

PROMOTING

CONSENT AND

PREVENTING

SEXUAL

VIOLENCE

thea

TECHNOLOGICAL HIGHER
EDUCATION ASSOCIATION

For the survivors of sexual violence and harassment and all who seek to make higher education safer, more respectful, and more supportive, we hope that this report assists you.

On behalf of the following higher education institutions





**Dr Eavan
O'Brien**

As Policy Analyst, Eavan was responsible for delivering the PROPEL project and is author of this report. Eavan's career has been dedicated to supporting the development of higher education and research in Ireland and internationally. Previous roles have spanned lecturing and research, project management in the private sector, higher-education administration, and, most recently, research-agency management. In these positions, she has played a key role in producing several policy-relevant reports, and her academic writing has encompassed peer-reviewed monographs and articles. She has represented Ireland on numerous European committees, including the ERAC Standing Working Group on Gender in Research and Innovation. She has joined THEA on secondment from her role as Assistant Director (Impact and Partnerships) at the Irish Research Council. Her interest in equality matters dates back to her doctoral and postdoctoral research, which studied women writers of the sixteenth and seventeenth centuries. Gender equality remains an ongoing interest throughout her career.



**Dr. Jennifer
Brennan**

Jennifer was Chairperson of the PROPEL steering group. Jennifer has over 10 years of leadership experience in research and higher education. She is currently the Director of Research, Development and Innovation at the Technological Higher Education Association (THEA). Jennifer leads the organisation's work in research and innovation, and co-leads the equality, diversity and inclusion portfolio. Prior to joining THEA, Jennifer was Ireland's National Contact Point for the European research funding programme the Marie Skłodowska-Curie actions (MSCA). During her five years in this role, she supported researchers to bring in over €110 million from the programme. She still retains a role in the MSCA, representing Ireland's interests in the programme as National Expert to the MSCA Programme Committee. Jennifer has a background in research and has worked in academia in the UK, USA and Ireland. Her first job "away from the bench" was the post of Scientific Officer at the Irish Research Council. She is particularly interested in researcher career development, gender in research, Open Science, and responsible research & innovation, and is Deputy Chair of the National Forum on Research Integrity.



**Róisín
O'Connell**

Róisín was Chairperson of the PROPEL working group. Róisín has more than twenty years of experience in corporate communications and public affairs across multiple sectors including education, health, financial services and technology. She is currently Head of Communications at the Technological Higher Education Association. Róisín represents the technological higher education sector at a number of national fora, including the mental health suicide prevention framework, 'Connecting for Life', expert group on drug use in higher education and the PROPEL project, Promoting Consent and Preventing Sexual Violence.

This is the final Report of the THEA Promoting Consent and Preventing Sexual Violence (PROPEL) project.

The Report was written by Dr Eavan O'Brien, Policy Analyst, THEA.

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Foreword by Orla O'Connor, Director, National Women's Council

As Director of the National Women's Council (NWC) I am so pleased to see the publication of this comprehensive report by THEA. This much needed sectoral guidance marks another important and essential step in tackling sexual harassment and violence in higher education in Ireland.

NWC has been committed to the ending of all forms of Gender Based Violence since its formation in 1973. As Chair of the National Observatory on Violence Against Women, NWC continues to advocate for the right for everyone to live a life free from violence. In that vein, since 2015, NWC has worked to end sexual harassment in higher education, wherein we partnered with organisations in other EU countries to raise awareness of the issues surrounding sexual violence and harassment in the sector through the Ending Sexual Harassment in Higher Education (ESHTE) project.

Although the EU ESHTE project concluded in 2019, I am pleased to say that this work continues at a national level with the continued support of Minister Harris and the Department of Further and Higher Education, Research, Innovation and Science. As such, NWC continues to Chair the National Advisory Committee (NAC) that aims to support sector-wide implementation of the National Framework "Safe, Respectful, Supportive: Ending Sexual Violence and Harassment in Irish Higher Education Institutions". The NAC is a unique structure that brings together important stakeholders, including: higher education representatives, specialist support organisations, student representatives (Students' Union and Union of Students in Ireland), An Garda Síochána (National Protective Services Bureau), Sectoral representatives (THEA, IUA, HEA, ETBI), Department Representatives (Dept. of Justice), Other relevant stakeholders (Irish Women Lawyers Association, Head of Athena Swan Ireland). Institutions cannot end sexual harassment and violence in isolation – they need to work in close collaboration. The NAC is but one example of how this can be achieved, and the PROPEL project is another. We were delighted to support THEA and its member institutions in their undertaking of the PROPEL project.

We all know that sexual violence and harassment is not confined to higher education but, instead, affects every part of society. However, we also know and recognise that higher education institutions are uniquely placed to address this harmful behaviour. Importantly, we are beginning to see the higher education sector embrace and harness this position of influence to bring about cultural and institutional shifts that hold perpetrators to account and in preventing such behaviour. The PROPEL project and final report is an excellent example of this endeavour, demonstrating effective and powerful leadership across the sector that is so crucial.

Sexual harassment and violence is rooted in power imbalances and inequalities. It has long been recognised that gender is the single biggest risk factor for becoming a victim of sexual violence (of which harassment is a form). Other risk factors include age, disability and being part of an ethnic minority. Whilst there is so much to commend Dr Eavan O'Brien, THEA and its member institutions for in this report, it is the intersectional and trauma-informed approach that is perhaps one of the most fundamental and important of the report's recommendations. It is hoped that this understanding is embraced, integrated and actioned in each and every higher education institution.

Another notable aspect of the PROPEL project is the extensive collaboration that was undertaken by Eavan and her THEA colleagues in drafting this report. I would like to thank Eavan and the team for reaching out to NWC and our member

organisations who are experts in the area of sexual violence. In particular the involvement of Dublin Rape Crisis Centre, Cork Sexual Violence Centre and Rape Crisis Network Ireland - all of whom have expert knowledge of the impact sexual violence and harassment has on survivor-victims. And, all of whom have been campaigning for the rights of victim-survivors for decades.

The value of this collaborative approach is itself recognised in the report wherein the need to grow collaborative links is considered essential. For, it is only through collaboration of specialist support NGOs (such as Rape Crisis Centres), specialist trained Garda Units (NDPB), student and staff representatives that real, sustainable change can be brought about in higher education institutions.

At this important time of reform within higher education, I must take this opportunity to commend the survivors, the Students' Unions, Union of Students in Ireland and all those who have campaigned and fought for the right to live, work and study free from sexual violence and harassment. In particular the students that lead the campaign in higher education. We have witnessed the power of student-led reform and I would like to reiterate the need for them to remain at the table - where decisions are made - for if they are not we are missing out.

NWC fully supports the report's recommendations, most especially the theoretical approach of being intersectional and trauma informed. Recognising that these can only be actualised through senior management buy-in, extensive training, dedicated staff positions and, most importantly, significant multi-annual and ongoing funding.

Echoing the report's conclusion that "Rather than the end, this report is just the beginning", NWC remains committed to supporting the higher education sector, in any way we can, to implement the learnings and approaches as they emerge and evolve until the point where all students and staff can study and work in an environment that is free from sexual violence and harassment.



Orla O'Connor
Director,
National Womens Council

**AN ESSENTIAL STEP IN TACKLING
SEXUAL HARASSMENT
AND VIOLENCE
IN HIGHER EDUCATION IN IRELAND**

Preface by Dr Joseph Ryan, Chief Executive, THEA

It is a pleasure to introduce a report that will, I propose, prove significant in advancing the determination of Irish higher education to realize a secure working and study environment through a shared commitment to combat sexual harassment and violence. The Technological Higher Education Association (THEA) PROPEL Project is a dedicated strand within a larger suite of measures focused on ensuring that all of our institutions are safe and respectful centres in which to work and learn.

When then minister Mary Mitchell O'Connor focused a light on the work already underway on addressing sexual harassment and gender-based violence in 2018, it led to the launch a year later of the *Framework for Consent in Higher Education Institutions: "Safe, Respectful, Supportive and Positive - Ending Sexual Violence and Harassment in Irish Higher Education Institutions"*. A modest grant was made available through a competitive process to deliver on outcomes related to institutional culture, processes, and policies, and with a view to targeted initiatives. The member institutions of THEA coalesced around the proposal that pooling the proportion of the grant available and acting cohesively was likely to achieve far more than acting separately. With Waterford Institute of Technology as the anchor host, we crafted the PROPEL Project outline with all our member institutions and with generous input from the Union of Students in Ireland and from the National Women's Council. This connected approach is characteristic of the sector and has significantly informed the ambition of this project. The valued external input also grounded the project through the insights and advices available from the most appropriate and keenest advocates. We were most fortunate to attract Dr Eavan O'Brien as project director and her energy and commitment along with her experience and network from work with the Irish Research Council and Higher Education Authority were central to the impressive progress on this work; I can warmly attest Dr O'Brien's dedication to this topic and the feedback from sectoral colleagues has been excellent. This undertaking was addressed in tandem with two THEA colleagues, Róisín O'Connell and Dr Jennifer Brennan, who led the separate sector-wide working and steering groups.

THEA was grateful to win this funding support from the Department of Education & Skills and more latterly the Department of Further & Higher Education, Research, Innovation, and Science (D/FHERIS) and through the HEA. The broader move to embed consent has benefitted from the consistent vocal support of Minister Simon Harris and we propose that the outcomes from the PROPEL Project can be a significant contributor to advancing the cultural change that lies at the heart of the initiative.

Higher Education cannot of itself solve what is a societal challenge but given the profile of our population it can, and should, show leadership in constructing a learning and research community that is characterized by awareness and respect. The freedoms we grant our staff and students come with attendant responsibilities. And a signal responsibility is building awareness around the lived experience of so many, affording a voice to all through consistent and respected channels. In embarking on this project, it was evident that there was ready buy-in from institutional leaders, staff, and students. The willingness of committed and professional staff from across the sector to support this work actively demonstrated the benefit of having a forum to voice and share experience, and the value committed practitioners attach to the role of guidance and support in hastening progress.

The report provides guidance in relation to policy and procedures that can inform the implementation of the recommendations of the Framework. It also draws on the wisdom from within and without the sector to point a way forward with

a number of focused recommendations. It is appreciated that these will need to be considered by the HEA and by the D/FHERIS and that implementation, if supported, may need to be phased and will require some resource. THEA is committed to working with all stakeholders to advance this agenda.

In conclusion, I commend this report to you. It represents the considered response of a connected and caring sector to address a matter of moment and one central to realizing an equitable higher education experience for all. Our task is to inform and to bring about behavioural change in order to ensure that our staff and students are equipped and supported to foster a culture of respect, dignity, and integrity.



Dr Joseph Ryan
Chief Executive,
THEA

Executive Summary

The higher education sector is in a unique position to show leadership in preventing and responding to sexual violence and harassment. The Irish government has set out challenging but necessary requirements for higher education institutions to bring about positive change. The THEA *Promoting Consent & Preventing Sexual Violence* (“PROPEL”) project aims to make a significant contribution to this important, collective work.

The overall aim of this project was to create a robust, consistent policy Framework and Action Plans appropriate to the technological higher education sector. These would support the technological higher education institutions in implementing the aims and outcomes described in the national Framework. This Final Report draws together the key outputs of the THEA PROPEL project. While the report has been prepared with THEA member institutions in mind, it is expected that the information contained herein may be useful to a wide range of higher education institutions in Ireland.

The THEA PROPEL project commenced in October 2020; since its outset, it has been defined by strong collaborative links within, and beyond, the technological higher education sector. The project’s Working and Steering Group members are listed in **Appendix 1**. These individuals helped to develop all project deliverables, which have ultimately formed the basis of this report. In consultation with the project’s Working and Steering Groups, Terms of Reference were agreed (**Appendix 2**). The project benefitted greatly from the opportunity to learn from survivors’ organisations, which tirelessly support and advocate on behalf of those who have experienced sexual violence and harassment. Staff unions and the Union of Students in Ireland (USI) provided valuable input into the project’s policy and procedural aspects.

As reflected in the Terms of Reference, it was determined that a thorough understanding of the existing situation would be the foundation upon which subsequent project deliverables should, and would, be built. Thus, initial chapters of this report explore the social, cultural, and policy context. Promoting consent and preventing sexual violence is high on the government agenda in Ireland.

A sectoral baseline analysis outlines work that is already ongoing in the technological higher education sector. The ‘buy-in’ of THEA member institutions’ Presidents and senior leaders to this area is clear, and significant work is underway. Nonetheless, the task ahead for all institutions in preventing and responding to sexual violence and harassment is considerable. Ongoing, adequate resourcing will be essential to building on existing momentum in this important area. Institutions are eager to implement meaningful, impactful, and ambitious actions.

Institutions’ Action Plans will be key to setting out future work in preventing and responding to sexual violence and harassment. To assist with this, the report offers an outline of institutions’ options for relevant training provision to students and staff. While student workshops are being implemented successfully, staff training will be a key component of institutions’ Education Plans. Ongoing monitoring of any training offered will be important in ensuring that this is optimised over time. A summary of key components and options for inclusion in institutions’ Action Plans is provided, together with a sample Action Plan.

