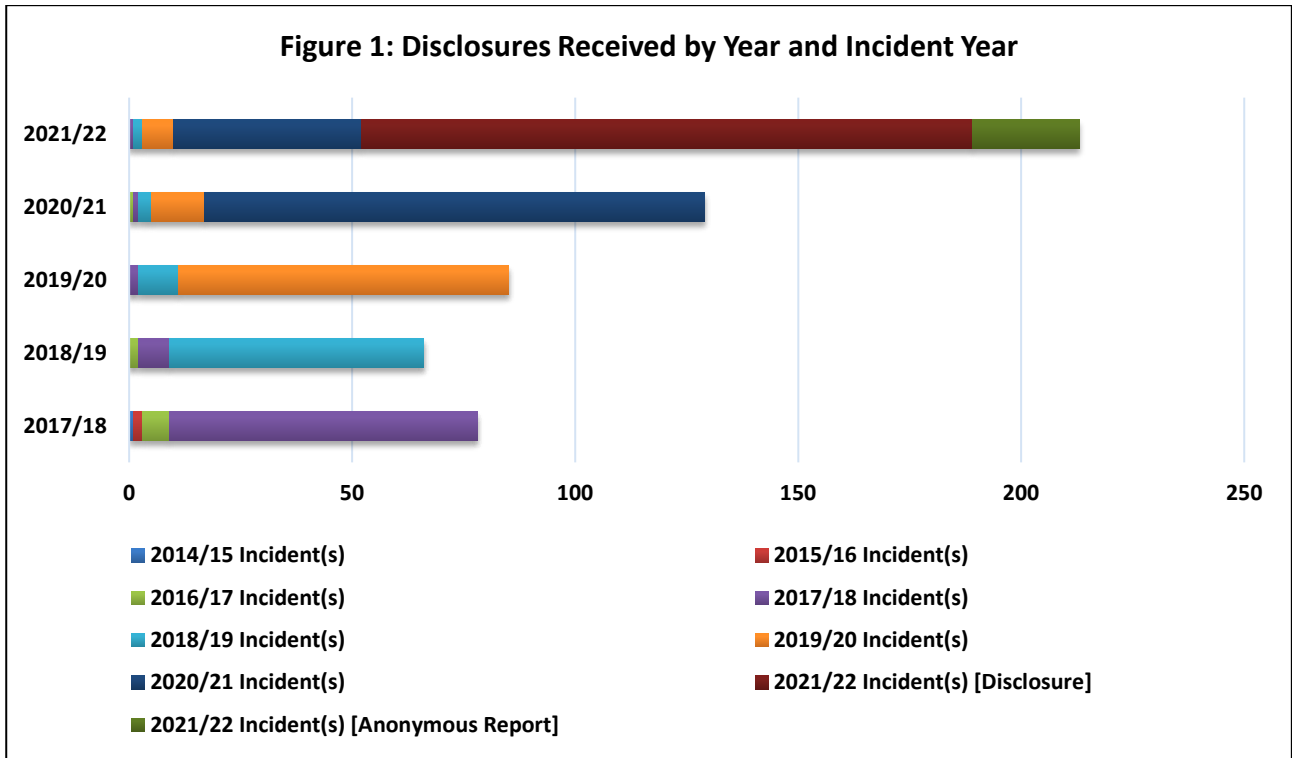
#### 1. Disclosures & Anonymous Reports

- 1.1. This section presents information on disclosures and anonymous reports made by students and employees regarding incidents that occurred whilst they were members of the University community.
- 1.2. 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. Anonymous reports are similar in that action cannot be taken from an anonymous report. A named report is the sharing of information with a staff member of the University regarding an incident of SMV experienced by that individual for the purposes of initiating the investigation process by the University and/or Police.
- 1.3. Staff who receive a disclosure of SMV that occurred whilst the Reporting Party was a student or employee are expected to record the disclosure on the SMV Recording Disclosure Form and submit this to the Sexual Misconduct Prevention and Response Manager for trend monitoring purposes either as a named or anonymous disclosure as directed by the Reporting Party. If this was not completed; the disclosure data will not be included in this paper as centrally it was not recorded. Disclosures can be received by any member of staff. Anonymous reports are submitted on the Report + Support (R+S) platform.
- 1.4. **Number of Disclosures:** The Student Conduct Office recorded **213 disclosures** during the 2021/22 academic year, including 24 anonymous reports made on the R+S platform. This was an increase from the previous year of 131 disclosures (including 28 anonymous reports).
- 1.5. There continues to be some delay in disclosures with some incidents being disclosed years later. From a trauma-informed approach, it is acknowledged that delayed reporting is expected due to trauma responses and internal and external barriers to disclosure (Humphreys and Towl, 2020). **Figure 1** illustrates when the disclosure was received compared to when the incident occurred. Anonymous reports are also included in this figure.

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<sup>5</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>6</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.



1.6. **Demographics:** During the 2021/22 academic year, the disclosures received were most often from undergraduate women Reporting Parties. The Responding Parties were most often undergraduate men. This trend has been observed for the last 8 years. **Table 1** and **Table 2** provide 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 2021/22 Academic Year |                 |     |                  |     |
|---|-----------------|-----|------------------|-----|
| Affiliation to Durham University  | Reporting Party |     | Responding Party |     |
| Undergraduate   | 164             | 77% | 97               | 46% |
| Postgraduate  | 15              | 7%  | 6                | 3%  |
| Group of Students   | 0               | 0%  | 0                | 0%  |
| Staff or Contracted Employee  | 13              | 6%  | 21               | 9%  |
| Not Affiliated with Durham University   | 7               | 3%  | 25               | 12% |
| Anonymous/Unknown   | 14              | 7%  | 64               | 30% |
| <b>Total</b>  | <b>213</b>      |     | <b>213</b>       |     |

| Table 2. Gender of Reporting Parties and Responding Parties in incidents disclosed or anonymously reported during the 2021/22 Academic Year |                 |     |                  |     |
|---|-----------------|-----|------------------|-----|
| Gender  | Reporting Party |     | Responding Party |     |
| Woman   | 184             | 86% | 6                | 3%  |
| Man   | 21              | 10% | 169              | 79% |
| Non-Binary/Transgender  | <5              | 1%  | <5               | 1%  |
| Anonymous/Unknown   | 6               | 3%  | 37               | 17% |
| <b>Total</b>  | <b>213</b>      |     | <b>213</b>       |     |

1.7. Additional demographics are currently recorded for anonymous reports and formal reports submitted on the R+S platform. The following information displayed in **Figures 2 to 6** refers to the 61 anonymous and named reports received on the R+S platform. This is about a 27% of the data set. Of the Reporting Parties who used the R+S platform 68% were aged between 18-21 years old, 78% identified as White, 50% identified as heterosexual, 61% reported they did not have a disability and 41% did not practice a religion. It is important to note that the demographic questions are optional.

