



Coláiste Mhuire gan Smál  
**RECEIVED**

09 MAY 2019

Professor Eugene Wall  
President  
Mary Immaculate College  
South Circular Road  
Limerick.

OIFIG AN UACHTARÁIN  
(President's Office)

08<sup>th</sup> May 2019

**Our Ref: DES-MoSMOC-00422-2019**

Dear Professor Wall,

On the 5<sup>th</sup> of April I launched the Framework for Consent in HEIs, "*Safe, Respectful, Supportive and Positive: Ending Sexual Harassment in Irish Higher Education Initiations*". This was met with positivity from all present on the day and I would like to extend my thanks to the representatives from your institution who attended and made the event such a success.

Ireland's higher education system is celebrated and renowned, and your role in making that happen is something I acknowledge and greatly appreciate. We look to higher education institutions as centres of high quality teaching and learning and for research that will inform solutions to national and global challenges. However, success is not only measured by the academic achievements of students; it is also measured in the quality of their experience.

We have a duty to protect our staff and students in our higher education institutions from the kinds of harmful behaviours that act as barriers to their safety and their active participation in college life. Every part of our society can be affected by sexual harassment and violence; however, our higher education sector is in a prime position to change that. This is why I am writing to you now. The working group have produced a logical and cohesive strategy, which promotes a healthy and informed understanding of consent and relationships in our higher education system.

I would like to see higher education institutions embed these recommendations into their policies and procedures as soon as possible to ensure their long-lasting impact, which will see Ireland take a leading role in confronting sexual violence and harassment.

I am making funding available to help with implementing the Framework, and a call for applications from higher education institutions will be issued in the coming weeks.



I am anxious that progress is accelerated in this vital area, and I would ask you and your institution to engage with the Framework in anticipation of this call.

I am enclosing a copy of the Framework for your attention, and I look forward to its successful implementation in Mary Immaculate College and across the higher education sector.

Yours sincerely,

A handwritten signature in blue ink, which appears to read 'Mary Mitchell O'Connor'. The signature is written in a cursive style and is positioned above a horizontal line.

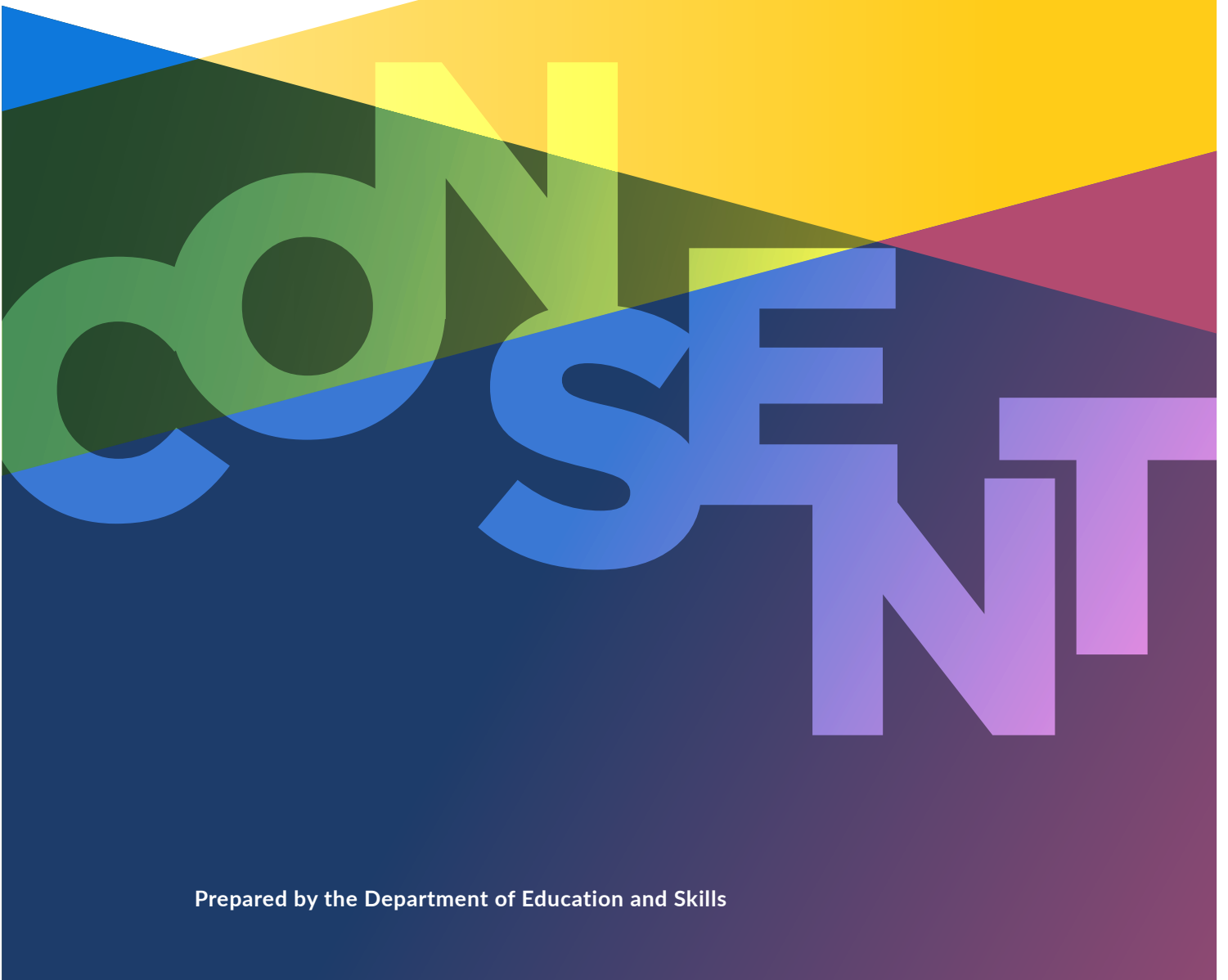
Minister Mary Mitchell O'Connor T.D.  
Minister of State for Higher Education



Rialtas na hÉireann  
Government of Ireland

# Safe, Respectful, Supportive and Positive

Ending Sexual Violence and Harassment  
in Irish Higher Education Institutions



Prepared by the Department of Education and Skills

# **Safe, Respectful, Supportive and Positive**

Ending Sexual Violence and Harassment  
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## Foreword By Minister

As the very first Minister for Higher Education, I recognise the Government's role and responsibility in protecting students and staff in our higher education institutions from the kinds of harmful behaviours that act as barriers to their safety and active participation in college life. We have a public sector duty to students and staff to prevent discrimination, promote equality, and uphold human rights, which is why we take the issue of sexual violence and harassment so seriously in our higher education institutions.