An area in which further work is needed relates to the implementation of policies addressing sexual violence and harassment. The outcomes of this THEA project will provide the technological higher education sector with valuable guidance to make progress in this important area. The information included in this report will assist THEA members in preparing or revising institutional policies and procedures

relating to Sexual Misconduct, and will also be useful to the wider higher education sector. This work was informed by an extensive consultation process, involving Working and Steering Group members, THEA Registrars and HR Managers, as well as external stakeholders such as student and staff unions and survivors' groups. It illustrates that progress in this and similar areas is best achieved through a collaborative, inclusive approach. The THEA Policy Analyst also liaised with the Irish Universities Association (IUA) and several individuals from their member organisations (particularly Maynooth University, NUI Galway, University College Cork, and University College Dublin), making this project inclusive of the wider higher education sector. A common or standard approach to preventing and responding to sexual violence and harassment is to be encouraged. Each institution will incorporate the policy and procedures into their own institutional context to ensure suitability and ownership. The constants in this area are that investigations and related processes must be independent, trauma-informed, and fair to all parties. These features must be enhanced through evolving good practice.

It is important to acknowledge that understanding of the best means of preventing and responding to sexual violence and harassment is still developing, both in Ireland and internationally. This report, therefore, represents the completion of the first stage of what will be an ongoing programme of work for higher education institutions, within the technological higher education sector and beyond. Ten conclusions are outlined in the report, with recommendations for future work arising from each. It is hoped that these suggestions will be of assistance in ensuring that institutions become safe, respectful, and supportive, as set out by the national Framework.

EACH INSTITUTION WILL INCORPORATE THE POLICY AND PROCEDURES INTO THEIR OWN INSTITUTIONAL CONTEXT TO ENSURE SUITABILITY AND OWNERSHIP.

THE CONSTANTS IN THIS AREA ARE THAT INVESTIGATIONS AND RELATED PROCESSES MUST BE INDEPENDENT, TRAUMA-INFORMED AND FAIR TO ALL PARTIES.

A brief note on language

Since the publication of the *Framework for Consent in Higher Education Institutions: Safe, Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Irish Higher Education Institutions* in 2019, work in this area in Ireland is often described as relating to the issue of ‘consent’.

International research and studies in this area more commonly refer to ‘sexual violence and harassment’ (sometimes abbreviated to ‘SVH’) – for example, in the ESHTe (Ending Sexual Harassment and Violence in Third-Level Education) project and in reports by Universities UK. This has the advantage of greater clarity with regard to the issues at stake, given that the question of ‘consent’ arises in a variety of contexts, such as that of personal data.

The broader term, ‘gender-based violence’, is also used in related literature as an ‘umbrella’ concept that includes gender harassment, sexual harassment, and sexual assault.

Policies in this area often focus on ‘Sexual Misconduct’; when used, this term should be clearly shown to encompass sexual violence and harassment. Such a title highlights the difference between internal disciplinary procedures and criminal proceedings, albeit without downplaying its magnitude; only the latter can find a person guilty of a criminal offence.

In literature relating to sexual violence and harassment, various terms are used to describe the people involved. Those who have experienced sexual violence or harassment, in its myriad forms, are often termed ‘survivors’; this term is preferable to ‘victims’. Within legal or procedural contexts, the terms ‘complainant’ and ‘respondent’ or ‘accused’ are often seen.

In this report, the terms ‘Reporting Party’ and ‘Responding Party’ are chosen due to their neutral tone. Whichever wording is chosen by the institution, language should be used consistently, aiming for this to be as clear, understandable, and inclusive as possible. In institutional policies, publicity campaigns and other initiatives, gender non-specific language should be used.

SECTION 1

**INTRODUCTION
AND OVERVIEW
OF APPROACH**

1. Introduction and overview of approach

1.1 Context

As observed by the former Minister of State for Higher Education, Mary Mitchell O'Connor T.D.:

‘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.’¹

The higher education sector is in a unique position to show leadership in preventing and responding to sexual violence and harassment. The Irish government has set out challenging but necessary requirements for higher education institutions to bring about positive change. Those working in Ireland’s higher education sector are not seeking to ‘box-tick’ but, rather, to become change-makers. The THEA *Promoting Consent & Preventing Sexual Violence* (“PROPEL”) project aims to make a significant contribution to this important, collective work.

1.2 Introduction

The *Framework for Consent in Higher Education Institutions: Safe, Respectful, Supportive and Positive - Ending Sexual Violence and Harassment in Irish Higher Education Institutions* was launched by the then Minister of State for Higher Education, Mary Mitchell O’Connor T.D., in April 2019. It is stated therein that: ‘At the heart of this Framework is a commitment to creating change and to ensuring that higher education institutions become places where students and staff feel safe, and where reports of sexual misconduct are responded to effectively and swiftly’.² By implementing this Framework, institutions commit to providing a safe, respectful, and supportive work and study environment for all members of its community. It is the responsibility of institutions’ leaders, together with all staff and students, to ensure a working and learning environment where everyone is treated with equality, dignity, and respect.

Arising from the Framework, higher education institutions have a number of obligations with which to comply. Specifically, institutions have been mandated by the current Minister for Further and Higher Education, Research, Innovation and Science, Simon Harris T.D., to progress implementation of this national Framework and to produce institutional Action Plans within a fixed timeframe. Thereafter, institutions are to report annually on progress to the Higher Education Authority (HEA).

Significant work is underway in all institutions, including the technological higher education sector, and there is a widespread appetite to respond to the Framework in a meaningful and impactful manner. The THEA *Promoting Consent & Preventing Sexual Violence* (“PROPEL”) project has set out to assist in progressing this important work. Specifically, the THEA PROPEL project has sought to:

- › Nurture collaboration within (and beyond) the technological higher education sector in this important policy area.
- › Enable the technological higher education sector to build upon progress already made, to share knowledge and learning, and to avoid duplication of effort.

- › Support the technological higher education sector in developing Action Plans and related policy documents.
- › Facilitate a consistent approach among these institutions, while respecting their unique missions, contexts, and communities.
- › Develop an overarching language and vision for a safe, respectful, and supportive technological higher education sector.

1.3 Project Participants

The project originated as a collaborative proposal for funding, which was led by THEA on behalf of the technological higher education sector and was sponsored by Waterford Institute of Technology as the eligible institution. The overall aim of this project was to create a consistent and robust policy Framework and Action Plans appropriate to the technological higher education sector. These would support the technological higher education institutions in implementing the aims and outcomes described in the Framework.

The project's work has been undertaken by a Policy Analyst, Dr Eavan O'Brien, who was seconded to THEA from the Irish Research Council. The project was overseen and managed by Róisín O'Connell and Dr Jennifer Brennan, with further input being provided by other members of the THEA team, notably Gearóid Hodgins.

Work in addressing sexual violence and harassment is characterised by a collaborative approach; this project has been no exception. From the outset, the project has been carried out in close cooperation with representatives from the technological higher education sector. Early in the project, the Policy Analyst convened in-depth initial meetings with relevant staff-members at each of these institutions. Dialogue with institutional staff has been ongoing throughout the project, and the Policy Analyst attended many of their internal Working Group meetings in an advisory capacity. At key junctures, the Policy Analyst gave formal project updates to THEA Council (Presidents), Council of Registrars, HR Managers, Communications Managers, and other institutional stakeholders.

A Working Group of institutional representatives was formed, which met five times during the project. The Working Group was particularly valuable in supporting mutual learning and knowledge exchange. A stakeholders' Steering Group was formed (including representatives of the Union of Students in Ireland and National Women's Council), which also held five meetings during the project. Members of these groups are listed in **Appendix 1**. These individuals helped to develop all project deliverables, which have ultimately formed the basis of this report.

There has been significant input from external experts, including individual Rape Crisis Centres (particularly the Dublin Rape Crisis Centre), Rape Crisis Network Ireland, and the Garda National Protective Services Bureau. The project benefitted greatly from the opportunity to learn from survivors' organisations, which tirelessly support and advocate on behalf of those who have experienced sexual violence and harassment.

Staff unions have provided valuable input into the project's policy and procedural aspects. The project has benefitted from positive engagement with Fórsa, the Services, Industrial, Professional and Technical Union (SIPTU), the Teachers' Union of Ireland (TUI), and Unite the Union. As noted above, the Union of Students in Ireland (USI) has made important contributions to the project.

The Policy Analyst engaged with pre-existing relevant national groups, including the National Advisory Committee and sub-committees (led by the National Women's Council) and the HEA's Centre of Excellence for Equality, Diversity, and Inclusion. The IUA and several individuals from their member organisations welcomed opportunities for collaboration, making this project inclusive of the wider higher education sector.



WE ARE NOT SEEKING TO

‘BOX-TICK’

BUT, RATHER, TO BECOME

CHANGE-MAKERS.

1.4 Terms of Reference

In consultation with the project's Working and Steering Groups, Terms of Reference were agreed (**Appendix 2**). It was determined that a thorough understanding of the existing situation would be the foundation upon which subsequent project deliverables should, and would, be built. A series of briefing papers examining the policy, sociocultural and institutional context were prepared prior to work on Action Plans, future training initiatives, and policy documentation. The aforementioned briefing papers form the basis of the opening chapters of this report.

Project deliverables were as follows:

- > Briefing papers
 - » National and international sociocultural context ('why we need to act')
 - » National policy context ('what needs to done')
 - » Sectoral baseline analysis ('where our starting point is')
- > Outline of institutions' options for relevant training provision to students and staff
- > Summary of key components and options for inclusion in institutions' Action Plans
- > Policy documentation: agreed best practice for institutions' emerging policies in this area, reflective of current and anticipated future requirements.

This report is designed to be a standalone document that draws on the above sources and proposes conclusions and recommendations for next steps. It is hoped that, as an outcome of this project, the technological higher education sector will be well equipped to progress policies, procedures, and targeted initiatives in this area in a planned, achievable manner. Such work will require careful multi-annual planning in all of Ireland's institutions. The overall aim is to achieve an unprecedented level of cultural change – of which Ireland may truly be proud. While the report has been prepared with THEA member institutions in mind, it is expected that the information contained herein may be useful to a wide range of higher education institutions in Ireland.

1.5 Acknowledgements

The project would not have been possible without the contributions of representatives from all of the organisations mentioned above; a debt of gratitude is owed to them. The project team at THEA wishes to extend sincere thanks to all who helped to shape the project and its deliverables, most particularly the Steering and Working Groups' members.

The project would not have been possible without funding from the Department of Further and Higher Education, Research, Innovation and Science (formerly, the Department of Education and Skills). This project is one of many signs of the Department's, and its Minister's, determination and commitment to make a positive impact in this area.

Endnotes

- 1 Department of Education and Skills (2019). 'Foreword by Minister', *Framework for Consent in Higher Education Institutions: Safe, Respectful, Supportive and Positive - Ending Sexual Violence and Harassment in Irish Higher Education Institutions*, <https://www.education.ie/en/Publications/Education-Reports/framework-for-consent-in-higher-education-institutions.pdf> (p. 4).
- 2 DES (2019). *Safe, Respectful, Supportive and Positive*, p. 20.

SECTION 2

**SOCIAL AND
CULTURAL
CONTEXT**

2. Social and Cultural Context

2.1 Purpose of this chapter

This chapter briefly outlines the social and cultural context of current work in relation to sexual violence and harassment in higher education. A more detailed insight into the available evidence, both in Ireland and internationally, is provided in **Appendix 3**.

2.2 Social and cultural context: A general overview

As noted by the Minister for Further and Higher Education, Research, Innovation and Science, Simon Harris T.D.,

‘It is clear that there is a critical need throughout our society to address sexual violence and harassment and to promote positive, active consent. I believe that higher education can play a leadership role’.³

Sexual violence and harassment are not unique to higher education settings. Steps being taken by those leading in higher education in Ireland form an important part of an all-of-society response to sexual violence and harassment. Such a widespread response is appropriate because sexual violence affects communities and society, as well as its survivors, and the negative effects of failure to address such problems are considerable.

While sexual violence and harassment are very far from being new phenomena, public awareness in relation to these matters has grown considerably in recent years. It is indicative of this that the “Me Too” movement was first founded in 2006 but only became well-known eleven years later.⁴ The #MeToo movement gained global recognition through a social-media campaign in October 2017 following accusations of sexual assault and harassment against US film producer, Harvey Weinstein; ultimately, he was sentenced to 23 years in prison in February 2020.⁵ The #MeToo movement (and movements in response to this, such as #TimesUp) was striking in seeking to alter social norms and to achieve behavioural change.

It is difficult to quantify the impact of the #MeToo movement on the workplace due to scarcity of data.⁶ Further, it has been noted that such effects may have arrived later to Ireland than to some countries.⁷ A number of related online activist networks and movements have emerged specifically within the Irish context, ranging from #WakingtheFeminists (campaigning for an equal representation of women in Irish theatre); #Repealthe8th (supporting the legalisation of abortion in Ireland); and #IBelieveHer (condemning the conduct of a high-profile rape trial in Belfast).

Anecdotally, it is generally felt that people are more likely to know their workplace sexual harassment policy in the wake of #MeToo and to be more comfortable to report behaviour as such. Emerging research has indicated that the #MeToo movement has driven an increase in the reporting of sex crimes in the United States and abroad.⁸ A variety of media reports and official studies have recently highlighted sexual violence and harassment in diverse spheres of Irish working life. These range from the fields of medicine,⁹ to politics,¹⁰ to traditional Irish music,¹¹ to theatre,¹² to name but a few.