1.8. As this data only refers to the 61 reports received on the R+S platform, 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 SMV. For the 2022/23 academic year, demographics for Reporting Parties will be recorded for all formal reports to the University received through any channel as a demographics form has now been added to the SMV Reporting Form. This will be reported on next year.

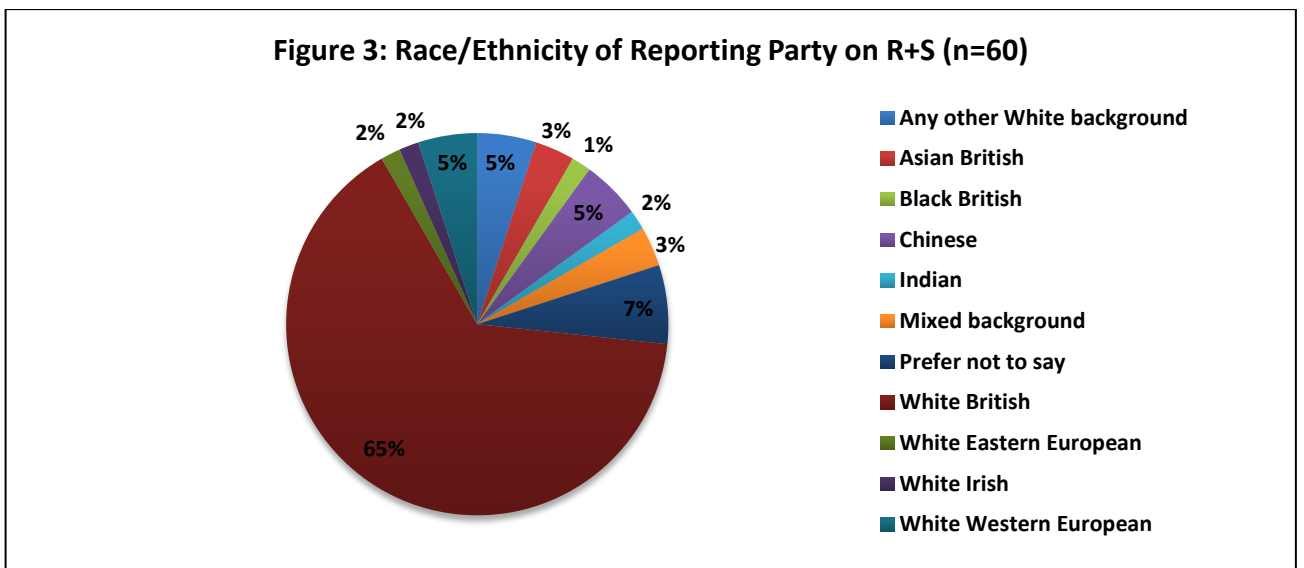
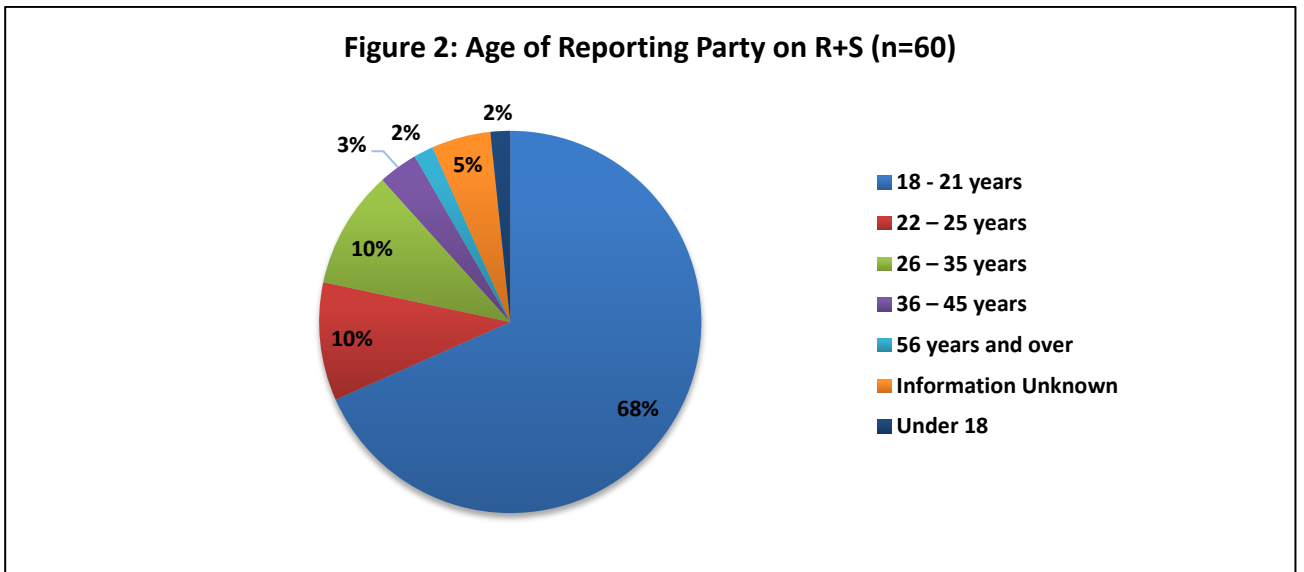




Figure 4: Sexual Identity of Reporting Party on R+S (n=60)

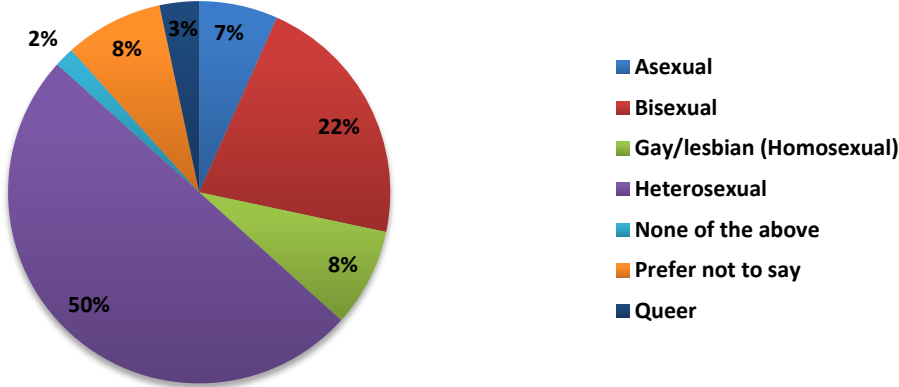


Figure 5: Disability Status of Reporting Party on R+S (N=61)