Every part of our society is touched by sexual violence and harassment, but our higher education sector is in a prime position to change that. Those walking the corridors and sitting in the lecture halls of our third level institutions represent our future leaders and thinkers. Their contributions will shape the generations that lie ahead. By instilling values of dignity, respect and equality, we are underpinning a bright, safe and more equal future for all of society.

On October 4th, I convened a workshop in Dublin Castle to hear first-hand from students, academics, An Garda Síochána and professionals working in our Sexual Trauma Units, of the considerable and ongoing threats to the sexual safety of our higher education students. We know that sexual violence and harassment is a reality faced by too many in our institutions, but particularly women. Three in ten women in Irish third level institutions have reported feeling sexually harassed or intimidated, with one in four having experienced unwanted physical contact.<sup>1</sup>

Directly after this workshop, I established a Consent Expert Group. My challenge to them was to devise a roadmap for all institutions, in essence a tool kit that equipped our HEI campuses to be safer and more respectful, where all students could reach their full potential while enjoying a fulfilling college experience, safe from sexual harassment or violence.

In my role, I have been active in addressing gender inequality within our higher education system, introducing new mechanisms and calling for measures which will embed long-term, progressive change. Sexual violence and harassment takes its roots in gender inequality, which is why this is such a high priority. In recent months, we have published a Gender Equality Action Plan.

On an issue as significant and endemic as sexual violence and harassment, this kind of collaboration has never been more important.

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<sup>1</sup> Union of Students in Ireland, Say Something Survey (2013)

Therefore I would like to thank the group most sincerely for the dedication and intent they invested into this document. The group was chaired by Dr. Anne Looney, Executive Dean at Dublin City University, Institute of Education, Dr. Padraig MacNeela, Smart Consent NUI Galway, Dr. Louise Crowley, Bystander Intervention UCC, Tara Brown ESHTE project, National Women's Council of Ireland, Dr. Cliona Saidleir, Executive Director of Rape Crisis Network Ireland, Dr. Andrew Power, Vice President for Equality and Diversity & Registrar, IADT, Siona Cahill, President, Union of Student in Ireland, and Damien McClean, Vice President of Welfare, Union of Students in Ireland.

This document is a logical and cohesive strategy, a framework which promotes a healthy and informed understanding of consent and relationships in our higher education system.

I want these policies to be embedded into the duty of care that all our institutions have to their students and staff. I want them to have a long-lasting impact and for Ireland to take a leading role in confronting sexual violence and harassment. I want a focused and collective response. By working together, through government departments, Department of Education and Skills, Department of Justice and the Department of Health, sexual violence services, frontline responders, higher education institutions and students, we will create a culture of zero tolerance.

Ireland's education system is celebrated and renowned. Our graduates are sought around the globe for their education, skills, expertise, creativity and innovation. This is something to be proud of. Success cannot be defined only in the quality of students' grades and achievements, but also in the quality of their college experience.

Sexual violence and harassment has no place in our institutions. It is unacceptable that any student, researcher or staff member should experience it. Through the development of this policy, we have an opportunity to see Ireland looked to, not only for producing great scholars and students, but also for creating a more inclusive, respectful society where dignity of the person is paramount.

We look to higher education institutions as catalysts for economic and social development, for cutting-edge research, that will inform solutions to national and global challenges. Ending sexual harassment and violence in higher education is not just an institutional imperative. The stakes are much higher than that.



**Mary Mitchell O'Connor T.D.**  
Minister of State for Higher Education

# VISION

Our vision is to ensure an institutional campus culture which is safe, respectful and supportive. Institutions have a duty of care to their students and staff, and a responsibility to foster a campus culture that is clear in the condemnation of unwanted and unacceptable behaviours. The higher education student experience is not only concerned with the pursuit of academic excellence, but also to prepare students to engage with and make positive contributions to society. Creating a positive student experience empowers individuals to foster a culture of respect, dignity and integrity.

### **Visibility**

Creating a campus community in which everybody assumes responsibility for addressing sexual violence and harassment. It promotes positive behaviours around sex, which necessitates highly visible messaging and regular affirmation from senior Higher Education Institution (HEI) leadership.

### **Transparency**

Transparency is a vital element with regard to policies and procedures surrounding gender-based violence, sexual misconduct and sexual harassment. The policies of HEIs must be transparent and easily accessible to all. Students and staff need to be engaged and contributing in the development and revision of policies in this area.

### **Consistency**

The application of policies must be experienced consistently by all. This is true regardless of whether they are applied towards a member of staff or a student. When an individual makes a complaint there is confidence that disclosures will be dealt with in a timely manner and in accordance with institutional procedures.

### **Integrity**

Integrity is at the heart of the processes and procedures held by a HEI. Students and staff must be assured that policies clearly show a consistent and uncompromising adherence to strong ethical principles and values. This ensures that confidentiality and anonymity are respected while not being used to hinder disclosures.

### **Student-centered approach**

Attention to the diversity of the student body is at the centre of policies surrounding sexual violence or misconduct. Each HEI needs to commit to effectively responding to the needs of students by providing care and support, educating and empowering students, and supporting those who have experienced sexual violence or misconduct.

## Key Outcomes

### EFFECTIVE STRUCTURES IN PLACE

- A member of the HEI senior management team should be assigned responsibility for the implementation of the Framework.
- HEIs need to establish a working group which would coordinate the Framework's implementation. This should comprise a balanced membership of key stakeholders including academics, support services, administration, and student's unions.
- Institutions should ensure effective liaison and partnership with external specialist agencies.

### RECORDING OF INCIDENTS

- Institutions must record statistics on harassment, assault, and rape and report them in the context of their strategic dialogue with the HEA.
- There needs to be an easy to use system for students to disclose and report incidents, reflected from a high level of awareness and understanding among both students and staff.
- Reporting system for students is compatible with complainant/survivor rights, cognisant of the needs of vulnerable groups, and it has the confidence of the higher education community.

### INSTITUTIONAL POLICIES

- Dedicated policies in place consistent with the Framework aims.
- Policies are explicitly linked to clear lines of responsibility, active responses, institutional reporting, and regular review.
- Policies include guidelines for addressing student complaints, including transparency for all involved.
- Policy implementation is supported by institutional leadership, and an annual report to the Governing Authority.