An illustration on an orange background showing two stylized figures in profile. The figure on the left is a man with red hair, wearing a red shirt and dark pants, holding a white sign that says 'yes' in blue cursive. The figure on the right is a woman with long dark hair, wearing a red top and skirt, shouting into a pink megaphone. In the background, there are faint silhouettes of other people. At the bottom, there are three overlapping text banners.

**STEPS BEING TAKEN BY THOSE
LEADING IN HIGHER EDUCATION
IN IRELAND FORM AN IMPORTANT
PART OF AN ALL-OF-SOCIETY
RESPONSE TO SEXUAL VIOLENCE
AND HARASSMENT.**

2.3 Social and cultural context: Higher education

Studies in Ireland have primarily been led by the Union of Students in Ireland (USI) and institutions' Students' Unions, consequently focusing on students. This mirrors the situation internationally. The extent and nature of the sexual harassment and other types of sexual violence experienced by staff in Ireland is largely unknown. The issues of sexual violence and harassment towards staff have received increasing attention since a well-known Irish academic, Dr Aoibhinn Ní Shúilleabháin, publicly shared her own experience.¹³

To develop a greater evidence base, discussions are currently underway in relation to a HEA-led national survey, which might henceforth be conducted annually. The planning of this survey has commenced, and the HEA is consulting with an Advisory Group, including representatives of the Technological Higher Education Association and member institutions. It is expected that the anonymous-reporting tool currently being developed by PCHEI (Psychological Counsellors in Higher Education in Ireland) will be another useful mechanism for detecting trends and providing data to inform key initiatives, campaigns, policies, and programmes, as well as enabling anonymous reporting and providing information to survivors on available supports.

The ERAC Standing Working Group on Gender in Research and Innovation completed a report on sexual harassment in the higher education sector, considering the national policies and measures of EU Member States and Associated Countries, in May 2020. The extent of the activities that are ongoing or planned in Ireland is highlighted in the report, noting the cohesiveness of approach and commenting that 'the continuing work pursued according to the policy and the framework should be of interest to other countries and the European Commission'.¹⁴

In parallel with work that is underway in Ireland, higher education institutions elsewhere have come under the spotlight for matters relating to sexual violence and harassment. (Those who are interested in receiving an insight into international work in this area should see **Appendix 3**, which considers Australia, the UK, and USA.) Initiatives and learning overseas may help to inform progress taking place in Ireland. Subsequent chapters in this report, particularly those relating to policy and recommendations for the future, are informed by international reports, guidance, and studies.

2.4 Observations arising from this chapter

Some observations arising from this chapter are:

- › Awareness of sexual violence and harassment has increased significantly, both in Ireland and abroad, and work is underway in many countries to address these problems within higher education, as well as in other spheres. Given the international nature of this work, opportunities for mutual learning and knowledge exchange should be explored.
- › Further research is needed to identify the extent and nature of staff and students' experiences of sexual violence and harassment in Ireland. Initiatives such as the HEA's national survey, the PCHEI anonymous-reporting tool, and others will make valuable contributions in this regard, with analysis over time ultimately becoming possible.

Endnotes

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- 4 Gill, G. and Rahman-Jones, I. (9 July 2020). 'Me Too founder Tarana Burke: Movement is not over', <https://www.bbc.com/news/newsbeat-53269751>
- 5 Ransom, J. (11 March 2020). 'Harvey Weinstein's Stunning Downfall: 23 Years in Prison', *New York Times*, <https://www.nytimes.com/2020/03/11/nyregion/harvey-weinstein-sentencing.html>
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- 8 Levy, R. and Mattsson, M. (2020). 'The Effects of Social Movements: Evidence from #MeToo', <http://dx.doi.org/10.2139/ssrn.3496903>
- 9 <https://www.imo.ie/policy-international-affair/documents/IMO-Position-Paper-on-Women-in-Medicine-Final.pdf>
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- 11 Murphy, P. (24 July 2020), '#Misefosta calls halt to sexual wrongdoing in traditional Irish music', *RTE*, <https://www.rte.ie/news/investigations-unit/2020/0723/1155183-misefosta-calls-halt-to-sexual-wrongdoing-in-traditional-music/>
- 12 Fitzpatrick, L. (2020). 'Contemporary Feminist Protest in Ireland: #MeToo in Irish Theatre', *Irish University Review* 50.1, 82-93 <https://doi.org/10.3366/iur.2020.0436>
- 13 Mullally, U. (5 September 2020). 'Aoibhinn Ní Shúilleabháin: Two years of harassment at UCD', *Irish Times*, <https://www.irishtimes.com/life-and-style/people/aoibhinn-n%C3%AD-sh%C3%BAilleabh%C3%A1in-two-years-of-harassment-at-ucd-1.4346015>
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SECTION 3

NATIONAL

POLICY

CONTEXT

3. National Policy Context

3.1 Purpose of this chapter

This chapter outlines recent national policy developments in relation to sexual violence, harassment, and consent, focusing in particular on those relating to the higher education sector. It examines what needs to be done by higher education institutions in response to the challenge that has been set by policymakers.

3.2 Development of the national Framework

On 4 October 2018, Mary Mitchell O'Connor, T.D. and then Minister of State for Higher Education, convened a stakeholder workshop on sexual violence and consent in higher education.¹⁵ Workshop participants included students, academics, An Garda Síochána and professionals working in Sexual Assault Treatment Units. Arising from this workshop, an Expert Advisory Group was formed (chaired by Dr Anne Looney, DCU) and was tasked with devising a framework for higher education institutions and for the sector as a whole. Support for the work of the Expert Advisory Group was provided by the then Department of Education and Skills. Various key initiatives particularly informed the development of the framework: the ESHTe (Ending Sexual Harassment and Violence in Third-Level Education) project, led by the National Women's Council; the Active* Consent programme (formerly known as SMART Consent) run by NUIG; and the Bystander Intervention programme in UCC.

On 5 April 2019, Minister Mitchell O'Connor launched the *Framework for Consent in Higher Education Institutions: Safe, Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Irish Higher Education Institutions*.¹⁶ As the title indicates, this published Framework aims to support the creation of an institutional culture that is safe, respectful, and supportive. The Framework focuses on achieving the following outcomes:

- > Effective management and coordination structures;
- > Appropriate recording and statistical reporting of incidents;
- > **Dedicated institutional policies for addressing complaints;**
- > **Targeted initiatives** for students and staff.

It was announced simultaneously that funding of €400,000 would be made available over the period 2019-2020 to assist institutions in undertaking related work.

In response to the publication of the Framework, the IUA devised *Guidelines for Universities on How to Respond to Alleged Staff or Student or University Related Sexual Misconduct* to assist universities in ensuring an effective and person-centred response to reports of complaints of sexual misconduct. These guidelines were not designed to replace existing university policies or procedures in this area, but rather to offer a guide for supplementing or updating them. These guidelines have generously been shared by the IUA and serve as a valuable resource for all institutions.¹⁷

3.3 Programme for Government

The subsequent Programme for Government, published in June 2020, makes commitments in relation to tackling sexual harassment in higher education, including:¹⁸

- > Implement the recommendations of the Framework and expand the scope of activities to cover both staff and students.
- > Seek to require that all higher education institutions create a specific Action Plan around tackling sexual harassment. This should include independent data collection and review of supports for students and staff and reportable actions in Annual Governance Statements.
- > Ensure that every higher education institution commissions a survey for all staff and students on harassment, sexual harassment and bullying, with a view to informing their equality, diversity, and inclusion Action Plans.

The inclusion of staff is noteworthy, broadening the student-centric focus of the Framework. Although the inclusion of staff will entail additional work and complexity, this is essential to ensuring an all-of-institution and, indeed, all-sector response to sexual violence and harassment.

More broadly, the Programme for Government noted that ‘There is an epidemic of domestic, sexual and gender-based violence’.¹⁹ Several related commitments are outlined in the Programme for Government, which follow the entering into force for Ireland of the Council of Europe Convention on preventing and combatting violence against women and domestic violence (also known as the Istanbul Convention). On 8 March 2019, Ireland became the 34th Council of Europe Member State (out of 47) to ratify the Convention. States that have ratified the Convention are legally bound by its provisions once it enters into force; GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence) is the independent expert body responsible for monitoring the implementation of the Istanbul Convention.²⁰ One related commitment is to develop the third National Strategy on Domestic, Sexual and Gender Based Violence. Also among these commitments is to implement the findings of the *O’Malley Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences*. Initiatives in higher education are part of a wider societal shift in relation to sexual violence and harassment. (Further information about this Review is provided later in this chapter.)

3.4 Next steps for Higher Education Institutions

Simon Harris, T.D. and Minister for Further and Higher Education, Research, Innovation and Science, originally signalled the seriousness of his intent in this area when addressing the National Advisory Committee on 27 July 2020: ‘[...] I want you to be under no illusion about my determination to deal with this epidemic. And I want the third level sector not to be a problem area but a leader. A leader in diversity. In respect. In inclusion. In zero tolerance. Consent is not an option. It is a requirement’.²¹

On 4 August 2020, he wrote to the Presidents of all institutions, requesting that the following actions be taken:

- > All institutions are to develop and publish a specific **institutional Action Plan** on tackling sexual violence and harassment;
- > **Consent classes must be made mandatory for all incoming students** for the academic year 2020/21. Institutions must also work to ensure that all students post first year have also attended consent classes;

- > Institutions must provide a **report to the HEA on their progress** on the implementation of the Framework. These progress reports will be an annual feature of institutional reporting to the HEA.

This initial institutional report was due to be returned to the HEA by 18 September 2020. The timing of subsequent annual reporting is to be confirmed by the HEA in coming months, though it is expected to occur within a similar period.

It was also noted that the remit of the HEA's Centre of Excellence for Equality, Diversity, and Inclusion (formerly, the Centre of Excellence for Gender Equality) would be expanded to adopt oversight of the Framework's implementation.

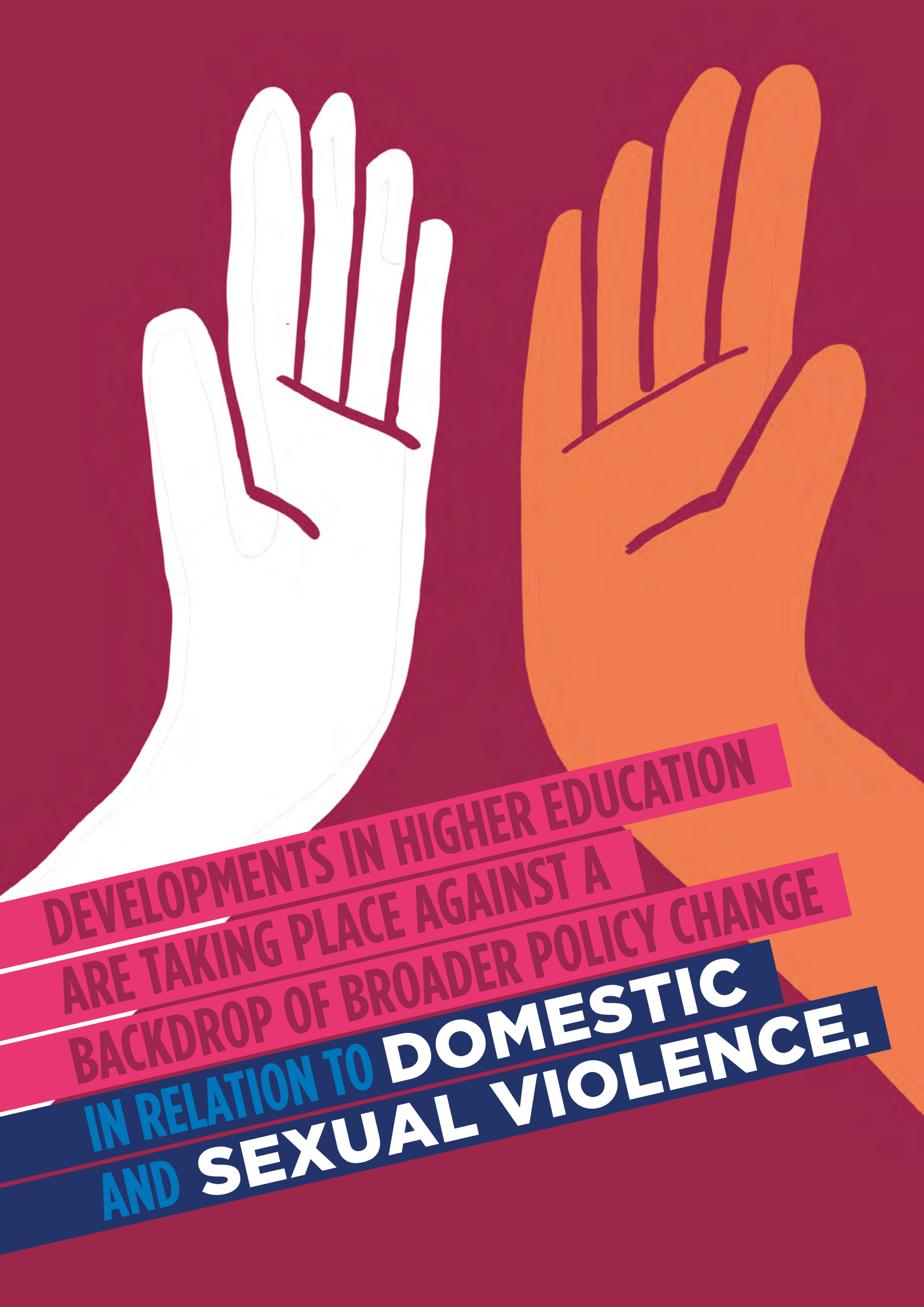
On 26 August 2020, Dr Alan Wall, CEO of the HEA, wrote to the Presidents of all institutions regarding additional funding for mental-health and wellbeing supports for students. It was noted therein that:

- > The HEA Centre of Excellence will work with institutions and the sectoral representative bodies to ensure the national, sectoral, and local roll out of:
 - » **Online consent training** for all incoming students;
 - » **Online bystander intervention training** for all incoming students;
 - » **An anonymous-reporting tool** for issues of bullying, harassment, and sexual harassment.
- > The HEA will require that institutions, in respect of both staff and students:
 - » Report to the HEA **progress on implementation** of the Framework;
 - » Submit to the HEA a specific **institutional Action Plan** around tackling sexual harassment;
 - » In the future, provide **progress reports** on implementation of institutional Action Plans.
- > The HEA Centre of Excellence will work with the National Advisory Committee (led by the National Women's Council), higher education institutions and their representative bodies to:
 - » Develop a **public awareness campaign** around issues surfaced by the Framework and to support those who might be affected by these;
 - » Develop and commission a standardised **annual national survey of staff and students** to monitor the experiences of students and staff.