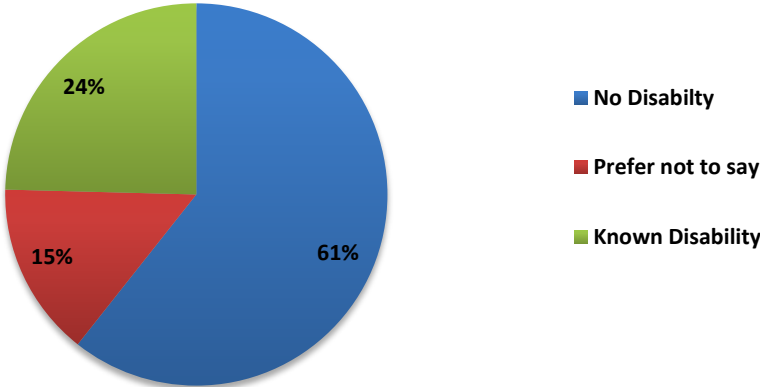
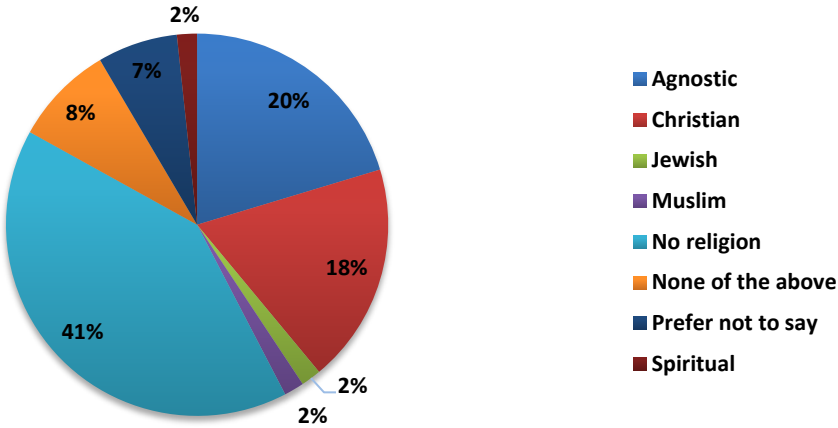
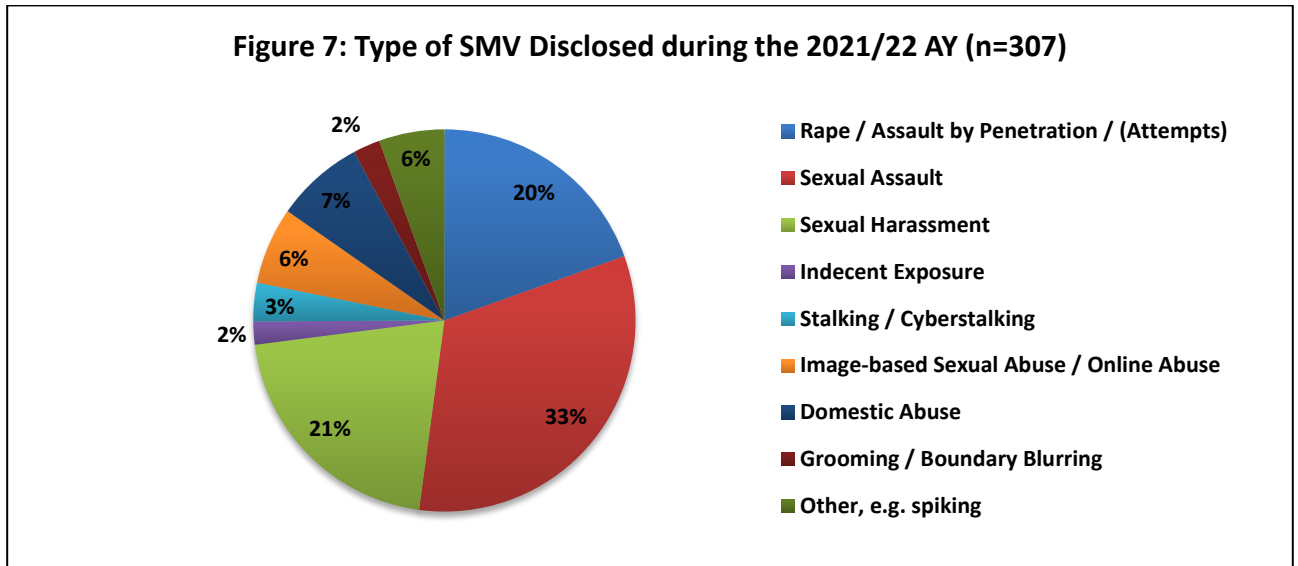


Figure 6: Faith/Belief of Reporting Party on R+S (n=59)



1.9. **Type of Misconduct and Number of Incidents:** 'Sexual misconduct and violence' is an umbrella term covering a broad range of unwanted or non-consensual conduct of a sexual nature and forms of gender-based violence impacting the University community. Since

2014/15, the incidents disclosed have most often been behaviours which might also constitute a criminal offence. Disclosures often include information on multiple incidents including more than one type of SMV (e.g., sexual assault and stalking). During the 2021/22 academic year, 307 incidents of SMV were recorded from the 213 disclosures made to the University. Since the University started centrally recording SMV disclosures during the 2014/15 academic year, there have been 733 disclosures which included 914 incidents of SMV. **Figure 7** and **Table 3** show the types of SMV disclosed to the University.



| SMV Category / Description   | TOTAL |
|--|-------|
| Rape / Assault by Penetration / (Attempts) /<br>Engaging, or attempting to engage in a sexual act with another individual without consent  | 60    |
| Sexual Assault /<br>Sexually touching another person without their consent   | 100   |
| Sexual Harassment /<br>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 | 64    |
| Indecent Exposure /<br>Inappropriately showing sexual organs to another person   | 6     |
| Stalking /<br>Repeatedly following another person without good reason (including all forms, e.g., Cyberstalking)   | 10    |
| Image-based Sexual Abuse† /  | 20    |

|  |     |
|--|-----|
| Recording and/or sharing intimate images or recordings of another person without their consent   |     |
| Domestic Abuse /<br><br>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. | 23  |
| Grooming / Boundary Blurring /<br><br>misuses of power, grooming, sexual invitations, comments and non-verbal communication with sexual content or overtones, creation of inappropriate sexual atmosphere, and promised resources in exchange for sexual interaction.  | 7   |
| Other /<br><br>e.g., Spiking   | 17  |
| Total  | 307 |
| *Examples of criminal offence labels are used as in some cases the incidents were reported to the Police.  |     |
| †This category includes other related forms on technology facilitated SMV, e.g., online sexual misconduct.   |     |

1.10. **Pincident:** Although the purpose of this paper is to highlight data recorded by the University, it is worth noting for comparison data recorded by Durham Students' Union (2022) through the online anonymous mapping system, Pincident. During the 2021/22 academic year, 53% of the unwanted incidents reported were sexual in nature and 44% of these reports included more than one form of harassment.