### TARGETED INITIATIVES

- Direct student-facing activities including workshop/classes that promote an understanding of consent and calling out unacceptable behaviour.
- Ongoing messaging to disseminate information consistent with the Framework aims for cultural change and awareness raising.
- Education plan in place to ensure staff and relevant students have an agreed understanding and capacity to support students; training plan in place for staff and students who contribute to dedicated initiatives and services.
- Internal system for measuring effectiveness of initiatives.
- Accessible, trauma-informed services; for supporting student disclosure, reporting and complaints, and for counselling and advocacy.

# 1 Introduction and Overview

## 1.1 Context

On October 4th 2018, Mary Mitchell O'Connor, T.D. Minister of State at the Department of Education and Skills, convened a stakeholder workshop on consent and tackling sexual violence in Irish higher education institutions. She noted that 'sexual harassment and assault are experiences too common for many of our third level students' and expressed the aspiration that the event in Dublin Castle would lead to a sharing of best practice and strategic collaboration on consent among our institutions and agencies.

Following the event, Minister Mitchell O'Connor asked a number of the expert panel participants (see Appendix 3) to prepare a Framework for institutions and for the sector as a whole. She asked that these should be informed by the best of current evidence and practices and be readily implementable by all institutions, ideally for the next academic year. She asked the group to give particular attention to how initiatives undertaken by HEIs might be monitored and evaluated for their short-term and long-term impact. Support was provided by two officials of the Department of Education and Skills (DES).

## 1.2 Process

The group convened on eight occasions, and between meetings, papers and other relevant material was shared electronically to enable progress to be made towards a final set of recommendations. Three current initiatives have been particularly significant in informing these recommendations and the supporting framework:

The **ESHTE** (Ending Sexual Harassment and Violence in Third-Level Education) project, led in Ireland by the National Women's Council and funded across Europe by the European Union.

The **SMART Consent** programme developed through collaboration with Rape Crisis Network Ireland beginning in 2013. Now funded for an ambitious research and implementation programme from 2019-22, it will promote the positive understanding and skills of active consent.

The **Bystander Intervention** project at UCC, (inspired by the Intervention Initiative devised by Dr Rachel Fenton) piloted over a two year period with Law, Nursing and Midwifery and Applied Psychology students has now transitioned to university-wide online delivery. It educates and empowers students to contribute to a positive third level experience through safe intervention, mandating a zero tolerance of all unwanted sexual violence and abuse.

The group also drew on material from the UK and US, particularly from a number of institutional reports, as well as research published in a number of formats. The 2015 publication "Changing the Culture. The report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students" was particularly useful. These are included in the reference list.

### 1.3 A national imperative for a sectoral response

Given the data concerning the experience of too many students, and of women in particular, sexual harassment and gender-based violence is a concern across the higher education system in Ireland. Key agencies in any response include the Department of Education and Skills and the Higher Education Authority. International evidence shows that, unless there is a sectoral response, the institutional self-reflection required for sustainable improvement is unlikely to take place. In Ireland, simply exhorting institutions to respond has resulted in varying degrees of engagement to-date.

## 2 A Framework for HEIs in Ireland

### 2.1 A Whole of System Framework

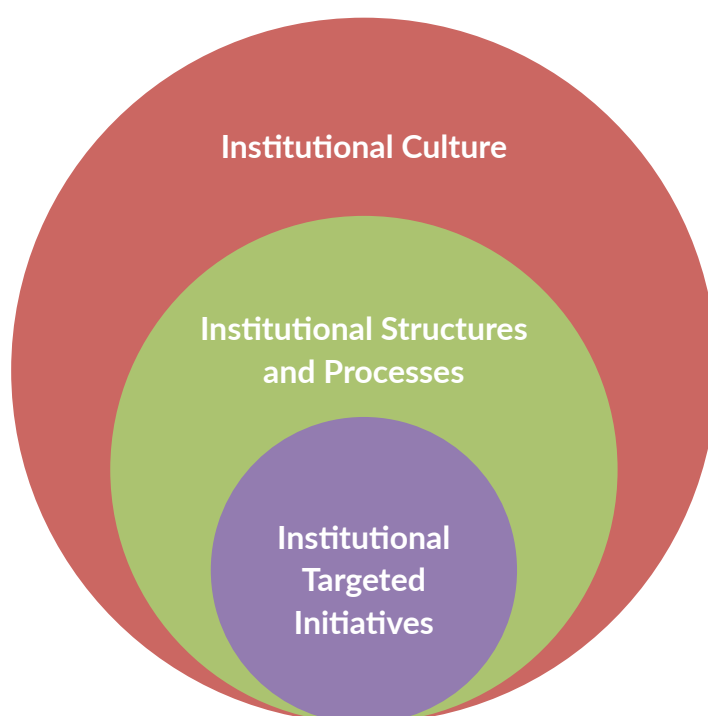
A key point that was made across all the presentations and deliberations at the Dublin Castle workshop was that even evidence-informed and well-organised initiatives are of limited value without addressing systemic and institutional factors associated with sexual harassment and gender-based violence in higher education. This view was supported by research, and by the experience of those working in the field.

Further, in the UK, experience had shown that institutional provision of direct initiatives for students can ‘tick a box’ required for promotional student recruitment messages, for funders or regulators. In Ireland, initiatives for students – such as SMART Consent or the Bystander Programme – are unlikely on their own to challenge institutional culture and practices and achieve the goal promoted by this Framework. This goal is for students to be safe, empowered, confident, and capable in their relationships with fellow students, and with the wider HEI community.

To do this, initiatives must be accompanied by supporting structures and processes, which in turn are produced by and are embedded in a positive institutional culture. When all three dimensions are aligned, students are not the only beneficiaries. Those HEIs that work on all three dimensions become better and fairer workplaces.

Given the growing number of students enrolled in private institutions, the working group also recommends that the Higher Education Colleges Association (HECA), the umbrella body for this sector, also considers using the Framework with its constituent colleges.

Fig 1. The Framework for Promoting Consent and Preventing Sexual Violence



## 2.2 Institutional Culture

Of particular relevance in the wider institution is the question of values and their representation in every aspect of institutional life, how gendered relationships are presented and fostered across academic and professional work and structures, and how expectations of behaviour and accepted norms of communications and engagement are articulated and enacted.