It was also advised that the 2019-20 Annual Governance Statement would require confirmation that institutional processes have been implemented to support achievement of the objectives of the Framework.

In follow-on correspondence, the HEA noted specific steps undertaken to support these new requirements:

- > They have worked with staff at **NUIG's Active* Consent and UCC's Bystander Intervention programmes** to offer online versions to institutions wishing to use these in their orientation schedules.
- > They are investigating the potential national roll-out of a project led by the Psychological Counsellors in Higher Education in Ireland (PCHEI) to develop an **anonymous-reporting tool** for issues of bullying, harassment, and sexual harassment.
- > They worked with the National Advisory Committee to develop a **reporting template with indicators for each of the Framework outcomes**, as well as a template for institutional Action Plans.



DEVELOPMENTS IN HIGHER EDUCATION
ARE TAKING PLACE AGAINST A
BACKDROP OF BROADER POLICY CHANGE

**IN RELATION TO DOMESTIC
AND SEXUAL VIOLENCE.**

3.5 O'Malley Review

These developments in higher education are taking place against a backdrop of broader policy change in relation to domestic and sexual violence. This illustrates the cohesiveness of Ireland's approach, as identified by the ERAC Standing Working Group on Gender in Research and Innovation and noted in the previous chapter.

In August 2018, the then Minister for Justice and Equality, Charlie Flanagan T.D., appointed a Working Group to review and to report on the protections available for vulnerable witnesses in the investigation and prosecution of sexual offences. This took place in the wake of a high-profile trial in the Crown Court in Belfast earlier that year. On 6 August 2020, the *O'Malley Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences* was published by Helen McEntee, T.D. and Minister for Justice and Equality.²²

Where prevention is concerned, the main recommendation of the Review is that determined efforts should be made to educate members of the public about the necessity and meaning of consent in relation to sexual activity. The following clauses are of particular relevance to higher education:

2.39 We are aware that a great deal of valuable work is now being done in schools, universities and elsewhere to educate young people, in particular, about the necessity and meaning of consent. We strongly commend the efforts of those who are engaging with young people on the issue of consent and making them aware of everyone's right to personal autonomy. This right, as already noted, includes the entitlement to engage in sexual activity with another consenting person of full age and capacity, as well as the unqualified entitlement of every person to refuse to engage in such activity. We are aware, for instance, that in April 2019, the Department of Education launched a framework for the higher education sector for promoting education about consent and preventing sexual violence, and that state funding was allocated for this initiative. [...]

2.40 We strongly recommend that steps should be taken by appropriate government departments and other state agencies to ensure that education and awareness programmes on consent are available in all second and third level educational institutions. However, this will not be sufficient of itself. Steps must also be taken to educate the wider public about the right to sexual autonomy and the centrality of consent in that context.

The next such campaign is likely to be before the end of Q2 in 2021, with the Department of Justice and Equality working in conjunction with the Department of Further and Higher Education, Research, Innovation and Science.²³ This was outlined in the arising implementation plan, *Supporting a Victim's Journey: A plan to help victims and vulnerable witnesses in sexual violence cases*, launched by the Minister for Justice and Equality on 28 October 2020.

3.6 Athena SWAN and consent

Two international initiatives to support and to transform gender equality in higher education and research are operational in Ireland: Athena SWAN and Project Juno.

While sexual harassment is not explicitly named within the current Athena SWAN Charter, relevant information is included within the 'Organisation and Culture' section of the application form (for both institutional and departmental applications). Applicants for bronze and silver institutional awards are instructed as follows: 'Describe how the institution monitors the consistency in application of its HR policies for equality, dignity at work, bullying, harassment, grievance and disciplinary

processes. Describe actions taken to address any identified differences between policy and practice. Include a description of the steps taken to ensure staff with management responsibilities are up to date with their HR knowledge'.²⁴

Project Juno is an Institute of Physics initiative that relates to women in physics. Similar to Athena SWAN, Project Juno recognises and rewards departments and schools of physics that have taken action to address gender equality and to encourage best practice for all staff. In order to be recognised as a Juno Champion, Juno Principles must be embedded within the department/school. Juno Principles relevant to this area include committing to provide:

6. An environment where professional conduct is embedded into departmental culture and behaviour
 - 6.1. Ensure that all staff and students are aware of expected professional conduct.
 - 6.2. Address bullying, harassment, and misconduct
 - 6.2.1. Ensure all staff and students are aware of how complaints of bullying, harassment or other misconduct will be dealt with through an enforceable formal policy.
 - 6.2.2. Ensure there is a transparent reporting mechanism within the department to address any complaints.²⁵

As Athena SWAN and Project Juno are reciprocal awards, this may indicate a future direction of travel for Athena SWAN in Ireland. This would potentially align Athena SWAN with broader developments in the higher education sector in relation to sexual violence and harassment in Ireland. The strategic importance of the attainment of Athena SWAN certification is reflected in the fact that institutions stand to lose access to research funding if they do not achieve Athena SWAN awards within a set timeframe.

3.7 Developments in research policy

The HEA's Principles of Good Practice in Research within Irish Higher Education Institutions were published by the HEA in February 2020.²⁶ This contains seven elements of good research practice, which serve as guiding principles for institutions to incorporate into their specific research environments. The guidelines include the principle that the institution prioritises dignity and respect for its researchers and associated staff, including freedom from bullying and harassment, with clear countermeasures in place.

On 12 August 2020, Simon Harris, T.D. and Minister for Further and Higher Education, Research, Innovation and Science, wrote to the Irish Research Council and to Science Foundation Ireland in this regard. In so doing, the Minister expressed a wish to:

- > Ascertain what policies and procedures on sexual harassment and bullying are currently under the agencies' grant terms and conditions.
- > Encourage the agencies to review their grant terms and conditions and to see where these can be strengthened in this regard.
- > Request that both research funding agencies have common policies in this area.

While work is ongoing at the agencies in this regard, it is to be anticipated that these policies will refer grant-holders to policies and processes in place at their relevant institutions, creating further links and alignment in this important policy area.²⁷ Research funders in the USA and the UK have also implemented policies in relation to sexual violence and harassment among grant-holders.²⁸

3.8 Observations arising from this chapter

Some observations arising from this chapter are:

- › It is clear that, since October 2018, promoting consent and preventing sexual violence has been high on the government agenda in Ireland. Momentum has further increased since August 2020. As remarked previously, the cohesiveness of approach in Ireland is noteworthy. Nonetheless, work in this area is relatively recent, and much remains to be done.
- › Institutions' Action Plans will be key to setting out future work in preventing and responding to sexual violence and harassment. The requirement for institutions to provide such Action Plans and annual progress reports to the HEA has been helpful in catalysing such work.

Endnotes

- 15 Press release: <https://www.education.ie/en/Press-Events/Press-Releases/2018-press-releases/PR18-10-04.html>
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- 17 Irish Universities Association (2020). *Guidance for Universities: How to respond to alleged staff or student or university related Sexual Misconduct*, https://www.iaa.ie/wp-content/uploads/2020/09/IUA-Guidance-for-Universities-Consent-Framework%2%ADFinal_May2020.pdf
- 18 *Programme for Government: Our Shared Future* (June 2020), <https://static.rasset.ie/documents/news/2020/06/programmeforgovernment-june2020-final.pdf> (p. 87, p. 100)
- 19 *Programme for Government: Our Shared Future* (June 2020), p. 86
- 20 Press release here: <http://www.justice.ie/en/JELR/Pages/PR19000180>
- 21 <https://www.gov.ie/en/speech/82feb-address-by-minister-harris-to-the-national-advisory-committee-nac/#>
- 22 Department of Justice and Equality/O'Malley Review Group (2020). *Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences*, https://www.merrionstreet.ie/en/News-Room/Releases/O_Malley_Report.pdf
- Press release: https://www.merrionstreet.ie/en/news-room/releases/tackling_sexual_violence_and_building_a_victims_centred_approach_a_priority_%E2%80%93_minister_mcentee.html
- 23 Department of Justice and Equality (2020). *Supporting a Victim's Journey: A plan to help victims and vulnerable witnesses in sexual violence cases*, http://www.justice.ie/en/JELR/Supporting_a_Victims_Journey.pdf/Files/Supporting_a_Victims_Journey.pdf (p. 21)
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- 25 <https://www.iop.org/about/IOP-diversity-inclusion/Project-Juno/Juno-principles>
- 26 <https://hea.ie/assets/uploads/2017/04/HEA-Principles-of-Good-Practice-in-Research-in-Irish-HEIs-2020.pdf>
- 27 A related policy is in place at the Health Research Board: <https://www.hrb.ie/funding/funding-schemes/before-you-apply/all-grant-policies/bullying-and-or-harassment-of-participants-in-hrb-funded-research/>
- 28 Witze, A. (15 February 2018). 'US agency targets sexual harassment', *Nature*, 554: 287-288, <https://media.nature.com/original/magazine-assets/d41586-018-01744-5/d41586-018-01744-5.pdf>. Else, H. (10 May 2018). 'Wellcome Trust vows to pull grants from harassers', *Nature*, 557: 149, <https://media.nature.com/original/magazine-assets/d41586-018-05071-7/d41586-018-05071-7.pdf>

SECTION 4

BASELINE

ANALYSIS

TECHNOLOGICAL

HIGHER

EDUCATION

SECTOR

4. Baseline Analysis – Technological Higher Education Sector

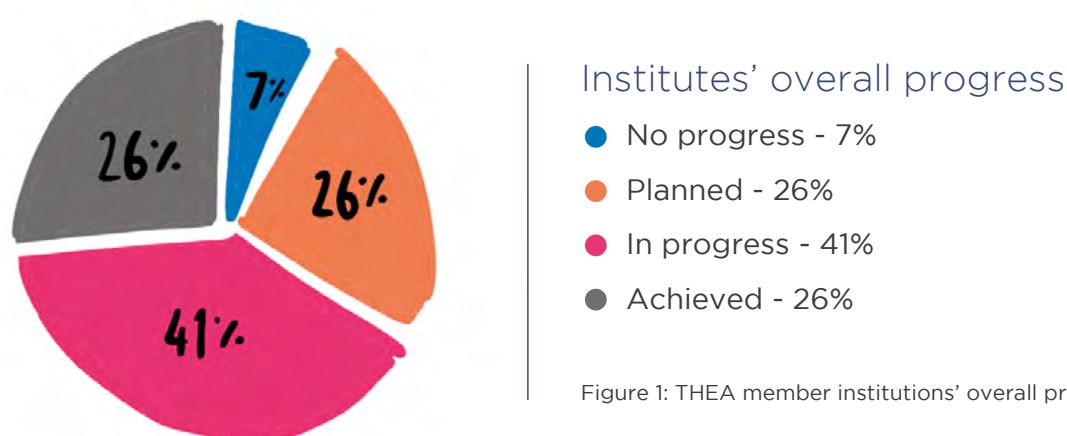
4.1 Purpose of this chapter

This chapter offers an overview of the status of Framework implementation in the technological higher education sector as of late 2020. Analysis is based on THEA’s discussions with staff at all member institutions and on initial progress reports submitted to the HEA, which the institutions have shared with THEA. It is intended that consideration of these institutions’ starting point will be useful in shaping next steps and future plans. While this chapter naturally focuses on the technological higher education sector, comments, observations, and learnings may be applicable to other institutions across Ireland’s higher education sector.

4.2 Summary Remarks

Notably, all higher education institutions in Ireland – universities, technological universities, institutes of technology, and specialist colleges – are at different points in the trajectory towards Framework implementation. For all institutions, this is an area of ongoing progress, learning and improvement. Every THEA member institution has demonstrated good practice in some area to date and deserves to be commended for same. Notwithstanding this, and similar to other institutions, every institution has areas in which further work is necessary and actions are ongoing. Identifying and addressing such areas is the key purpose of institutional Action Plans.

Clearly, a significant amount of work is currently underway in the technological higher education sector – 67% of actions were self-reported as being ‘planned’ or ‘in progress’, with 26% being described as ‘achieved’ (**Figure 1**). This is in line with progress nationally, where 63% of actions have been achieved or are in progress, with a further 31% in the planning phase.²⁹ The task ahead for institutions is considerable, and ambitious but realistic Action Plans will be essential.