1.10.1. Unwelcome sexual comments (6 incidents)

1.10.2. Unwelcome sexual invitations, innuendos, and offensive gestures (3 incidents)

1.10.3. Wolf-whistling, catcalling or offensive sexual noises (3 incidents)

1.10.4. Tugging, pulling or lifting up someone's clothing (1 incident)

1.10.5. Other form of sexual harassment (2 incidents)

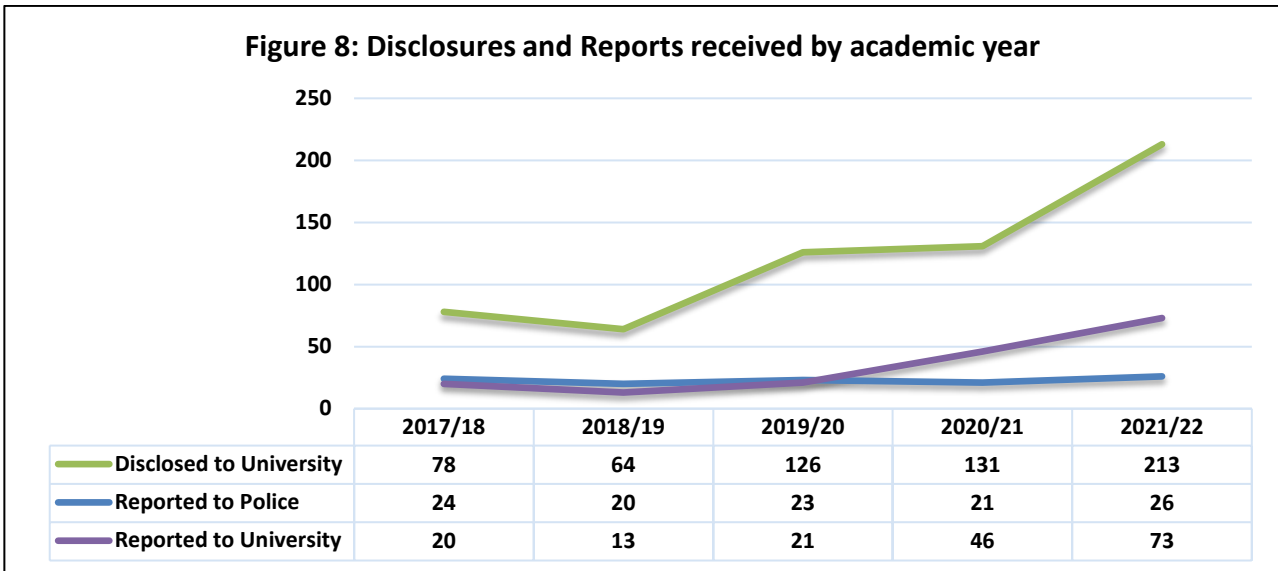
1.10.6. Exposure of sexual organs (2 incidents)

1.10.7. Stalking (1 incident)

## 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. At this point, it is difficult to assess our prevalence rates off reported data alone. The Office for Students is planning to conduct a national prevalence study<sup>7</sup> to measure the extent of SMV in higher education (Office for Students, 2022b). Following this, Durham will consider whether a local prevalence survey would be helpful. **Figure 8** illustrates how many disclosures and reports are made annually. **Table 4** shows that most 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 2021/22 Academic Year**

| Academic Year   | Reporting Party  | Student   |    |    | Staff    |    |    | Staff    |   |    | Staff    |    |    |
|---|------------------|-----------|----|----|----------|----|----|----------|---|----|----------|----|----|
|   | Responding Party | Student   |    |    | Staff    |    |    | Student  |   |    | Staff    |    |    |
| 2021-2022   | Gender           | M         | W  | NB | M        | W  | NB | M        | W | NB | M        | W  | NB |
|   | RP               | <5        | 49 | 0  | <5       | <5 | <5 | 0        | 0 | 0  | <5       | <5 | 0  |
|   | RSP              | 50        | <5 | <5 | 5        | 0  | 0  | 0        | 0 | 0  | <5       | <5 | 0  |
| <b>TOTAL</b>  |                  | <b>53</b> |    |    | <b>5</b> |    |    | <b>0</b> |   |    | <b>6</b> |    |    |
| In addition, <5 reports were made by third parties external to the University and 7 reports were made by female students however they were not able to identify the Responding Party. |                  |           |    |    |          |    |    |          |   |    |          |    |    |
| <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 2021/22 Academic Year**