## 2.3 Institutional Structures and Processes

Institutional structures and processes ensure transparent procedures for making complaints and timely responses to dealing with them. They also include the provision of:

- staff or student ‘champions’ or advocates
- processes for student engagement and education
- well-promoted standardised expectations of behaviour
- advertised and visible procedures
- readily available and easily accessible counselling and support services

## 2.4 Targeted initiatives

Targeted initiatives comprise workshops, seminars and any other planned or structured activities for students and staff. These also include initiatives particularly targeted at first year students on induction/orientation.

## 2.5 Research

The growing body of data and research available on sexual assault and harassment in Irish higher education institutions has already had an impact in generating a policy response. Sustaining and growing a research programme on student and staff experiences will serve three purposes:

- it will allow for the impact of the recommendations suggested here to be monitored over time
- it will allow for Ireland’s efforts to be benchmarked with comparative international initiatives
- such a programme would grow a community of scholars and researchers who can continue to advocate for positive relationships and cultures and lead future developments in higher education setting

This programme could be administered through the Irish Research Council or other appropriate research funding body.

## 2.6 Encouraging excellence and innovation

The proposed requirement for all HEIs to report on their Framework-related actions will set a new sectoral norm, undertaken with the aim of ensuring greater consistency in student experiences across the higher education system in Ireland. Supporting innovation and further development in all aspects of the Framework beyond what is required for reporting purposes, will ensure that the Framework remains dynamic and responsive to emerging practice and research.

To this end, the funding of a scheme of recognition and/or awards is proposed. This scheme, which would be voluntary, and draw on peer evaluation processes, would recognise and celebrate institutions that exemplify the values, processes, and initiatives promoted by the Framework, that take particular steps to ensure that all staff and students can learn and work in a safe and supportive environment, or that develop robust and credible measures of progress.

### 3 Key Definitions

#### Sexual Consent

“The freely given verbal or non-verbal communication of a feeling of willingness to engage in sexual activity”.<sup>2</sup>

The above definition is the most commonly accepted definition of sexual consent at present in the research literature. This entails an ongoing, mutual and preferably verbal communication.

The legal definition of consent in Ireland has been recently introduced, wherein “a person consents to a sexual act if he or she freely and voluntarily agrees to engage in that act”.<sup>3</sup>

There is no consent if the victim is asleep or unconscious; force or the threat of force is used; s/he cannot consent because of the effect of alcohol/other drug; s/he cannot communicate consent because of a physical disability; s/he is mistaken about the act or about the identity of the other person; the only indication of consent came from a third person, or s/he is being unlawfully detained at the time of the act.

The law is also clear that failure to resist is not consent, and that consent once given may be withdrawn at any time before or during the act. Finally, the list of situations in which there is no consent is an open one.

#### Sexual Health

Sexual health is an inclusive concept that accommodates the positive achievement of health as well as safety and freedom from violence. The World Health Organization's (2006) definition of sexual health states:

“Sexual health is a state of physical, emotional, mental and social well-being in relation to sexuality; it is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained and maintained, the sexual rights of all persons must be respected, protected and fulfilled”.

#### Sexual Misconduct

Sexual misconduct is any form of unwelcome behaviour of a sexual nature that may be subject to disciplinary proceedings. This includes crimes of sexual violence, sexual cyberbullying of any kind including non-consensual taking and/or sharing of intimate images, creating, accessing, viewing or distributing child pornography material online or offline, stalking behaviours whether online or offline in a sexual context, and any verbal or physical harassment in a sexual context.

Sexual misconduct can be committed by a person of any gender and it can occur between people of the same or different genders. It is often gender targeted and perpetrated to demean, diminish and intimidate. Sexual misconduct may occur between strangers or acquaintances, including people involved in an intimate or sexual relationship.

<sup>2</sup> Hickman & Muehlenhard, 1999, p. 259

<sup>3</sup> Section 48, Criminal Law (Sexual Offences) Act 2017

## Rape and Sexual Assault

The following definitions are used in Irish Legislation:

Rape under Section 2 Criminal Law (Rape) 1981 Act as amended. Absence of consent is necessary to prove this offence. Penetration of the vagina by the penis where the man either knows that the woman does not consent to sexual intercourse, or is reckless as to whether she consents or not. Proof is necessary that the penis entered the vagina, but even a very slight degree of penetration is enough.

Rape under Section 4 Criminal Law (Rape) (Amendment) Act 1990 as amended. Absence of consent is necessary to prove this offence. A sexual assault that includes: a) Penetration (however slight) of the anus or mouth by the penis. b) Penetration of the vagina (however slight) by any object held or manipulated by another person.

Aggravated Sexual Assault under Section 3 Criminal Law (Rape) (Amendment) Act 1990 as amended. Absence of consent is necessary to prove this offence. A sexual assault that includes serious violence or the threat of serious violence or is such as to cause injury, humiliation, or degradation of a grave nature to the person assaulted.

Sexual Assault under Section 2 Criminal Law (Rape) (Amendment) Act 1990 as amended. Absence of consent is necessary to prove this offence. An assault which takes place in circumstances of indecency is known as sexual assault. It includes any sexual touching without consent and is not limited to sexual touching involving penetration. Technically, the word “assault” also covers actions which put another person in fear of an assault.

## Trauma-informed approach

Trauma-informed services are sensitive to the pervasiveness of trauma and its impact on survivors, including how trauma affects a survivor's ability to cope, to access services, and to feel safe both physically and emotionally. Trauma-informed services are strength-based and non-pathologising. They take steps to identify potential trauma triggers, reduce re-traumatisation, and attend to the quality of interactions between staff and survivors receiving services.

Trauma-informed organisations provide survivors and staff with an environment and structure that is inclusive, welcoming, de-stigmatising, and not re-traumatising. A critical component of trauma-informed service delivery is attending to the emotional needs of direct service staff, including recognising vicarious trauma, and addressing self-care in substantive ways. (The White House Violence Against Women Statement on Trauma Informed services).

## 4 Framework Aims and Outcomes

It is recommended that HEIs and the HEA give consideration towards how the Framework (as presented in Figure 1) could be utilised for inclusion as part of the Strategic Dialogue process. This would represent a significant step forward for the sector and it is recommended for immediate introduction and for inclusion in future iterations of the Strategic Dialogue process as it evolves.

There is a set of aims applicable for all institutions, as well as the Department/HEA – these include funding the provision of services on campus and facilitating systems for reporting of incidences. The Framework should include, at an obligatory minimum for each HEI, the following Aims for students and staff and for the wider institution.