Resourcing is a challenge that was noted by all institutions, particularly in light of significant other new commitments across a wide range of areas. Arising from the Framework, the allocation of €400,000 in exchequer funding was noted as being beneficial to progress in specific areas. In 2020, the provision of further funding

for wellbeing, mental health, and student services has been particularly welcome; it is noteworthy, however, that the €3m additional allocation in August 2020 is for the 2020-21 academic year only. It is clear that longer-term investment is needed to support ongoing work. Similar concerns have been raised in the UK, where it has been noted that ‘inadequate resourcing and funding more widely remain a critical challenge for the sector to sustain and drive forward further improvements, and to move to a position where this activity is considered “core” business’.³⁰ Some institutions appear reliant on one or two members of staff to undertake the majority of work in this area as an additional aspect of an already wide-ranging workload. However, others are currently recruiting an additional staff-member, indicating a commitment to allocate resources to support activity in this area. Some of these posts will be short-term positions arising from the additional 2020 funding.

During discussion with institutions’ staff, it was clear that there was a widespread interest in working collaboratively and making progress through shared learning. While not all institutions are actively working with their technological university partner(s) in this area yet, this is likely to become increasingly beneficial and, indeed, necessary. Given the imminent formation of new technological universities, it is a timely moment at which to plan next steps collaboratively.

The following analysis is structured to match the recommendations of the Framework (which, in turn, mirrors the structure of templates for progress reports and Action Plans). Commonly cited challenges will be noted; it is hoped that these reflections may be of assistance to institutional leaders and other stakeholders in their endeavours in this area.

4.3 Institutional Culture

When institutions’ progress reports are aggregated, this is by far the area in which institutions have self-reported the highest proportion of targets as being already ‘achieved’ – 58% (**Figure 2**). This is important, as the constituent actions in this area lay solid groundwork for future progress: senior-management responsibility for implementation; formation of an institutional Working Group; and liaison with external specialist agencies. These actions are considered in further detail below.

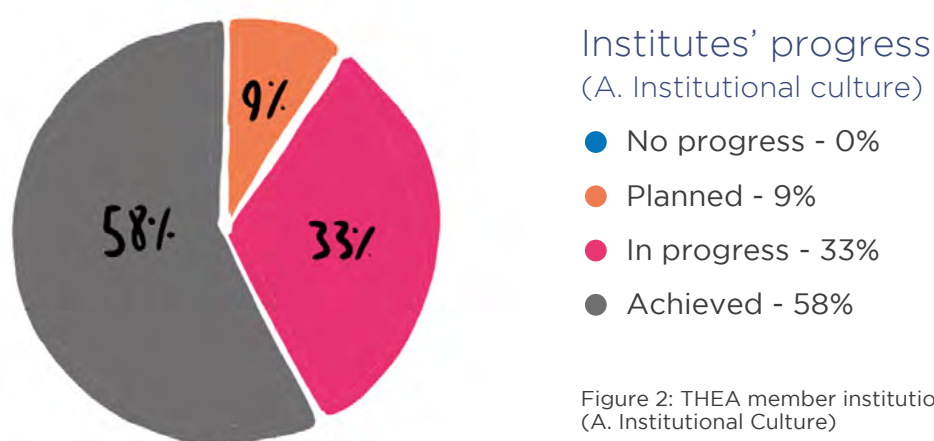


Figure 2: THEA member institutions’ progress (A. Institutional Culture)

4.3.1 Senior management responsibilities

Framework outcome: A member of HEI senior management team will have responsibility for the implementation of the Framework.

The importance of senior-management buy-in to combating sexual violence and

harassment has been noted in numerous international reports. For example, in the UK, 'visible, vocal commitment from senior leaders within an institution has played a key role in ensuring changes become part of the core university activity and are captured in the wider strategic ambition of the university'.³¹ Institutional senior leadership must be committed to tackling issues of sexual violence and harassment as a core element of the institutional mission.³² The visibility of senior leadership's involvement is emphasised frequently as best practice: the individual who leads in this area needs to be 'a named, public figure, so that everyone in the institution is aware that this issue is being taken seriously'.³³ In Australia, it has been recommended that responsibility should rest with the Vice-Chancellor, albeit with implementation being undertaken by a wide range of staff.³⁴ In the UK, in over one-third of institutions – the largest group – responsibility largely sits with the Pro-vice-chancellor or similar.³⁵

In discussions with THEA member institutions' staff, the 'buy-in' of Presidents to this area is clear. To emphasise this fact, Presidents' commitment warrants formal, frequent reiteration and noting in public arenas (for example, public institutional websites and Strategic Plans). The value of repeated, clear enunciation of a commitment to fostering a safe, respectful, and supportive institutional culture is immeasurable.

In all THEA member institutions, a member of the institution's senior management team has been, or is being, given responsibility for implementation of the Framework. In the vast majority of institutions' cases, this responsibility is partly or fully held by the Vice-President for Academic Affairs/Registrar at present. (In some instances, it was indicated that the allocation of responsibility may shift as work in this area develops.) This is perhaps a consequence of the student-centric focus of the Framework as published in 2019. Across the higher education sector, however, there is a notable trend towards work in this area being led by the senior leader for Equality, Diversity, and Inclusion (EDI); this is generally recommended as good practice. In many institutions, EDI staff, at a variety of levels of seniority, are playing a key role in developing the institution's response to the Framework. Sexual violence and equality matters are inextricably linked such that EDI teams have a valuable role to play.

On a practical note, where institutions are advanced in their work towards Athena SWAN accreditation, this has often aided progress in relation to Framework implementation; some of the same methodologies are relevant to each – cross-functional teams, action planning, etc. Many institutions' EDI staff will be experienced in this area. Likewise, where institutions have been involved in other significant initiatives involving large-scale action plans – for example, the UCC-led REACT (Responding to Excessive Alcohol Consumption in Third Level) programme – the methods followed may also prove useful to this work.

As previously stated, the remit of the Framework has expanded since its publication to include staff. While this entails additional work and administrative complexity for institutions, the issues of sexual violence and harassment may only be properly addressed through a whole-of-institution approach. Internal coordination of such cross-functional work is invariably challenging; given this fact, the President's ongoing support for such work in each institution is highly valuable.

It is readily apparent that, in institutions where progress towards Framework implementation is being made with particular success, roles and responsibilities at all levels are clearly delineated. The institutional Working Group (discussed further below) should serve as a useful means of agreeing responsibilities and lines of reporting and of communicating these more widely. The work to be done is best undertaken collectively as a shared project; to achieve this successfully, institutional 'mapping' is necessary in order to ensure that all parties have clarity regarding roles and responsibilities.



**EVERY INSTITUTION HAS AREAS
IN WHICH FURTHER WORK
IS NECESSARY AND ACTIONS
ARE ONGOING.**

Significant work is being done by other staff in institutions, supporting the work of Presidents, Registrars, and other senior leaders. In particular:

- > In many institutions, important work in this area is being actioned by staff in Student Services and in Student Counselling, representing an increase in workload for staff in these already busy areas. They deserve commendation for achievements to date, particularly in roll-out of student training.
- > Considerable input and support are typically provided by institutions' Students' Unions. Their role as a trusted intermediary between staff and students has tremendous impact and must continue to be leveraged. Given the annual turnover of Student Unions' teams, however, their work in relation to workshops and other initiatives must be supported by institutions' staff.
- > Given the expansion of the Framework's remit to include staff, their representatives (including staff-union representatives) and members of the Human Resources team should be included in Framework implementation from the outset. This is already the case in many institutions. Involvement of academic staff is also key to communicating information to the student body and to motivating them to undertake training, reinforcing messaging from Student Services, the Students' Union, and others.

Mirroring this need at the institutional level, the THEA project's Working and Steering Groups included staff who work in a wide variety of areas within member institutions. Human Resources staff played a key advisory role in this project.

4.3.2 Working groups

Framework outcome: HEIs will establish an Institutional Working Group to coordinate Framework implementation. This will be comprised of key stakeholders including academics, support services, administration, and students' 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+.³⁶

Almost all institutions have formed an institutional Working Group. Many institutions highlighted their egalitarian approach in relation to the work of these groups, making them a supportive, collaborative 'space'. The composition of these groups is typically wide-ranging, which is essential for progress in this area; across the higher education sector, these Working Groups' sizes are growing considerably. Members typically include representatives of:

- > Academic staff representing main institutional Faculties
- > Campus Security, Caretakers, Reception teams
- > Constituent colleges/multi-campus (if applicable)
- > EDI team
- > External specialist agencies
- > Human Resources
- > Staff-union representatives
- > Student Counselling Service
- > Student Health Centre
- > Student Services
- > Students' Union

It is important to acknowledge that involvement in institutional Working Groups entails additional workload for staff. Further, Working Group members may be

well-placed to be designated institutional contact persons and announced as such, once they have received suitable training. Due recognition of this additional work, both institutionally and more broadly, is advisable. These individuals play an important role as catalysts for positive cultural change. While some institutions have a webpage relating to their response to the Framework, Working Group members are generally not listed on institutions' websites at present.

4.3.3 External specialist agencies

Framework outcome: Liaison and partnership with external specialist agencies to ensure effective engagement with external structures.

All THEA member institutions are engaging with external specialist agencies in their work towards implementation of the Framework, with additional linkages being developed. This liaison work has been led in many institutions by the Counselling Service; referral pathways to external specialist agencies through the Counselling Service and Student Health Centre are already well-established.

Key external agencies (for example, Rape Crisis Centres) should be mapped to aid preparation of institutions' Action Plans (though this has already been done by many institutions), including clear information about the services that each agency offers and the roles that they fulfil in responding to sexual violence. Representatives from such external agencies are included on many institutional Working Groups, either as full or advisory members. Institutions' staff commented that the involvement of external specialist agencies was beneficial in guiding institutions' Working Groups and in providing them with direct access to specialist advice.

Many institutions are also engaging with the National Advisory Committee, led by the National Women's Council, which facilitates the building of links within and beyond the higher education sector.

4.4 Institutional Processes: Recording

Where institutional processes relating to recording are concerned, institutions have a significant amount of activity 'in progress' - 55% (**Figure 3**). This serves to highlight a key area in which further work is urgent and necessary: ensuring that appropriate systems for reporting and disclosure of incidents are in place.

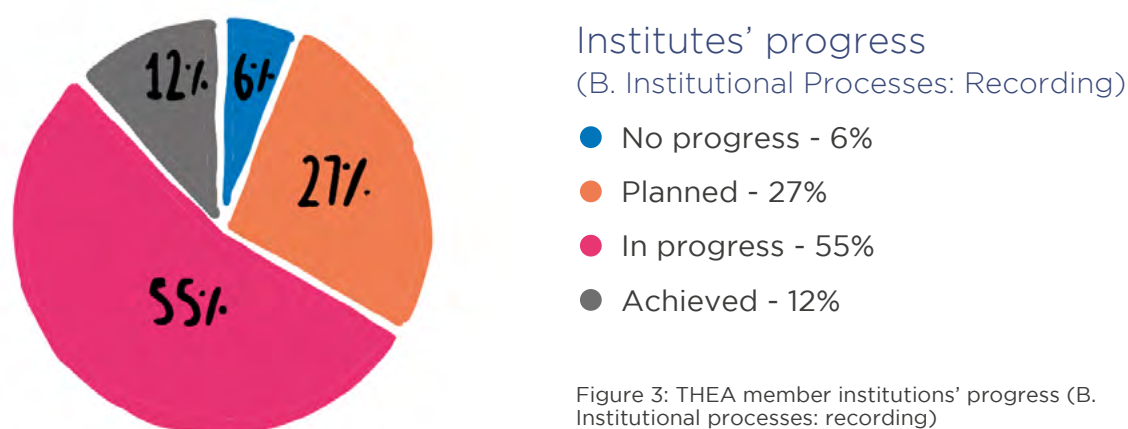


Figure 3: THEA member institutions' progress (B. Institutional processes: recording)

As noted below, implementing suitable systems for the recording and reporting of statistical information is an area in which work is currently underway.

4.4.1 Disclosure/reporting system

Framework outcome: HEIs will create an easy-to-use system for students and staff to disclose and report incidents, which would be reflected in a high level of awareness and understanding among both students and staff.

The Psychological Counsellors in Higher Education in Ireland (PCHEI) anonymous-reporting tool is currently being developed and will be implemented nationally. This project is led by Gertie Raftery (Chairperson of PCHEI) and colleagues at Dundalk IT. This will create an easy-to-use system for anonymous reporting, which will provide institutions with a valuable evidence base to inform and to shape their progress. The PCHEI aims to launch the tool early in the 2021/2022 academic year.

The roll-out of Disclosure Training for staff and student leaders is also key to achieving this outcome, equipping individuals to respond to informal disclosures. Many institutions have already recognised the importance of introducing such training, noting that there is a genuine interest in this among staff. Some institutions have indicated plans to roll out staff training, with a range of options being proposed: NUIG's forthcoming programme; training by the Dublin Rape Crisis Centre; and Epigeum online training. Some have already organised training of this kind through local Rape Crisis Centres, targeting the Active* Consent workshop facilitators as an initial group for training, given that their role in relation to such workshops may make them likely candidates to be approached by students with disclosures. As not all staff require in-depth knowledge, a tiered approach may ultimately be chosen as education plans are developed; however, at least a basic level of awareness should be raised among all institutional staff.³⁷

4.4.2 Rights of vulnerable groups

Framework outcome: The reporting system is compatible with reporting party/survivor rights, cognisant of the needs of vulnerable groups, and has the confidence of the higher education community.