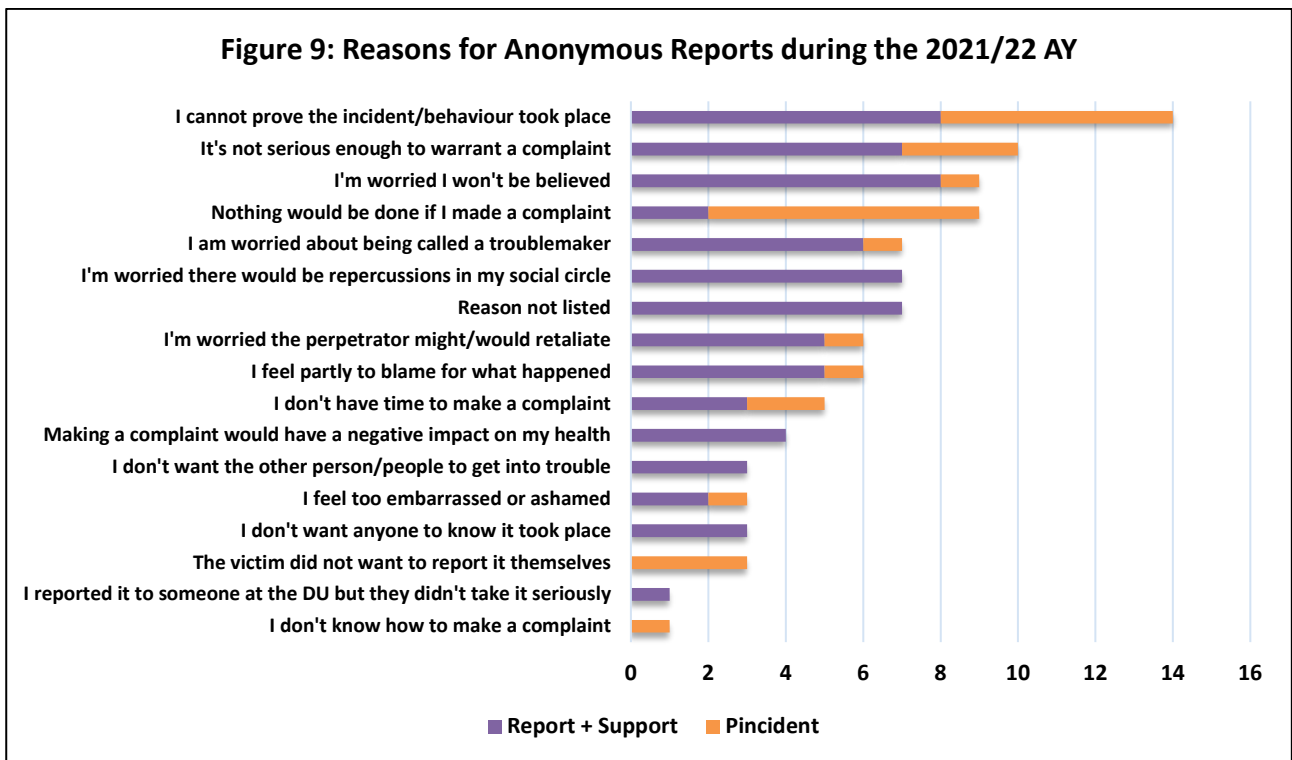
| Formal Reports                 |    |
|--------------------------------|----|
| Reports made to the University | 73 |

<sup>7</sup> Clarissa DiSantis Humphreys and Prof Graham Towl are members of the Office for Students (OfS) prevalence survey expert advisory group.

|  |            |
|--|------------|
| <b>Confirmed Reports Investigated by the Student Conduct Office/Human Resources</b>  | <b>50</b>  |
| Unconfirmed reports that did not proceed to investigation  | 14         |
| Reports the University could not investigate, e.g. the Responding Party could not be identified  | 9          |
| <b>Reports made to the Police</b>  | <b>26</b>  |
| <b>Responding Party was affiliated with Durham University</b>  | <b>11</b>  |
| Responding Party was not affiliated with Durham University or not identified   | 15         |
| <b>Precautionary Measures Imposed during a Police and/or University Investigation (n=56)</b>   |            |
| Full Suspension  | 12         |
| Partial Suspension   | 9          |
| No Contact Arrangement †   | <b>32</b>  |
| Staff Suspension   | <5         |
| No Precautionary Measure Required  | <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   | 8          |
| Major breach of SMV Policy referred to Senate Discipline Committee as a potential Category 2 Discipline Offence  | <b>21</b>  |
| Referred to HR for Investigation   | 10         |
| Student Conduct Office Investigation Ongoing   | <5         |
| Responding Party withdrew prior to completion of investigation/disciplinary procedure  | 7          |
| Student Conduct Office <sup>††</sup> Average Length of Time in Calendar Days from Confirmed Report to Investigation Outcome  | <b>124</b> |
| <b>Sanctions Imposed</b>   |            |
| Expulsion  | 6          |
| Exclusion for 1 year   | 5          |
| Other Sanction (e.g., No Contact Order, Formal Reprimand, Requirement to Change College Membership, etc.)  | <b>19</b>  |
| <b>Discipline Outcomes and Sanctions for Staff</b>   |            |
| Dismissal  | <5         |
| Other Sanction (e.g., Verbal warning, Written warning, Final Written Warning)  | <5         |
| Informal Action  | <5         |
| Not Upheld   | <5         |
| Other  | <5         |
| *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 normally suspend any internal investigation whilst the criminal justice process is conducted.    |            |
| †No Contact Arrangements are normally the minimum precautionary measure used for all investigations under the SMV Policy. 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. |            |
| ††The Student Conduct Office does not hold record of the length of time for investigations conducted by Human Resources.   |            |

2.3. As shown in **Figure 8**, there continues to be a significant gap between disclosures and reports made to the Police and/or University. During the 2021/22 academic year, 36% of those who disclosed SMV involving a Responding Party affiliated with the University also made a report to the University under the SMV Policy. This was similar to the reporting rates

for the previous year where 35% reported to the University following a disclosure. 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 choose not to report as this may help understand barriers to disclosing as well. In the SMV: Awareness and Disclosure Training (Level 1) and SMV: Disclosure and Awareness Training (Level 2) for staff, learners identify barriers to disclosures and consider ways to remove barriers in their local areas of the university for our diverse community of students and staff. The following data shown in **Figure 9** is from the R+S platform and the SU’s Pincident programme which presents reasons why a victim-survivor chose only to make an anonymous report. It should be noted that anonymous reports have no free-text option<sup>8</sup>, so there is no information that can be gathered about the incident, Responding Party, potential risk, or any other information that the University may be able to use to mitigate risk within the community.



2.4. Continuing with the trend that began in 2019/20, the most common reason victim-survivors choose to make an anonymous report is because they worry they cannot prove the incident/behaviour took place. It’s not serious enough to warrant a complaint has moved to the second position from the third in the previous year. The fear of not being believed and the belief that nothing would be done if the victim-survivor made a complaint tied for third.

2.5. The SMV Policy confirms University decisions are made using the civil standard of proof, the balance of probabilities, and the burden of proof is on the University, not the Reporting or Responding Party. Therefore, it is likely there is a gap in communication to students and employees that this standard of proof is used and/or what this means in practice.