### 4.1 Framework Aims

#### A. For students to:

- Develop understanding, confidence, and capacity for active consent, at a personal level and in supporting peers.
- Acquire skills and agency for confident reporting / support seeking for sexual harassment, sexual assault, and rape.
- Be aware of equality and diversity, the impact of gender role expectations, and contextual factors such as alcohol and drug use.
- Develop the knowledge and the capacity to challenge any perceived normalisation of unwanted sexual comments or behaviour.

#### B. For the HEA and/or Department of Education and Skills to:

- Support HEIs to develop processes for recording and reporting on incidents of sexual harassment, assault, and rape on third level campuses to governing bodies and as part of the performance dialogue with the HEA.
- Facilitate a system of reporting on each HEI's implementation of the Framework through the annual compact discussions or similar formal engagement.
- Include a dedicated section of the HEA's annual system performance report on the implementation of the Framework.
- Bring to wider public attention the importance of active consent programmes and systems of support for survivors through support and facilitation of conferences, publications, and awareness campaigns.

**C. For HEIs to:**

- Provide a transparent and consistent system for addressing student complaints of sexual harassment, sexual assault, and rape.
- Provide a transparent and accountable protocol for those against whom complaints have been made who are part of the student or staff body of the HEI.
- Foster a culture of responsibility and support.
- Contribute actively to an inclusive campus ethos that recognises diversity and potential vulnerability.
- Demonstrate a commitment at all levels to support students on consent and prevention of sexual violence, led by senior management with campus champions / advocates.
- Put in place institutional policies that deliver on the HEI's goals concerning consent and sexual violence, including support for survivors of sexual violence.
- Collect institution-based data on prevalence and institutional responses.
- Provide for local training and education needs.
- Use evidence-informed means to engage students in a coordinated manner on awareness and skills concerning active consent, sexual violence, and seeking support.
- Recognise that prevention programming and messaging is ongoing, multi-faceted and comprehensive – encompassing support for positive, healthy relationships and prevention of negative experiences, addressing the role of alcohol / drugs, and gender.
- Ensure that support services are visible and accessible.
- Educate staff / students to support students affected by sexual harassment, sexual assault, and rape.

**D. For all HEI staff to:**

- Understand and engage with the institutional initiatives on active consent, sexual harassment, sexual assault, and rape.
- Have the skills capacity to appropriately assist students who require support.

**4.2 Framework Outcomes****A. Institutional Culture**

- A member of HEI senior management team will have responsibility for the implementation of the Framework.
- HEIs will establish an Institutional Working Group to coordinate Framework implementation. This will be comprised of key stakeholders including academics, support services, administration, and student's unions, and will ensure due regard to balanced representation, in particular representation of groups at particular risk of experiencing sexual violence and harassment; women, those with disabilities, ethnic minorities and LGBT+.
- Liaison and partnership with external specialist agencies to ensure effective engagement with external structures.

**B. Institutional Processes: Recording**

- Institutions shall record statistics on harassment, assault, and rape and report them in the context of their strategic dialogue with the HEA.
- HEIs will create an easy to use system for students to disclose and report incidents, which would be reflected in a high level of awareness and understanding among both students and staff.
- The reporting system for students is compatible with complainant/survivor rights, cognisant of the needs of vulnerable groups, and has the confidence of the higher education community.

**C. Institutional Processes: Policy**

- Dedicated policies of breadth and depth consistent with the Framework aims.
- Policies are explicitly linked to clear lines of responsibility, active responses, institutional reporting, and regular review.
- Policies include guidelines for addressing student complaints, including transparency for all involved.
- Policy implementation is supported by compiling relevant information, leadership of high level HEI officer, and through the appropriate structures, an annual report on institutional initiatives and data to the Governing Authority.

**D. Targeted Initiatives**

- HEIs will provide direct student-facing activities including workshop/classes that promote an understanding of consent; student understanding and skills for speaking up and calling out unacceptable behaviour.
- Ongoing messaging to disseminate information consistent with the Framework aims for cultural change and awareness.
- HEIs will create and implement an education plan to ensure all staff and relevant students have at least a minimal agreed understanding and capacity to support students; create and implement a training plan for staff and students who contribute to initiatives and services.
- HEIs will create and implement a system for measuring effectiveness of initiatives.
- HEIs will provide accessible, trauma-informed services; for supporting student disclosure, reporting and complaints, and for counselling and advocacy.

## 5 Institutional Culture

### 5.1 Conceptualising institutional culture

The general understanding of an institutional culture is informed by the set of values and behavioural norms that shape how those who work – and in the case of a HEI, learn – as they experience and understand themselves and their place within that institution.

Whilst institutional culture is informed by the values espoused by each HEI, there exists a minimal expectation of a shared emphasis upon a culture of respect, dignity and integrity, to be evidenced in HEI policies nationwide.

Following a number of sports-related controversies, Imperial College in London commissioned a study into the institutional culture of this top-ranking university. The study was not published, but an agreed report entitled “A review of Imperial College’s institutional culture and its impact on gender equality” (Phipps, McDonnell & Taylor, 2016), was published.

It makes for interesting reading in the context of the Irish data on the experience of students. Of note, despite the fact that the institution participated in a number of programmes and initiatives designed to combat sexual harassment, the institutional culture did not support speaking out, or making complaints. On the contrary, such action, by staff or students was often seen as disloyal to the institution and complainants were viewed as not ‘Imperial material’.

The 1752 group, a UK-based non-profit campaigning against sexual misconduct in higher education commenting on the Imperial report noted:

*When behaviours of abuse are repeated and not reported and stopped, they become part of an accepted code of conduct, whether or not the institution sanctions this. This means that the individual who speaks out about such behaviours then becomes the person who is in violation of institutional practices and in violation of institutional culture.*

An institutional culture that fuels hyper-competitiveness and lauds the achievements of major grant winners over other kinds of successes is less likely to prioritise the quality of relationships between those who work and learn within its walls. This kind of culture does not emerge in isolation; it reflects a wider system culture.

At a time of competition for resources in publicly funded HEIs in Ireland, the pressures on institutions are significant. Being ‘world class’ brings its own pressures (as evidenced in the Imperial report); getting to world class (the aspiration of many Irish HEIs) can have implications for institutional cultures that may not be immediately evident, but may have hidden and lasting consequences.