As noted above, there is a considerable amount of work underway in institutions to prevent and to respond to sexual violence and harassment. All initiatives that are emerging in this area must be trauma-informed and must take a rights-based approach. This is already evident, for example, in existing training resources. Special care is being taken in relation to promotional resources and campaigns in this area to avoid re-traumatisation of those who may have had previous experience of harassment or violence.

In terms of reporting, survivors' rights and the needs of vulnerable groups are actively being considered during the development of the anonymous-reporting tool - particularly in the framing of questions, promotional material, and in support information offered.

All response pathways in relation to sexual assault and sexual harassment must be reviewed periodically, in light of feedback and emerging best practice, to ensure that they are cognisant of survivor rights and the diverse needs.

Achieving optimal membership in institutions' Working Groups will aid institutions in their work in this area considerably: the institution's Counselling Service must be included as key members, and external specialist agencies are well-placed to act in an advisory capacity. Their expertise and direct experience of working with survivors will be a valuable input into institutions' work.

4.4.3 Recording of statistics

Framework outcome: Institutions shall record statistics on harassment, assault, and rape and report them in the context of their strategic dialogue with the HEA.

Institutions are typically at an early stage of development as regards statistical reporting of related data. This is an area with which good practice is still emerging internationally.³⁸

Research has shown that, due to awareness-raising, it is initially to be expected that the number of reports of sexual violence and harassment may increase, which is challenging in terms of messaging at the institutional level.³⁹ If policies, procedures, and initiatives are reviewed continually in light of data gathered, reports should then decrease over time.

Institutional statistics are likely to emerge from the following reporting systems:

1. The anonymous-reporting tool, once piloted;
2. EDI and other surveys of students/staff;
3. Administrative data on disclosures/reports made.

Institutions' statistical information will be reported to the HEA as part of the strategic dialogue process. It is anticipated that statistics generated from the anonymous-reporting system (or similar) will be those reported and returned.

Separately, EDI and other surveys of students/staff are likely to provide useful statistical information in order to gauge the effectiveness of new initiatives.

Currently, administrative data on reports made is typically recorded by Registry (student-related information) and by Human Resources (staff). Respect for the privacy of all parties is key to any such system. The implications of data-protection legislation for information-sharing and record-keeping need to be fully considered.

4.5 Institutional Processes: Policy

Actions in this area are at a relatively early stage, with 50% of institutions reporting activity as 'planned' (**Figure 4**). This is unsurprising, as the current THEA project is expected to provide institutions with valuable guidance in order to make progress in this important area. Deliverables of this project include detailed guidelines for best practice policy and procedures which institutions will adapt for their own use in their institutional Action Plans. A number of institutions have been updating or developing new policies and procedures proactively.

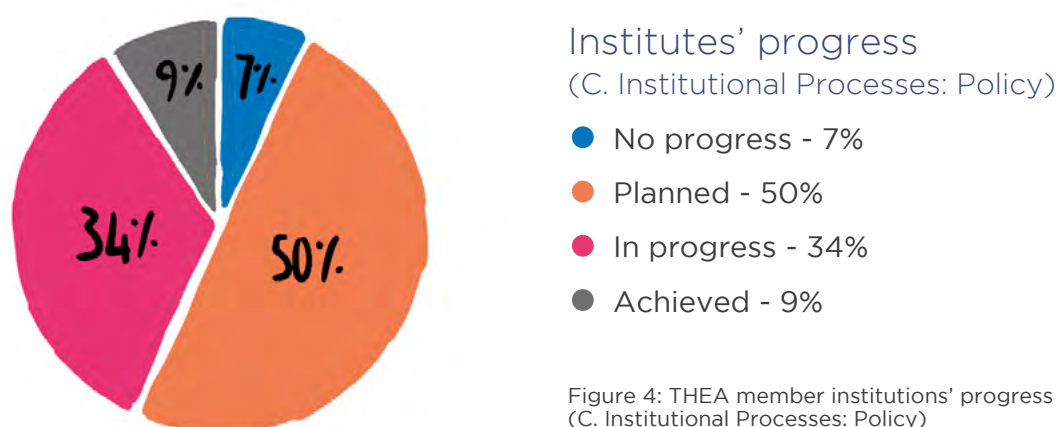


Figure 4: THEA member institutions' progress (C. Institutional Processes: Policy)

4.5.1 Dedicated policies

Framework outcome: Dedicated policies of breadth and depth consistent with the Framework aims referencing IUA/THEA guidelines and policies where appropriate.

Many institutions expressed concern about undertaking Framework-related activities in the correct sequence; this is an area in which shared learning, among and beyond the THEA member institutions, will be particularly beneficial. There is widespread recognition among the institutions that, once awareness is raised and reports are received, they must be in a position to act on this information in an appropriate manner.

A challenge is to ensure that appropriate policies are in place to respond to all types of complaint. Internationally, it has been recommended that specific or standalone policies should address sexual violence and harassment, given the complexity of these matters.⁴⁰ Policies already in place in the institutions vary in title and scope. Institutions typically have a Code of Conduct for staff and students, a Dignity at Work or Dignity and Respect Policy, disciplinary procedures, and a Student Complaints' procedure. It is planned by institutions that policies will be updated imminently in line with THEA guidance.

4.5.2 Policies linked with lines of responsibility

Framework outcome: Policies are explicitly linked to clear lines of responsibility, active responses, institutional reporting, and regular review.

Work in this area is mostly ongoing; institutions' Action Plans will be key to ensuring that this aim is addressed fully. In Action Plans, roles and responsibilities should be clearly delineated, including roles relating to key policies, differentiating between oversight and implementation responsibilities as needed. This is likely to be reflected in the structure of institutional Working Groups and sub-groups.

4.5.3 Guidelines for addressing complaints

Framework outcome: Policies include guidelines for addressing student and staff complaints, including transparency for all involved.

Policies must be transparent, easy to access, and straightforward to understand, particularly noting that the individual accessing them may be in a state of distress. When dealing with complaints, institutions must have regard to the obligations that they owe to all of their staff and students, including exercising a duty of care, applying the principles of natural justice, complying with Employment Equality Acts and Equal Status Acts duties, and upholding human rights.⁴¹ Checks on these aspects must be built into routine policy reviews.

4.5.4 Links with leadership

Framework outcome: 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.

Work must be embedded within institutions' governance systems and structures. The introduction of annual reporting to the Governing Body is generally planned or in progress by THEA member institutions. This is in line with international good

practice: for example, a Universities UK report recommended that institutions should provide their Governing Bodies with regular reports summarising progress made; this should include reporting on the resourcing made available and used, including any recommendations for additional resourcing.⁴² Reports to Governing Bodies might be structured to consider prevention and the response measures implemented to ensure that the approach is thorough and well-balanced.

4.6 Targeted Initiatives

Institutions' overall progress in relation to targeted initiatives is mixed, at the aggregate level, due to the variety of areas of work included under this heading.

Reflecting major activity taking place in relation to student workshops, and the awareness-raising messaging and campaigns arising from these, 29% of work in this area is self-reported as 'achieved' (**Figure 5**). In addition, 42% is 'in progress', reflecting work that is underway in relation to education and training plans for staff and students, with considerable further action in this area being necessary.

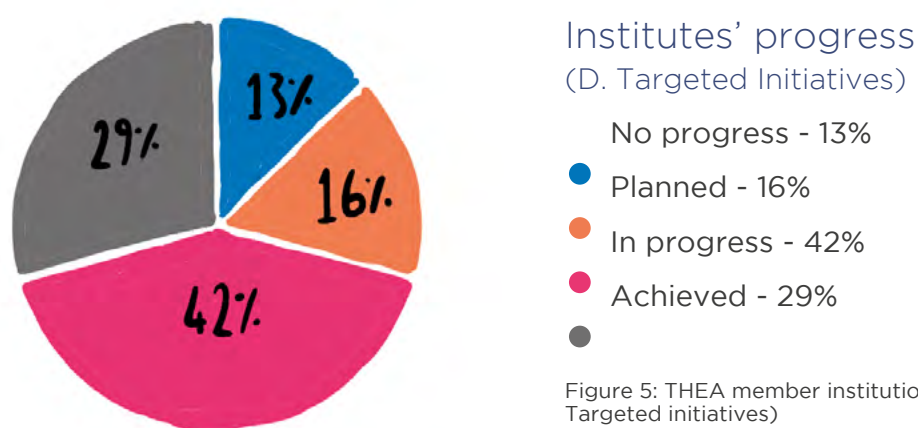


Figure 5: THEA member institutions' progress (D. Targeted initiatives)

Development of internal systems for measuring effectiveness of initiatives is at an early stage; this is unsurprising, given the relatively recent introduction of many of the actions in this area. Such impact-measurement systems may be best developed collaboratively by the sector. This would inform sectoral discussions and could allow potential benchmarking of data.

4.6.1 Student workshops

Framework outcome: 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.

Student-facing activities, such as student workshops, are a key component of institutions' actions towards implementation of the Framework. All institutions have introduced, or are advanced in the process of introducing, workshops, with staff and student leaders having been trained as facilitators. Active* Consent Workshops have proved popular across the higher education sector. Some institutions have been running these or similar classes long before this became a national requirement and have amassed considerable experience. For those institutions that are new to offering such training, a challenge is to motivate later-year students to undertake such training. Institutions may benefit from knowledge-sharing and mutual learning to identify what works best. Also, several

THEA member institutions previously hosted the Active* Consent drama, and some have plans to introduce Bystander Intervention training.

It has been noted that students may be particularly vulnerable during Freshers' Week.⁴³ It has been generally observed that sexual assaults tend to spike at the start of the academic year, becoming known internationally as the 'red zone'.⁴⁴ This shows the value of holding introductory workshops and disseminating information as early in the semester as possible. During the 2020-21 academic year, this was particularly challenging under Covid-19 restrictions. Many institutions held a condensed induction programme on campus, with the overall orientation programme (a suite of modules, including these workshops) being conducted online over a longer period.

Where institutions have constituent colleges or multi-campus, efforts are being made to ensure that all are included in these training initiatives. Where in-person training is concerned, this may pose some logistical challenges. When TUs are formed, it is challenging to ensure that activities are rolled out evenly across the constituent former institutions.

4.6.2 Messaging

Framework outcome: Ongoing messaging to disseminate information consistent with the Framework aims for cultural change and awareness.

As institutions' staff and student leaders are aware, institutional campaigns need to be conducted sensitively and respectfully in order to avoid re-traumatisation of survivors insofar as possible. The inclusion of internal or external specialist agencies in planning such campaigns is vital, as is the participation of diverse groups (such as people with disabilities, marginalised groups, ethnic minorities, and the LGBTI+ community) to ensure that campaigns are relevant to those with a wide range of personal experiences.

As noted by some institutions, it is important to keep internal and external support services up to date regarding any planned campaigns, as this may lead to an increase in individuals seeking support. Contact details of internal and external supports for survivors should be well advertised, both on campus and online, at all times and particularly during any campaigns; the latter is particularly important during Covid-19 restrictions. Institutions noted the inclusion of details of relevant policies, procedures, and campus/community-based supports in students' orientation packs.

An advantage of the technological higher education sector is the creative skills that are available to be harnessed for campaigns. Dún Laoghaire Institute of Art, Design and Technology and Limerick School of Art and Design are particularly pertinent in this regard. Dún Laoghaire Institute of Art, Design and Technology is currently undertaking an animation project for which the creative outputs will be shared with the rest of the sector. The sharing of outputs and use of joint campaigns is likely to be both efficient and effective. Institutions also need to be prepared for national awareness campaigns, which will inevitably have an impact at the local level.

4.6.3 Education plan

Framework outcome: HEIs will create and implement an education plan to ensure all staff (or all staff who have involvement in the pastoral care of students or in support services) 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.

As noted in previous sections, institutions have made progress in implementing student workshops, and plans are underway to introduce Disclosure Training for staff. Other training needs may also emerge. An Education Plan will be a key component of institutions' Action Plans.

4.6.4 Measuring effectiveness

Framework outcome: HEIs will create and implement a system for measuring effectiveness of initiatives.

Measuring effectiveness is an area in which further progress is to be expected. This is also proving to be a challenge overseas; as noted by Universities UK, 'evaluation remains a key challenge' and is 'an area requiring further guidance'.⁴⁵ The effectiveness of all measures should be gauged by institutions in order to inform ongoing and future plans. Insofar as possible, impact measurement should be included for each initiative or sphere of activity.

Data has been gathered through participation in Active* Consent workshops, which has limited built-in feedback measures, and in national surveys, such as the *Sexual Experiences Survey*.

Data retrieved from the anonymous-reporting tool will enable institutions to create strategically targeted educational programmes and awareness campaigns based on specific trends. This information will also inform policies to ensure that they are fit for purpose.

Many institutions propose to introduce relevant questions in institution-wide EDI surveys. It may be advantageous for the sector to agree some common questions collaboratively, enabling shared learning, fruitful discussion, and benchmarking. Other avenues for feedback to be sought include: at the conclusion of formal-report procedures; after training workshops; and before and after key campaigns.