2.6. It is especially concerning to see ‘It’s not serious enough to warrant a complaint’, ‘I’m worried I won’t be believed’ and ‘Nothing would be done if I made a complaint’ given of the anonymous reports made on the Report + Support platform, this included anonymous

<sup>8</sup> Ninety-two percent of Higher Education Institutions that use the Report + Support tool (n=94) offer a free-text section in their anonymous reporting form on the Report + Support tool, e.g. see the University of York’s experience of using free-text boxes [University of York on how to handle anonymous reports \(culture-shift.co.uk\)](https://culture-shift.co.uk)

reports of rape and sexual assault which are serious sexual offences and Major breaches of the Sexual Misconduct and Violence Policy. In each training that teaches students and staff how to respond to disclosures of sexual violence, they are taught BLOG: *Believe*, Listen, Offer Options and Resources, Get Support for yourself (Humphreys & Towl, 2020). The student and staff training programme is comprehensive (see **Appendices C and D**) and addresses many of the barriers listed; however, improvement can be made on increasing attendance on these courses.

### 3. Support

- 3.1. **The Rape & Sexual Abuse Counselling Service (RSACC)** is available for students and staff of all genders who are Reporting Parties only. During the 2021/22 academic year, RSACC provided specialist counselling to 51 University clients. This is an increase from the previous year when RSACC provided specialist counselling to 46 University clients. Of the 51 clients, 2 did not engage with the service attending 0-2 sessions only. On average, clients who did engage in the service received 8 sessions of the 20 sessions available to them. This data does not include University students/staff who may engage in the service by accessing it directly through RSACC externally rather than using the internal RSACC provision. At this time there are 8 University clients on the waiting list for the RSACC service delivered within the CMHS.
- 3.2. **The Counselling and Mental Health Service (CMHS)** is available to support Reporting and Responding Parties during an investigation. A representative from CMHS participates in each Initial Review Meeting to ensure that support for the mental health of each party involved in a formal report to the Police and/or University is considered. In addition, the CMHS offers each student in a formal case an optional 30-minute counselling appointment at the end of the investigation following the outcome meeting to process the outcome.
- 3.3. **College Student Support Offices** provide general support for students involved in internal and/or external investigations. A dedicated support contact within the College is assigned to support the student through the investigation and support is always separated, meaning one employee would not support the Reporting and Responding Parties. Most often, support is provided by a Student Support Officer or Assistant Principal, however, depending on the support needs of a case, the Vice-Principal or Principal may also be assigned to support a student in their college. In some cases where both parties are members of the same College, the support may be provided by staff in another College to one party as appropriate.
- 3.4. 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 witnesses through internal and/or external investigation proceedings and beyond or in lieu of formal processes.
- 3.5. This data only reflects disclosures related to SMV which occurred while students/employees 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/seek support whilst they are students or employees of Durham University.

## Appendix 2

### References and New Sector Guidance

Along with references made in the paper, this is a list of key publications that focus on best practice in addressing SMV in the sector that are **new** since the last SMV Annual Trend Monitoring Paper was produced in 2022.

- Baird, H., Towl, G., Renfrew, K., & Buckingham, R. (2022). [Evaluation of the initial impact of the Statement of Expectations – Final Report: Report to the Office for Students](#). Sums Reporting.
- Durham Students' Union. (2022). Pincident Report 2021-22. Durham SU.
- Eversheds Sutherland. (2022). [Legal Briefing: Staff to student sexual misconduct](#). Eversheds Sutherland LLP.
- Healthy Universities, University of Central Lancashire, Office for Student, & Universities UK. (2021). [The intersection of sexual violence, alcohol and drugs at universities and colleges: A briefing note](#). Healthy Universities, University of Central Lancashire, Office for Student, & UUK.
- Humphreys, C. J., and Towl, G. J. (2020). [Addressing Student Sexual Violence in Higher Education: A Good Practice Guide](#). Emerald Group Publishing.
- Humphreys, C.J. & Towl, G.J. (2023a). We should do something (someday): Identifying and working through resistance to gender-based violence prevention. In C.J. Humphreys & G.J. Towl (Eds.) [Stopping gender-based violence in higher education: Policy, practice, and partnerships](#). Routledge.
- Humphreys, C.J. & Towl, G.J. (Eds.). (2023b). [Stopping gender-based violence in higher education: Policy, practice, and partnerships](#). Routledge.
- Maher, C. (2023). [University of York on how to handle anonymous reports](#). Culture Shift.
- Office for Students. (2021). [Statement of expectations for preventing and addressing harassment and sexual misconduct affecting students in higher education](#).
- Office for Students. (2022a). [Insight 15: Tackling sexual misconduct in universities and colleges](#).
- Office for Students. (2022b). [OfS plans consultation on new condition of registration to tackle harassment and sexual misconduct in higher education](#).
- Prince, K. & Franklin-Corben, P. (2023). Case management as a dedicated role responding to gender-based violence in Higher Education. In C.J. Humphreys & G.J. Towl (Eds.) [Stopping gender-based violence in higher education: Policy, practice, and partnerships](#). Routledge.
- Universities UK and Coventry University. (2022a). [Changing the culture: sharing personal data in harassment cases – Strategic guide for universities](#).
- Universities UK and Coventry University. (2022b). [Changing the culture: sharing personal data in harassment cases – Practical guide for universities](#).
- Universities UK. (2022a). [Changing the culture: tackling staff-to-student sexual misconduct: Strategic guide for universities](#).
- Universities UK. (2022b). [Changing the culture: tackling staff-to-student sexual misconduct: Practical Guide](#).
- Universities UK. (2022c). [Evidence review on addressing staff-to-student sexual misconduct in higher education](#).
- Universities UK. (2022d). [Universities to share more information on the outcomes of harassment cases](#).