In the US, the social ecological model has been useful for identifying the different levels at which student and institutional culture can be engaged, with the goals of sexual violence prevention and promoting positive behaviours. Researchers and policy groups in the US have highlighted the importance of engaging with ‘campus climate and culture’ using strategies compatible with the targeted actions, policy development, and cultural change advocated in this report. Recent years have seen the development

of standardised surveys on climate and student experiences of sexual violence, consent and bystander intervention research, and the acceptance of using an ecological approach as a strategy for achieving integrated, multi-level action in complex campus environments.

Dills et al. (2016) advocate a comprehensive prevention approach that reaches out across different levels of campus ecology, from individual skills and understanding, to peer group attitudes and norms, the campus environment, and the surrounding community. These can be specified at an institutional level using a logic model or theory of change approach. Dills et al. (2016, p. 5) describes the awareness and perspective that arises from seeing sexual health as a campus-wide issue:

- “Infrastructure: The basic organizational systems and structures needed to effectively implement sexual violence prevention strategies ...
- Audience: ... This includes recipients and observers of the prevention messages, campaigns, or strategies.
- Partnerships and Sustainability: Development of healthy working relationships with community stakeholders and partners can strengthen, coordinate, and align prevention efforts ... to be more sustainable.
- Evaluation: Essential public health practice that identifies what is working and what is not working with the programmes, policies, or practices.”

The American College Health Association (ACHA, 2016) has issued guidelines for comprehensive programmes on sexual violence prevention, based on the premise that prevention work:

- Supports both positive, healthy relationship skills and strategies for preventing negative experiences.
- Engages with audiences at their current level of preparation and reference for change – for instance, if there is limited previous sexual health education engagement at school or explicit awareness of consent and sexual violence.
- Addresses the significant relationship between alcohol (or other drugs) and sexual violence.
- Supports students’ practical communication skills specific to consent.

## 5.2 Handling investigations

At the heart of this Framework is a commitment to creating change and to ensuring that HEIs become places where students and staff feel safe, and where reports of sexual misconduct are responded to effectively and swiftly. Not all of those who experience sexual violence or harassment wish to engage with the criminal justice system. Therefore, it is imperative that HEIs have robust policies and appropriate reporting and investigation procedures, should the student or staff member wish for the matter to be dealt with internally.

HEIs have a duty to ensure that investigations take place without prejudice and should take appropriate measures to ensure fair, transparent and impartial treatment of both parties. The processes should be trauma-informed and person-centred and the wellbeing and safety of the individuals involved should be the paramount consideration.

### 5.3 Getting the culture right in an Irish context

The mission of HEIs is to prepare students to engage with the contemporary world and to contribute positively to society. As well as the pursuit of academic excellence, this involves a positive student experience which is best achieved by getting culture right in our institutions. Getting culture right begins with fostering a positive student/staff experience and in turn encouraging respect among everyone on campuses.

Seven key indicators have been identified by the working group, with corresponding best practice examples provided under each heading. These indicators should inform the basis of any institutional reflection and self-evaluation, and should be included in any reporting to the Governing Authority and to the HEA, where appropriate. These should also be reflected in all policies, procedures and programmes relevant to sexual harassment and gender-based violence.

#### Visibility

In statements of strategy, gender equality is identified as a specific high-level institutional value. It is visible in institutional events, celebrations, initiatives and policies and procedures.

Every stakeholder has a role to play in promoting positive behaviours around sex and in creating a community of responsibility where everyone is responsible for addressing sexual violence and harassment. This includes every HEI; every part of each HEI (each academic school/ management/ professional services/student's unions, including sports clubs and societies); individuals: every student and every employee.

Senior academics and management actively promote the importance of a whole institution approach to fostering positive sexual behaviours in internal and external events and communications.

HEIs will embed this approach across all institutional activities including:

- outreach activities with schools
- engagement with local bars and nightclubs
- student inductions, student excursions and student information.

This is given high visibility and is reaffirmed at regular intervals with a message of zero tolerance for unwanted sexual advances, sexual harassment and sexual violence.

Reporting and help-seeking mechanisms are easily located and accessible via the HEI's website. They are highly visible and promoted on a regular basis.

### Transparency

Each HEI will create policies surrounding gender-based violence, sexual misconduct and sexual harassment. All actions and policies are transparent. There are clear and open lines of communication with staff and students, in the development and revision of policies. The policies are readily accessible and easily understood by staff and by students.

The Student Code of Conduct should clearly outline both the HEI's expectations of students and the institution's responsibilities to students with regard to a zero tolerance approach to sexual violence.

The processes for handling any complaints are available to all on the institution's main website. When a report of sexual violence or harassment is made, clear processes are in place for recording and informing all relevant parties, internally and externally, as appropriate.

There are clear policies which require that the directly-affected parties are kept informed of the progress and outcome of the process and additionally that all other affected parties are informed as appropriate.

### Consistency

The application of institutional policies is experienced consistently by staff and students. There is confidence that any complaint made under these policies will be responded to in a timely manner and in accordance with the procedures set out in the relevant policy.

The Governing Authority of a HEI is aware of the policies and procedures and is conscious of the key role it has in oversight of the consistent application of these policies. Institutional data on reports are reported to the governing authority.

All policies and actions across the Framework are based on international best practice.

Institutions will:

- develop a trauma-informed approach in relation to reports and to investigations; collaborate with external stakeholders, including community organisations working on sexual violence, for example in the development of bystander programmes or consent workshops
- carry out regular surveys to measure the current extent of the problem in order to facilitate monitoring and the recording of responses accordingly
- create partnerships with local specialist services to ensure consistent and appropriate referral care pathways for students.

Partners, including An Garda Síochána, specialist services and relevant stakeholders can be vital in supporting students, ensuring staff are well trained and assessing the nature and scale of the issues affecting students at a given time. Institutions must establish and maintain strong links with the local Gardaí and with the HSE in order to develop and maintain a strategic partnership to prevent and respond to sexual violence against students.

### Integrity

A HEI's procedures and processes should uphold the principles of natural justice. Both parties have a right to a good name and therefore their right to confidentiality and anonymity is respected (issues relating to child protection are a distinct issue). Importantly, this principle is not used to silence students (in non-disclosure agreements etc.).

All disciplinary and appeals processes are conducted in a timely fashion, to reflect the impact of the stress of the process on each party's education and/or development. It is important that the process ought not to seek to replicate the criminal justice system.