4.6.5 Services

Framework outcome: HEIs will provide accessible, trauma-informed services; for supporting student and staff disclosure, reporting and complaints, and for counselling and advocacy.

For students, the primary trauma-informed service is institutions' Counselling Service. Students may also be referred to specialist support agencies, when appropriate. Employee Assistance Programmes are the equivalent service for staff.

Some institutions raised concerns about whether the Counselling Service would be in a position to respond to an increase in student cases, which may arise as a result of workshops and other awareness-raising initiatives. Mirroring this concern, Australia's *Change the course* report recommended that institutions should conduct an audit of counselling services to assess capacity to respond to students' requests for counselling in an appropriately timely manner, and to check the proportion of counselling staff who have received training in supporting survivors of sexual assault.⁴⁶ The audit would evaluate such factors as the average length of time students are required to wait to see a counsellor. The gathering of such data is in line with guidelines in the HEA's *National Student Mental Health and Suicide Prevention Framework*, a theme of which is to 'collect and analyse data to inform measures to improve student mental health'.⁴⁷

4.7 Observations arising from this chapter

Some observations arising from this chapter are:

- > While significant work is underway, the task ahead for all institutions in preventing and responding to sexual violence and harassment is considerable. Ongoing, adequate resourcing will be essential to building on existing momentum in this important area.
- > The 'buy-in' of THEA member institutions' Presidents and senior leaders to this area is clear. The value of repeated, clear enunciation – both internally and externally – of a commitment to fostering a safe, respectful, and supportive institutional culture is immeasurable.
- > As highly regionally embedded organisations, THEA member institutions are engaging actively with external specialist agencies, such as local Rape Crisis Centres. The strengthening of such links is to be encouraged.
- > An area in which further work is needed relates to the implementation of policies addressing sexual violence and harassment. It is anticipated that this THEA project will provide the technological higher education sector with valuable guidance in order to make progress in this important area.
- > While student workshops are being implemented successfully, staff training will be a key component of institutions' Education Plans. Awareness-raising and training of all members of the institutional community is essential.

Endnotes

- 29 See Minister Harris' response to Parliamentary Questions: <https://www.kildarestreet.com/wrans/?id=2021-02-24a.1855>
- 30 Universities UK (2019). *Changing the Culture – Tackling gender-based violence, harassment and hate crime: two years on*, <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/uuk-changing-the-culture-two-years-on.pdf> (p. 8)
- 31 UUK (2019). *Changing the Culture: two years on*, p. 10
- 32 Ending Sexual Violence and Harassment in Third-level Education (2019). *“It Stops Now” Toolkit*, <https://itstopsnow.org/index.php/en/news/toolkit> (p. 19)
- 33 National Union of Students (2018). *Power in the academy: staff sexual misconduct in UK higher education*, <https://www.nusconnect.org.uk/resources/nus-staff-student-sexual-misconduct-report> (p. 47)
- 34 Australian Human Rights Commission (2017). *Change the course: National Report on Sexual Assault and Sexual Harassment at Australian Universities*, <https://humanrights.gov.au/our-work/sex-discrimination/publications/change-course-national-report-sexual-assault-and-sexual> (p. 172)
- 35 UUK (2019). *Changing the Culture: two years on*, p. 24
- 36 The more inclusive term, LGBTI+, is preferred in this report. The national Framework refers to LGBT+ individuals.
- 37 ESHTe (2019). *“It Stops Now” Toolkit*, p. 28
- 38 NUS (2018). *Power in the academy*, p. 47. Some pertinent advice is provided by AHRC (2017). *Change the course*, p. 185
- 39 ESHTe (2019). *“It Stops Now” Toolkit*, p. 22
- 40 Universities Australia (2018). *Guidelines for University Responses to Sexual Assault and Sexual Harassment*, <https://www.universitiesaustralia.edu.au/wp-content/uploads/2018/10/UA-Guidelines-5.pdf> (p. 10)
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- 42 Universities UK (2016). *Changing the Culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students*, <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2016/changing-the-culture.pdf> (p. 58)
- 43 Kelleher, O. (31 August 2020). 'College students report in high numbers to Cork Sexual Violence Centre', *Irish Times*, <https://www.irishtimes.com/news/ireland/irish-news/college-students-report-in-high-numbers-to-cork-sexual-violence-centre-1.4342705>
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- 45 UUK (2019). *Changing the Culture: two years on*, p. 10
- 46 AHRC (2017). *Change the course*, p. 185.
- 47 Higher Education Authority (2020). *National Student Mental Health and Suicide Prevention Framework*, <https://hea.ie/assets/uploads/2020/10/HEA-NSMHS-Framework.pdf>

SECTION 5

**OUTLINE OF
INSTITUTIONS'**

**OPTIONS FOR
RELEVANT**

TRAINING

PROVISION

5. Outline of institutions' options for relevant training provision

5.1 Purpose of this chapter

This chapter outlines the main options for relevant training provision that are available to higher education institutions in Ireland, including the technological higher education sector. It is intended that this chapter will be of assistance to institutions working towards Framework implementation. THEA is grateful to the Dublin and Galway Rape Crisis Centres, Epigeum, NUIG, the Rape Crisis Network Ireland, and to UCC for information-sharing and agreement of text included herein.

Students and staff must be repeatedly exposed to training and to information on sexual violence and harassment prevention and response to ensure meaningful attitudinal and behavioural change. It is well-known that once-off training, or training that stops at awareness-raising without developing associated skills, are not usually effective.⁴⁸ Good training is far more than the dissemination and receipt of information; rather, it demonstrates how learning may be practically applied (for example, through practical components such as role play).

5.2 Training for Students

As previously noted, further to the call from Minister Simon Harris for all institutions to provide mandatory training regarding sexual harassment and violence to incoming first-year students in 2020-21, the HEA has worked with staff at NUIG's Active* Consent and UCC's Bystander Intervention programmes to offer online versions of these to institutions wishing to incorporate them into their orientation schedules. Further information about these programmes is below. Of course, there are pros and cons to both in-person and online training, with the latter being necessitated by circumstances of Covid-19.⁴⁹ Student training has been successfully rolled out in THEA member institutions and across the sector more broadly. Inevitably, workshops will be in evolution as they are gradually adapted and embedded into institutions. Ultimately, training should accommodate diverse learning styles and be made accessible to those with a range of disabilities.

5.2.1 NUIG Active* Consent Programme

Active* Consent grew out of collaboration between academic staff in Psychology, Health Promotion, and Drama and Theatre Studies at NUIG with the aim of changing student experiences, attitude, skills, and knowledge in relation to sexual consent. The Active* Consent programme is informed by research into young people's sexual behaviours, attitudes, and beliefs; current work has particularly been informed by the *Sexual Experiences Survey* (2020), a collaborative project between the Active* Consent team at NUIG and the USI.

Active* Consent workshops provide a safe space to explore the nuances of sexual consent and how best to negotiate active sexual consent. Active* Consent face-to-face workshops pre-Covid ordinarily lasted about an hour; workshops were typically led by two or three facilitators, following their participation in a day of training with the Active* Consent training programme.

Many institutions' staff and students will already be familiar with the Active* Consent play, *The Kinds of Sex You Might Have at College*, which toured higher education institutions in Ireland. Performed by an ensemble of actors, this theatrical performance depicts a range of scenarios and viewpoints that may arise

during college life, including experiences from across all genders, all relationship types, and all sexualities. The play runs for approximately 45-50 minutes, with a 20-minute facilitated discussion thereafter with members of the acting company, who are part of the Active* Consent team. This theatrical experience can be used in conjunction with other training or separately. While the play is not currently touring due to Covid-19 restrictions, it is hoped that this will return in future.

The 2020-21 Active* Consent programme adapts the existing workshop and drama offerings to new online formats that are compatible with Covid-19 restrictions. (Post-Covid, workshops may return to being held in person.) This programme is based on three stages:

Stage 1:

- › *A live online workshop on consent and related support services, with animations, short videos, and voiceover (30 minutes):* Institutions are supported in training and delivery by the Active* Consent team. This workshop is best delivered during the first-year orientation programme or first academic semester but can also be successfully delivered later in the academic programme to all years.

Stage 2:

- › *A standalone, e-learning resource, "Sexual Violence and Harassment: How to Support Yourself and Your Peers" (30 minutes):* This builds on topics explored in the online workshop. This can be hosted on a Virtual Learning Environment such as Blackboard or Moodle. The resource aims to raise awareness and educate students/staff about negative sexual experiences and to build on users' understanding and application of Active* Consent to include becoming an Active* Bystander.

Stage 3:

- › *Social media and online creative content:* Online tools are shared with the aim of reiterating key messages, highlighting available supports, and extending learning previously gained.

Importantly, the Stage 2 resource includes advice for students on how to support their peers. The *Sexual Experiences Survey* shows that, among those who indicated that they had disclosed a negative sexual experience, by far the most common choice was to tell a close friend, partner, or peer, followed by family members.

Active* Consent has also created a Toolkit to meet the needs of staff and student stakeholders who work to bring about positive change in campus culture in relation to consent, sexual violence and harassment.

The Active* Consent programme collaborates with stakeholders such as the USI; the Department of Further and Higher Education, Research Innovation and Science; the HEA; the National Women's Council; the National Council for Curriculum and Assessment; Secondary Schools; Sports Organisations; and Parents' Associations. It is funded by Lifes2Good, Rethink Ireland, the HEA, and Galway University Foundation. The impact of the Active* Consent programme is not only direct but can also be seen by the actions of others: for example, Consent Education by Tusla, Dublin Rape Crisis Centre/HSE initiatives, Higher Education embracing Consent, the O'Malley Report and Department of Justice and Equality objectives.

Further information:

<https://www.nuigalway.ie/student-life/student-support/active-consent/>

Key contacts: Dr Pádraig MacNeela, Dr Siobhán O'Higgins, Dr Charlotte McIvor, and other members of the multidisciplinary team.

(see <https://www.nuigalway.ie/student-life/student-support/active-consent/team/>)

Email: activeconsent@nuigalway.ie

Cost: Free

5.2.2 UCC Bystander Intervention Programme

The UCC Bystander Intervention Programme was developed to tackle issues of sexual and relationship violence by educating and empowering students to support the development of an institutional culture that stands up against unacceptable behaviour and that fosters positivity and support. The programme highlights the dangers of normalising abusive behaviour and cultivates an understanding of a bystander's capacity to intervene. The programme is led by Professor Louise Crowley (School of Law, UCC), who was a member of the National Expert Group established by the then Minister for Higher Education, Mary Mitchell O'Connor T.D.; this group was responsible for the drafting of the current Framework.

Specifically, the programme comprises two main elements (approximately 3 hours in total):

1. Four self-directed modules are taken by students at their own pace online. The modules include a series of quizzes and interactive engagements. In total, this consists of approximately 2 hours of online training.
2. The final component, a 1-hour workshop, is usually classroom-based but is currently being delivered live online due to Covid-19 restrictions. The final workshop involves approximately 12 students and provides a safe space in which to reflect on the learning experience with other participants in the programme.

In UCC, to secure institutional accreditation for completion of the Bystander Intervention Programme, students are invited to complete a once-off assignment. Students are encouraged to deliver this assignment in a way that reflects their own skills; for example, they have chosen to reflect on their bystander training by way of a 1,000-word essay, through poetry, art, etc. Upon approval of their submission, participants are awarded a digital badge.

Training and support for the Bystander Intervention Programme in Irish institutions is provided by UCC, with programme content having been recently updated and revised. The Bystander Intervention team at UCC includes a Bystander Intervention instructional designer who can provide technical support in respect of the transition of the online modules to the Virtual Learning Environment of other institutions. Professor Louise Crowley has developed a dedicated online orientation session that has been made freely available to higher education institutions; this complements the longer programme.⁵⁰ UCC is currently working with approximately 11 institutions across Ireland and should be glad to collaborate with others. The design of the programme may be adapted by institutions: for example, UCD has created its own version, which is modelled on the UCC programme.⁵¹

The UCC Bystander Intervention Programme was piloted in UCC with Law, Nursing and Midwifery, and Applied Psychology students. Institutions may wish to consider rolling out this training initially in a similarly targeted mode. Notably, the training may also be undertaken by staff, though it is primarily tailored to students.

The UCC Bystander Intervention Programme is adapted from the Intervention Initiative, which was created at the University of the West of England and funded by Public Health England.⁵²

Further information: <https://www.ucc.ie/en/bystander/>

Key contacts: Prof. Louise Crowley & Dr Emer Clifford

Email: bystander@ucc.ie

Cost: Free

5.2.3 Other approaches

Some institutions have developed their own in-house training for students. For example, as mentioned above, UCD has created its own version of the UCC Bystander Intervention Programme. Some institutions, including institutes of technology, began providing related workshops to students long prior to the publication of the Framework. Their current offerings are informed and enhanced by this prior experience.

5.3 Training for Staff and Student Leaders: Responding to Disclosures of Sexual Violence

While excellent resources are already available to support institutions' roll-out of student training and the process of embedding these institutionally is well underway, the implementation of training for staff and student leaders is currently at a less advanced stage.