## Appendix 3

Sexual Misconduct & Violence:  
Prevention & Response

## STUDENT TRAINING

2022/23 Academic Year



| A. Core Training for Students   |   |   |   |   |  |
|---------------------------------|---|---|---|---|--|
|                                 | Courses   | Participants  | Objectives  | Facilitation  | Time   |
| 1.                              | <b>SMV: Consent Matters: Boundaries, Respect, and Positive Intervention</b> | Compulsory for all new students (UGs & PGs)<br><br>All staff can access.  | This course looks at sexual consent, healthy relationships, positive bystander intervention and support available related to sexual misconduct and violence (SMV). <ul style="list-style-type: none"> <li>• Raise awareness and knowledge of sexual consent, including exploring common misconceptions about 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 Oracle Learn     | 1 hour<br><br>Pre-arrival/ Induction Week  |
| 2.                              | <b>SMV Awareness Talks - Core Messages for WOW</b>                          | Compulsory for all new students (UGs & PGs)   | <ul style="list-style-type: none"> <li>• Raise awareness that SMV is not tolerated within the University community per the Sexual Misconduct and Violence Policy</li> <li>• Raise awareness and knowledge of sexual consent</li> <li>• Signpost to key areas of support available for all students</li> </ul>   | Delivered during induction by College staff and student leaders | Minimum of 20 min.   |
| 3.                              | <b>Active Bystander Course Durham</b>                                       | Recommended for all student leaders;<br><br>Freshers' Reps (Freps) are required to attend by most Colleges;<br><br>All students welcome | To empower and equip students to be Active Bystanders with regards to SMV – specifically on identifying consent, coercion and control. <ul style="list-style-type: none"> <li>• To <u>educate</u> students with regards to: <ul style="list-style-type: none"> <li>○ The definition of SMV and prevalence at university</li> <li>○ The concept of Bystander Intervention and how it applies to SMV</li> </ul> </li> <li>• To help students to <u>empathise</u> with others with regards to: <ul style="list-style-type: none"> <li>○ The impact of SMV on an individual</li> <li>○ The difficulties faced by an individual when disclosing/reporting SMV</li> </ul> </li> <li>• To <u>equip</u> students to be able to: <ul style="list-style-type: none"> <li>○ Identify situations which require appropriate Bystander Intervention</li> <li>○ Intervene appropriately and safely as an Active Bystander</li> </ul> </li> <li>• To <u>empower</u> 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 in-person/via Zoom by trained paid SU facilitators  | 2 hours<br><br>Available to book throughout the year through the Students' Union webpage |
| B. Optional Enhancement Courses |   |   |   |   |  |
| 4.                              | <b>Consent Workshop</b>   | 1 <sup>st</sup> year UGs  | <ul style="list-style-type: none"> <li>• Learn about the importance of sexual consent</li> <li>• Challenge rape culture and victim-blaming</li> </ul>   | Facilitated in-person/via Zoom by                               | 1 hour   |

|                 |   |   |   |  |                 |
|-----------------|---|---|---|--|-----------------|
|                 |   |   | <ul style="list-style-type: none"> <li>Learn how to create a positive consent culture</li> </ul> <p><b>Note: This course can be delivered during a consent campaign week or WOW.</b></p>  | trained volunteer facilitators   |                 |
| 5.              | <b>Responding to Disclosures of Sexual Violence as a Student Leader</b> | Recommended for Student Leaders, Welfare Reps, All students welcome | <ul style="list-style-type: none"> <li>Review definitions of consent and SMV</li> <li>Develop practical skills to respond appropriately to peer disclosures of SMV</li> <li>Understand appropriate referral pathways and reporting options to offer to victim-survivors</li> <li>Understand the importance of self-care</li> </ul> <p><b>Note: A modified version is delivered at every Nightline Training weekend.</b></p>   | Facilitated in person/via Zoom by Clarissa DiSantis Humphreys                            | 90 min.         |
| 6.              | <b>SMV: Responding to Disclosures of Sexual Violence</b>                | Available for all staff and students                                | <ul style="list-style-type: none"> <li>Demonstrate an awareness of the issues and initiatives around sexual violence.</li> <li>Define what constitutes consent and identify the legal definitions of sexual offences.</li> <li>Dispel common myths and misconceptions around sexual violence.</li> <li>React and respond to survivors appropriately, demonstrating empathy and establishing boundaries.</li> <li>Explain the different support and reporting options available to survivors.</li> <li>Demonstrate best practices for responding to a disclosure.</li> <li>Recognise when they (the responder) may need support in dealing with a disclosure.</li> </ul> <p><b>Note: Not Durham University specific.</b></p> | Self-paced online module on Oracle Learn   | 1 hour          |
| <b>C. Other</b> |   |   |   |  |                 |
| 7.              | <b>Consent Workshop Train the Trainer</b>                               | Volunteer facilitators  | <ul style="list-style-type: none"> <li>Train volunteer peer facilitators to facilitate engaging and informative discussions that encourage a healthy view of sexual consent and challenge harmful misconceptions.</li> </ul> <p><b>Note: Participants are encouraged to attend the <i>Active Bystander Course Durham</i> and the <i>Responding to Disclosures of Sexual Violence as a Student Leader</i> courses.</b></p>   | Facilitated in person or via Zoom by Clarissa DiSantis Humphreys                         | 3 hours minimum |
| 8.              | <b>Active Bystander Train the Trainer</b>                               | Recruited Facilitators  | <ul style="list-style-type: none"> <li>Train recruited peer facilitators to facilitate engaging and informative discussions that empower and equip students to be Active Bystanders with regards to SMV – specifically on identifying consent, coercion and control.</li> </ul> <p><b>Note: Participants are encouraged to attend the <i>Responding to Disclosures of Sexual Violence as a Student Leader</i> course.</b></p>   | Facilitated in person or via Zoom by Clarissa DiSantis Humphreys                         | Full Day Course |
| 9.              | <b>Bespoke training available upon request</b>                          | By Request  | <p>Examples of bespoke training include campaign support, domestic abuse awareness training, training for sports teams, discussion group facilitation, e.g. The Hunting Ground / Know her Name.</p> <p>Options for training courses delivered by external training providers are also available.</p>  | Facilitated in-person or via Zoom by a SMV case manager and/or investigator from the SCO | TBD             |

### For More Information or to Book a Course

SMV training can be booked via Oracle Learn. Log on, click on 'Learning' and then search 'SMV' in the search box to find enrol on a course.

Any questions? Please contact Clarissa DiSantis Humphreys, Sexual Misconduct Prevention & Response Manager, at [clarissa.j.humphreys@durham.ac.uk](mailto:clarissa.j.humphreys@durham.ac.uk).

To book the *Active Bystander Course Durham*, please book on to a session available here: <https://www.durhamsu.com/events> or contact the Students' Union – Vasiliki (Vicky) Bathrelou, Policy

(Welfare) Coordinator at [vasiliki.bathrelou@durham.ac.uk](mailto:vasiliki.bathrelou@durham.ac.uk).