### Student-centered approach

The policy on sexual violence embraces the diversity of the student body and ensures its processes are accessible to all. Each institution commits to responding effectively to the needs of students through:

- providing care and support
- addressing prevention and reporting; educating and empowering students
- supporting those who have been raped or sexually assaulted or harassed.

HEIs shall develop a clear, accessible and robust disclosure response for incidents of sexual violence and rape, working with relevant external agencies where appropriate. This policy is communicated at regular intervals to all staff, including at inductions for new employees, and is readily accessible. This includes a clear care pathway which includes details of institutional and external support service and which explains to students the different options available to them. HEIs should also identify relevant staff to receive specialised disclosure training using appropriate specialist services.

HEIs develop a trauma-informed approach to any investigation process (e.g. in understanding reasons for delayed reporting; importance of communication; support during the process etc.) and to supporting students to continue with their studies.

HEIs develop clear support pathways for persons accused of sexual violence to support them throughout an investigation process; and to support them with continuing their studies as appropriate.

HEIs develop clear and robust risk assessments to be carried out following a report, which contain attendant interim measures for safeguarding other staff and students.

Ultimately, students who graduate from our HEIs should be equipped to play a key role in leading and sustaining wider cultural change in Ireland.

### From Values to Practices

Our vision is for students to be confident in their own sexual decision-making, and to be assertive in calling out unacceptable actions.

These capacities are underpinned by understanding and skills, which means that as part of their duty of care HEIs will support students to achieve self-efficacy, competence in decision-making, self-esteem, and literacy with regard to their sexual health.

The concepts articulate the underpinning values, ethos, and goals against which initiatives can be mapped, guiding the content and approach of targeted initiatives, and choice of outcome measures. These orienting concepts are drawn from the research and policy literature, and are consistent with the equality, youth engagement, positive sexual health promotion, and freedom from sexual violence and harassment that is sought through this Framework. These key concepts are described below.

**Self-efficacy** is how able and confident the person feels in exercising skills (Quinn-Nilas et al., 2016; Rostosky et al., 2008). In the present context this means confidence in talking about consent, engaging positively with peers, and autonomous sexual decision-making.

The idea of **sexual competence** has been used to suggest how sexual health education in schools should be reshaped to be relevant to the needs and concerns of youth (Hirst, 2008). The concept is used in sexual health promotion to draw attention to the importance of youth being supported in achieving:

- (a) absence of regret
- (b) willing sexual encounters (i.e. not under duress)
- (c) autonomy of sexual decision-making (i.e. based on personal preferences rather than being drunk or through peer pressure)
- (d) reliable use of contraception.

**Sexual health literacy** is an application of the more general idea of 'health literacy' that has been influential across many settings, as it refers to the person being equipped fully for autonomous decision-making. For Ratzan (2000), health literacy initiatives are about "getting the right information to the right people, at the right time, with the intended effect. It requires both the science and art of communicating health" (p. 210-11). He described four components to promotion of health literacy:

- Marketing / social marketing, including segmentation to address particular target groups and support for specific behaviour change rather than general messages.
- Education, namely targeted interventions to improve knowledge, change social norms, and promote specific skills.
- Negotiation, using a whole of institution / sector approach mobilising stakeholders in coherent messaging.
- Social capital, dedicating resources to promote trust, skills, and active participation of community members in the education process, for instance as spokespersons, advocates, or opinion leaders.

Literacy is an asset reflected in personal and interpersonal competences and as a collective resource. Achieving health literacy is directly linked to the role professionals have in supporting desired outcomes through policy, messaging, and the ecology we create.

### Sexual health support and help-seeking

'Help-seeking' or 'support-seeking' following harassment or assault can be difficult due to barriers such as the experience of shame and embarrassment, concerns about confidentiality, and the fear of not being believed (Sable et al., 2006). As discussed in this Framework, we also anticipate barriers concerning limited knowledge about how to report an issue and access specialised services. The stages involved in seeking help or support typically involve:

- Stage 1. Knowledge and beliefs – Students' awareness and appraisal, the ability to define and recognise harassment, assault, or rape.
- Stage 2: Expressing the need for help – Experiences of stigma (including self-stigma), expectations for disclosure, reporting and help-seeking.
- Stage 3: Knowledge of sources of help and how to access help – Access to knowledge about services available on campus and off campus.
- Stage 4: Willingness to access the help that is available – Self-efficacy concerning help-seeking, decision-making about pros and cons of reporting or personal help-seeking.

## Guidelines for Higher Education Institutions

This section offers suggestions and guidelines for HEIs in Ireland in developing a comprehensive, year-round proactive response, with the aim of preventing sexual violence, promoting positive, active consent, and establishing a campus culture consistent with the Framework aims.

This work should be overseen by a representative dedicated Working Group in each institution. Some of what is presented below draws on existing practices in institutions that are leading in this area.

This appendix also draws on the work of the American Colleges Health Association (AHCA).

### 1. TRAINING AND EDUCATION

Year-round education-based workshops in the areas of:

- Healthy relationships
- Active consent: understanding and skills
- Bystander Intervention strategies.
- Include active consent and bystander training strategies as part of an understanding and skills package for faculty, staff, and students.
- Ongoing training made available to all staff and students, including leadership programme for staff and students.
- Education programme for staff and students on key concepts and processes (including definitions of consent, sexual violence; support for disclosure; system for reporting incidents; medical and legal processes after an assault, including Sexual Assault and Treatment Units, legal rights of victims).
- Provision of targeted intensive education programme for individuals and groups on campus with a special responsibility (e.g. accommodation staff, sports coaches, security staff, student services, as appropriate).
- Develop online resources – with recognition/digital badge/certification provided by institution-deliverable both at orientation and throughout the academic year.
- Provide access to training for all staff on responding to a student in distress.
- The Institutional Working Group to conduct an analysis to identify the key opportunities for engaging with students and staff. For instance, with respect to students, to provide education within the orientation schedule, in orientation to HEI accommodation, in the curriculum, in training for sports clubs, student societies, and class representatives.
- Related orientation programmes are prioritised in scheduling, delivered by trained personnel and are evaluated regularly.
- Provision of orientation packages to include:
  - Interactive, student-oriented workshops on active consent and bystander intervention
  - Details of campus-based and community services
  - Guidelines regarding reporting incidents of sexual harassment, abuse, violence and rape; to include details of relevant institutional policies and procedures (in accessible form)
  - Information pack on legislation including relevant criminal laws, the rights of victims and the consequences for perpetrators.