## Appendix 4

Sexual Misconduct & Violence:  
Prevention & Response

# STAFF TRAINING

## 2022/23 Academic Year



| A. DURHAM SPECIFIC INSTRUCTOR LED TRAINING |  |  |  |  |                                   |
|--|--|--|--|--|-----------------------------------|
|  | Courses  | Participants   | Objectives   | Facilitation   | Length                            |
| 1.   | <b><u>SMV: Policy Briefing</u></b>   | Recommended for all staff  | <ul style="list-style-type: none"> <li>Raise awareness of the responsibilities of all staff under the Sexual Misconduct and Violence Policy</li> <li>Define 'sexual misconduct and violence' (SMV) which are behaviours not tolerated within the University community</li> <li>Demonstrate the procedure followed from disclosure to discipline for incidents of SMV involving students and/or staff</li> </ul> <p><b>Note: Can be arranged to be delivered during team/departmental meetings</b></p>  | Facilitated in-person or via Zoom with Q&A by a member of the SMV team within the Student Conduct Office (SCO) | 30 minutes                        |
| 2.   | <b><u>SMV: Awareness and Disclosure Training (Level 1)</u></b>                     | Required for student support staff;<br>Recommended for all staff;                      | <ul style="list-style-type: none"> <li>Understand the definition, prevalence, impact and risks of SMV in higher education</li> <li>Challenge the societal myths that surround SMV</li> <li>Develop skills to appropriately respond to disclosures of SMV in line with the Sexual Misconduct and Violence Policy and related procedures.</li> <li>Be able to signpost to support in the University and community</li> </ul>   | Facilitated in-person or via Zoom by a SMV case manager from the SCO   | 2 hours                           |
| 3.   | <b><u>SMV: Disclosure and Support Training (Level 2)</u></b>                       | Recommended for staff in student/staff support or pastoral roles;<br>All staff welcome | <ul style="list-style-type: none"> <li>The aim is to prepare staff in support roles by increasing their confidence and enhancing their skills to respond appropriately to disclosures of SMV and support students/staff during investigations and disciplinary procedures, as appropriate, in line with the Sexual Misconduct &amp; Violence Policy building from the Level 1 course.</li> </ul> <p><b>Note: Attendees must complete Level 1 as a prerequisite to be eligible to attend this course.</b></p>   | Co-facilitated in-person or via Zoom by SMV case managers from the SCO   | Half-day / 3.5 hours              |
| 4.   | <b><u>SMV: Domestic Abuse and Stalking Awareness &amp; Disclosure Training</u></b> | Recommended for staff in student/staff support or pastoral roles;<br>All staff welcome | <ul style="list-style-type: none"> <li>Understand the definition, prevalence, impact and risks of domestic abuse and stalking in higher education impacting students and staff.</li> <li>Challenge the societal myths that surround domestic abuse and stalking</li> <li>Develop skills to appropriately respond to disclosures of this specific form of SMV in line with the Sexual Misconduct and Violence Policy and related procedures.</li> <li>Be able to signpost to support in the University and community</li> </ul> <p><b>Note: It is recommended that staff attend the Level 1 course first.</b></p> | Co-facilitated in-person or via Zoom by a SMV case manager and investigator from the SCO                       | Half-day / 3.5 hours              |
| 5.   | <b><u>SMV: Trauma-informed Investigation, Adjudication and</u></b>                 | Required for staff in investigation or discipline                                      | <ul style="list-style-type: none"> <li>Understand the types, prevalence, impact, and risks of SMV in HE</li> <li>Analyse the difference between harassment and misconduct</li> <li>Evaluate how the prevalence applies to the civil standard of proof required of universities</li> </ul>  | Facilitated in-person or via Zoom by Clarissa DiSantis   | 3 half-day or 1 full day sessions |

|  |  |  |  |                 |
|--|--|--|--|-----------------|
| <b>Sanctioning for Sexual Misconduct Training</b>                                      | decision-making roles for student or staff cases dealt with under the SMV Policy.<br><br>All staff welcome | <ul style="list-style-type: none"> <li>Analyse myths that surround SMV to understand how they can impact an investigation or adjudication process</li> <li>Understand the neurobiology of trauma and be able to identify signs of trauma in order to develop skills for conducting a trauma-informed investigation</li> <li>Apply investigative strategies and skills to effectively gather evidence and interview parties</li> <li>Analyse the consent defence to apply an analytic to guide investigations and adjudication</li> <li>Understand how to weigh and assess evidence through a credibility assessment to apply the civil standard of proof</li> <li>Develop skills to present an investigation outcome and further disciplinary action</li> <li>Create and apply appropriate guidelines for sanctions following findings of SMV</li> <li>Apply self-care techniques</li> </ul> <p><b>Note: Attendees must complete Level 1 as a prerequisite to be eligible to attend this course.</b></p> | Humphreys                                | available       |
| <b>B. SELF-PACED ONLINE TRAINING</b>   |  |  |  |                 |
| 6. <b><u>SMV: Responding to Disclosures of Sexual Violence</u></b>                     | Available for all staff and students   | <ul style="list-style-type: none"> <li>Demonstrate an awareness of the issues and initiatives around sexual violence.</li> <li>Define what constitutes consent and identify the legal definitions of sexual offences.</li> <li>Dispel common myths and misconceptions around sexual violence.</li> <li>React and respond to survivors appropriately</li> <li>Explain the different support and reporting options available to survivors.</li> <li>Demonstrate best practices for responding to a disclosure.</li> <li>Recognise when they (the responder) may need support in dealing with a disclosure.</li> </ul> <p><b>Note: Not Durham University specific. This course may also be used as reference or a refresh from the Durham-specific training offered above.</b></p>  | Self-paced online module on Oracle Learn | 1 hour          |
| 7. <b><u>SkillBoosters: Understanding and confronting sexual harassment</u></b>        | All staff<br><br>Recommended for managers  | <p>This course will give a better understanding of:</p> <ul style="list-style-type: none"> <li>the causes and dynamics of sexual harassment</li> <li>how it impacts at an individual and organisational level</li> <li>effective intervention strategies for victims and bystanders</li> <li>how to respond to sexual harassment if you're on the receiving end.</li> </ul> <p><b>Note: Not Durham University specific. This course may also be used as reference or a refresh from the Durham-specific training offered above.</b></p>  | Self-paced online module on Oracle Learn | 20 – 30 minutes |
| 8. <b><u>SkillBoosters: Domestic Abuse - Supporting Employees in the Workplace</u></b> | All staff<br><br>Recommended for managers  | <ul style="list-style-type: none"> <li>This course will look at the forms that domestic abuse can take, its prevalence and impact, how to spot the warning signs, and what organisations can do to ensure they are providing appropriate support for survivors among their employees.</li> </ul> <p><b>Note: Not Durham University specific. This course may also be used as reference or a refresh from the Durham-specific training offered above.</b></p>   | Self-paced online module on Oracle Learn | 30 – 45 minutes |

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

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Any questions? Please contact Clarissa DiSantis Humphreys, Sexual Misconduct Prevention & Response Manager, at [clarissa.j.humphreys@durham.ac.uk](mailto:clarissa.j.humphreys@durham.ac.uk).