## 2. ONGOING MESSAGING

- Develop a year-wide consistent messaging which utilises social media, posters across campus and accommodation.
- Develop a presence at college social events.
- Collaborative links with the student's unions to develop consistent campaigning across as many platforms as possible.
- Collaborative annual conference.

## 3. SCHOOL/UNIT-BASED INITIATIVES

- Identify school/unit-based leadership to engage with the Framework, e.g. in some cases to identify time slots for student cohorts to engage in education.
- Encourage school/unit-based champions and/or points of contact for student or staff disclosures/direction/information.
- Develop a system for easy identification of staff/student champions.

## 4. STUDENT SERVICES

- Review how information about available services and supports is communicated in order to ensure accessibility.
- Identify other barriers to accessing support and prioritise these to be addressed.
- Identification of, and training for campus champions (staff and students).

## 5. CARE AND SUPPORT

- Raise the issue of campus safety (lighting, accessibility, security presence etc.).
- Provide access to a 24 hour crisis response.
- Provide training for volunteer staff and student champions or advocates.
- Provide training for staff (including health unit staff, front line student experience staff) in trauma-informed care.

## 6. COMPLAINTS PROCESSES

- Highlight and explain appropriately – though the use of literature, webpages and posters – complaint processes, points of contact, outcomes of all reporting options.
- Identified and identifiable points of contact to receive disclosures, complaints.
- Examples of how the principle of fairness might inform the HEI's activities:
  - Allow for the use of interim remedies pending outcome of criminal process/employment tribunals.
  - Provide clarity regarding the role of investigator and the role of panel/committee.
  - Respect the right of both parties to access legal representation.
  - Recognition that this is not a criminal process and the burden of proof is that used in civil cases (i.e. more likely than not).
  - Uphold the accused party's right to know the case against him/her.
  - Powers of investigators are limited by contract (code of conduct) /statute. Investigators should not seek to apply the criminal law.
  - Where the accused party is a staff member, the investigator should be external to the institution.
  - Sanctions should be proportionate to the offending behaviour.
  - Right to appeal from determination of disciplinary panel.

## 7. MONITORING AND EVALUATION

- Impact assessment of the Framework implementation, taking into account student and staff awareness of services and supports, appropriate responses, and tracking positive changes in attitudes and behaviour.
- HEIs involve their student's unions in developing, maintaining and reviewing all elements of a whole-institution Framework.
- Carry out evaluation and monitoring of initiatives developed as part of the Framework, using satisfaction items and existing psychometric measures of consent, bystander intervention, attitudes and behaviours.
- A baseline study of student experiences of sexual violence and harassment (e.g. Swartout et al., 2018, ARC3 multi-module assessment of campus climate, sexual harassment, assault).
- Record service usage data relevant to use of campus services – for instance, number of incidents disclosed or reported by students, number of students who access counselling services each year for relevant support, measures of reports to student health units.
- Staff data or other quantitative indicators such as number of staff trained to agreed criteria for disclosure, number of staff who attend training on sexual health.
- Qualitative indicators that are indicative of policy development and criteria for implementation of initiatives, such as an Institutional Working Group, initiatives for high priority target groups – first years, international students, postgraduate students, etc.

# Appendix 1

## References and key documents/resources

American College Health Association (2016). *ACHA guidelines addressing sexual and relationship violence on college and university campuses*. Hanover, MD. Downloaded from: [https://www.acha.org/documents/resources/guidelines/Addressing\\_Sexual\\_Violence.pdf](https://www.acha.org/documents/resources/guidelines/Addressing_Sexual_Violence.pdf)

Arnett, J. (2000). Emerging adulthood: A theory of development from the late teens through the twenties. *American Psychologist*, 55, 469-480.

Centre for Disease Control USA (2014). Preventing Sexual Violence on College Campuses: Lessons from Research and Practice. Downloaded from: <https://www.cdc.gov/violenceprevention/pdf/campusvsummary.pdf>

Dills, J., Fowler, D., Payne, G. (2016). *Sexual violence on campus: Strategies for prevention*. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention.

Hickman, S.E., & Muehlenhard, C.L. (1999). "By the semi-mystical appearance of a condom": How young women and men communicate sexual consent in heterosexual situations. *Journal of Sex Research*, 36, 258-272.

Hirst, J. (2008). Developing sexual competence? Exploring strategies for the provision of effective sexualities and relationships education. *Sex Education*, 8, 399-413.

Humphreys, T. P., & Brousseau, M. M. (2010). The Sexual Consent Scale – Revised: Development, reliability, and preliminary validity. *Journal of Sex Research*, 47, 420-428.

Jozkowski, K. N., & Peterson, Z. D. (2014). Assessing the validity and reliability of the perceptions of the consent to sex scale. *Journal of Sex Research*, 51, 632-645.

Nutbeam, D. (2008). The evolving concept of health literacy. *Social Science & Medicine*, 67, 2072-2078.

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Quinn-Nilas, C., Milhausen, R.R., Breuer, R., Bailey, J., Pavlou, M., DiClemente, R.J., & Wingood, G.M. (2016). Validation of the sexual communication self-efficacy scale. *Health Education & Behaviour* 43, 165-171.

Ratzan, S.C. (2000). Health literacy: Communication for the public good. *Health Promotion International*, 16, 207-14.

Rostosky, S.S., Dekhtyar, O., Cupp, P.K., & Anderman, E.M. (2008). Sexual self-concept and sexual self-efficacy in adolescents: A possible clue to promoting sexual health? *Journal of Sex Research*, 45, 277-286.

Sable, M.R., Danis, F., Mauzy, D.L., & Gallagher, S.K. (2006). Barriers to reporting sexual assault for women and men: Perspectives of college students. *Journal of American College Health*, 55, 157-162.

Universities UK (2015). Changing the Culture. The report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students. Downloaded from:

<https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Pages/changing-the-culture-final-report.aspx>

World Health Organisation (2006). Defining sexual health: Report of a technical consultation on sexual health, 28-31st January 2000, Geneva. WHO: Geneva. Downloaded from: [https://www.who.int/reproductivehealth/publications/sexual\\_health/defining\\_sexual\\_health.pdf](https://www.who.int/reproductivehealth/publications/sexual_health/defining_sexual_health.pdf)

## Appendix 2

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This Framework is available on the Department  
of Education and Skills website:  
[www.education.gov.ie](http://www.education.gov.ie)



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