Notably, anyone who is working in a higher education institution could receive a disclosure of sexual violence at any given time. Therefore, enabling staff and student leaders to respond appropriately to such disclosures through Disclosure Training is essential. A number of plans are underway in institutions to develop training to enable staff to respond to disclosures of sexual violence; some options are provided below.

Training for all institutions' staff is imperative. This report does not distinguish between academic staff and professional, management, and support staff in this regard. Institutions' local staff and students' union representatives should also be included in such training.

5.3.1 UCC/Epigeum Project

Epigeum's *Responding to Disclosures of Sexual Violence* is an online course that supports staff and student leaders to handle disclosures in line with best practice and policy, thus ensuring a consistent response. Developed in collaboration with an international range of higher education experts and professional practitioners, this course provides high-quality, interactive, and comprehensive training on the first response to disclosures. The course empowers staff and student leaders across a wide range of roles to manage this sensitive

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and complex issue, providing them with the skills to respond appropriately, empathetically, and confidently.

The online training consists of 4 short modules, with a total duration of approximately 105 minutes. Institutions have the choice to pay for the course upfront or in equal instalments per year. The hosting options available with an unlimited user license are Virtual Learning Environment and Epigeum-hosted.

While the current Epigeum programme is largely UK-focused, it may be customised. The customisation fee can be spread across three years, coinciding with the subscription cost, and can be invoiced annually in equal instalments. The exact customisation fee has yet to be determined; an estimate will be provided on request.

In recent months, UCC has been working with Epigeum and Cork Sexual Assault Treatment Unit to create a customised version of this training programme for the Irish context. UCC has also met with the Dublin Rape Crisis Centre (DRCC) to discuss the provision of tailored, scenario-based training to complement this online programme (an added measure, which is not part of the Epigeum offering). UCC's aim is to make the online Epigeum training available to all staff and to key student groups; the blended version (including the additional face-to-face session with the DRCC) would be delivered to key institutional staff and to identified students only.

Discussions are currently underway regarding whether a consortium-based approach might be of interest to institutions. Advantages of this approach would be the scale of such online training, with the potential to train large numbers of staff, and reduced cost through collaboration.

An Unlimited User License would give higher education institutions unlimited access to *Responding to Disclosures of Sexual Violence*, allowing members to roll out the online training across their institution without barriers over a 3-year period. Discount bands are available, based on how many institutions sign up to the programme. Cost will vary depending on the precise number of institutions that agree to sign up. Student numbers determine cost per institution.

Further information:

<https://www.epigeum.com/courses/support-wellbeing/responding-disclosures-sexual-violence/>

Key contacts: Dr Emer Clifford (UCC), Victoria Stoner (Epigeum)

Email: e.clifford@ucc.ie; Victoria.Stoner@oup.com

Cost: Determined by size of consortium

5.3.2 NUIG Active* Consent

NUIG Active* Consent plans to roll out a staff awareness/training programme in 2020-21 that will include handling disclosures of negative sexual experiences.

The development of Disclosure Training for staff and student leaders is almost completed. Several resources are in development to create positive and safe campuses by raising awareness, highlighting all available support services, and skills' development among staff, student leaders, and students and so reduce the incidence of sexual violence and harassment. The training consists of three levels of engagement:

1. Digital and hard copy “card” with basic “dos and don’ts” on how to respond to a disclosure.
2. E-learning disclosure module.
3. More in-depth training devised and delivered in collaboration with the Galway Rape Crisis Centre.

5.3.3 Dublin Rape Crisis Centre

Several institutions are currently availing of Disclosure Training offered by the Dublin Rape Crisis Centre (DRCC). The USI also organises DRCC Disclosure Training for Students’ Union Welfare Officers; this training is provided annually for these new sabbatical officers.

DRCC training ordinarily consists of a half-day workshop for small groups of attendees. Due to Covid-19 restrictions, this training is currently offered online via a 3.5-hour workshop (max. 14 attendees). Given the small scale of this training, it is best undertaken by targeting key staff and student leaders as potential attendees. The DRCC is happy to provide this training to institutions outside Dublin.

Further information: <https://www.drcc.ie/services/education-training/>

Key contact: Jane Baird

Email: etadmin@rcc.ie

Cost: €550

5.3.4 Galway Rape Crisis Centre

The Galway Rape Crisis Centre has previously provided Disclosure Training and is currently working on moving this online. Cost and max. group size are being finalised.

Further information: <http://www.galwayrcc.org/services/training-and-education/>

Key contact: Amanda Cosgrove

Email: education@grcc.ie

5.3.5 Other Rape Crisis Centres

The Rape Crisis Network Ireland (RCNI) has indicated that some its members are offering Disclosure Training. These currently include:

- › **Mayo Rape Crisis Centre:** info@mrcc.ie
- › **Donegal Sexual Abuse & Rape Crisis Centre:** info@donegalrapecrisis.ie
- › **Kerry Rape and Sexual Abuse Centre:** KerryRapeCrisis@krsac.com

5.3.6 Other approaches

Some institutions have developed their own in-house Disclosure Training: for example, the TCD Student Counselling Service's First Responder Training. This training is aimed at members of the college community who are deemed likely to have disclosures of sexual misconduct made to them – i.e. tutors, student welfare volunteers, lecturers, security staff, etc.

5.4 Other Staff Training

During institutions' work in this area, other types of training needs may be identified. For example, those who investigate official complaints require training in trauma-informed investigation techniques, must have an understanding of sexual violence, and must be knowledgeable as regards the law. Disciplinary decision-makers will also require specialist training. As institutions monitor the effectiveness of the initiatives that they have introduced, new or enhanced training needs will emerge and, in turn, be implemented. Institutions may wish to note this ongoing monitoring and evolution of training provision in their institutional Action Plans.

5.5 Observations arising from this chapter

Some observations arising from this chapter are:

- > Several options are available to assist institutions in offering training to staff and to students. Each institution should consider which types of training are best suited to its community. Though a tiered approach may be taken, basic knowledge and awareness should be readily available to all staff.
- > Ongoing monitoring of any training offered will be important in ensuring that this is optimised over time. Change is to be expected, even in relation to well-established student workshops, particularly as the optimal balance between in-person and online training is being found.

Endnotes

- 48 UN Women (December 2018). *Guidance note*, p. 14
- 49 For a summary of pros and cons, see Humphreys, C. and Towl, G. *Addressing Student Sexual Violence in Higher Education: A Good Practice Guide* (Emerald Publishing, 2020), pp. 91-92
- 50 The 35-minute orientation session may be accessed here: <https://ucc.cloud.panopto.eu/Panopto/Pages/Viewer.aspx?id=ea4ad6d3-eb44-473e-ad32-ac4000b36376>
- 51 <https://www.ucd.ie/newsandopinion/news/2020/february/26/bystanderinterventionworkshopsintroducedtohelpcombatsexualharassment/>
- 52 <http://socialsciences.exeter.ac.uk/research/interventioninitiative/>

SECTION 6

KEY COMPONENTS

AND OPTIONS

FOR INCLUSION

IN INSTITUTIONS'

ACTION PLANS

6. Key components and options for inclusion in institutions' Action Plans

6.1 Purpose of this chapter

This chapter proposes key components and options for inclusion in institutions' Action Plans. It is intended that this note will be of assistance to THEA members, as well as other institutions, in progressing their Action Plans. This does not set out to be an exhaustive list of options for inclusion.

All higher education institutions in Ireland – universities, technological universities, institutes of technology, and specialist colleges – are at different points in the trajectory towards Framework implementation. Further, each institution has a unique mission, context, and community. A consistency of approach across the sector is likely to be welcome, but Action Plans will not be identical. Excellent ideas are likely to be proposed by those tasked with working in this area within institutions, and suitable actions are likely to emerge during institutional Working Group discussions.

6.2 Initial Remarks

As previously noted, on 4 August 2020, Simon Harris, T.D. and Minister for Further and Higher Education, Research, Innovation and Science, wrote to the Presidents of all institutions, requesting that they develop and publish a specific institutional Action Plan on tackling sexual violence and harassment. Action Plans are to be submitted to the HEA in March 2021. Working with the National Advisory Committee, the HEA developed a reporting template with indicators for each of the Framework outcomes, as well as a template for institutional Action Plans.

It is important to note that there will be a variety of sound, valid approaches to devising Action Plans. Some initial advice is outlined below. Institutions may wish to consider these suggestions when preparing their Action Plans:

- > Action Plans should be ambitious in seeking to prevent and to respond to sexual violence and harassment. However, plans to meet this aim should be realistic and achievable.
- > Institutions may wish to identify actions in terms of priority. Inclusion of too many actions is to be avoided: focus on the actions that are most important and effective for each institution.
- > The HEA has not prescribed the use of the proposed Action Plan template. However, the template is useful due to its mirroring of the Framework Outcomes and of the progress reports' structure and has a clear, straightforward layout. Therefore, it is recommended that the template is used.
- > A 'SMART' approach is desirable: plan using specific, measurable, achievable, relevant, and time-bound criteria. Those working on Action Plans may wish to consult those in their institution with experience of Athena SWAN action planning; similar skills apply here.
- > The duration of these Action Plans has not been prescribed. A 3- or 4-year duration may be advisable. Actions should be spread realistically throughout the Action Plan's timeline, demonstrating a maintained and consistent focus. Consider using a Gantt Chart or other tool to capture the sequence of planned actions. Be specific with dates: avoid excessive reference to 'ongoing' actions.
- > When noting the 'Person Responsible' in Action Plans, the individual's job-title should be provided. This will aid smooth transition, if there is change-

over in staff. The ‘Person Responsible’ should, ideally, be an individual person rather than a large Working Group or committee. Also, consider the difference between oversight and implementation roles.

- › Insofar as possible, base the rationale for proposed actions on data and analysis: link the institution’s plans to any quantitative or qualitative data that the institution currently has (e.g. staff or student survey data). Inclusion of baseline data is key to measuring success of any actions implemented. Baseline data might include training uptake, awareness, feedback, representation, etc. Where data is not yet available, note that it will be captured during the relevant initiative’s first year and will be used as a baseline for future tracking.
- › Consider collaborating with other institutions in relation to specific actions (e.g. running events and awareness campaigns). Sharing of survey questions and high-level data may assist institutions in benchmarking their success. Where applicable, TU partners will find it advisable or, indeed, necessary to consult with one another in preparing their Action Plans, depending on their TU designation timelines.

Under each heading in this chapter, actions will be proposed; it is not expected that institutions will adopt all these actions. Those deemed to be particularly vital are here subjectively defined as ‘important’, with others noted as being ‘desirable’. To assist institutions, a sample Action Plan is also provided in **Appendix 4**, which includes all ‘important’ actions. As noted above, all institutions are unique and no two Action Plans will be identical; all are welcome to amend and to shape their planned actions as they see fit.

6.2.1 Sequencing of actions

As noted above, actions should be spread realistically throughout the Action Plan’s timeline; it is not feasible to achieve all actions in year one. It is recommended that the review and/or introduction of new policies should be an immediate priority. An incremental or tiered approach may be desirable for some actions: for example, the roll-out of staff training. A sample sequence of ‘important’ actions is provided below.

	Year 1	Year 2	Year 3	Year 4
1	Publicly assigned responsibility & create institute webpage	Update webpage	Update webpage	Update webpage
2	Form institute WG & agree Terms of Reference	Monitor WG	Monitor WG	Monitor WG
3		Prepare, design & disseminate publicity info	Update publicity info	Update publicity info
4		Publish reporting pathways on webpage	Monitor reporting awareness (staff & students)	Monitor reporting awareness (staff & students)
5	Form WG (as above)	Monitor WG & adapt reporting process for disabilities	Monitor WG	Monitor WG
6		Monitor statistics & report to Governing Body	Monitor statistics & report to Governing Body	Monitor statistics & report to Governing Body
7	Review/introduce new policies in line with guidance	Monitor policies	Monitor policies	Monitor policies
8	Map institutional lines of reporting & responsibility			
9		Publish reporting flowcharts & other transparency measures		
10	Present initial report to Governing Body	Design template & present annual report to Governing Body	Present annual report to Governing Body	Present annual report to Governing Body
11	Roll out student workshops & ascertain effectiveness	Embed student workshops & ascertain effectiveness	Embed student workshops & ascertain effectiveness	Embed student workshops & ascertain effectiveness
12		Prepare annual communications plan	Prepare annual communications plan	Prepare annual communications plan
13	Implement Disclosure Training (targeted)	Provide guidance &/or training to all staff	Provide guidance &/or training to all staff	Provide guidance &/or training to all staff
14	Monitor effectiveness of training (students)	Monitor effectiveness of training (students & staff) & measure awareness (students & staff)	Monitor effectiveness of training (students & staff) & measure awareness (students & staff)	Monitor effectiveness of training (students & staff) & measure awareness (students & staff)
15			Monitor Employee Assistance Programme & Student Counselling	Monitor Employee Assistance Programme & Student Counselling

Figure 6: Sample sequence of institutional actions

6.3 Institutional Culture

As institutions have already achieved some of the outcomes included in this area, actions here may focus on the enhancement of existing activity.

6.3.1 Senior management responsibilities

Framework outcome: A member of HEI senior management team will have responsibility for the implementation of the Framework.

Actions here are underpinned by the importance of visible senior-management buy-in to combating sexual violence and harassment as a core element of institutional mission. Each institution may wish to consider creating a short webpage that outlines current work, including the names and roles of those who are supporting such work. Such a webpage would serve both to inform interested stakeholders and to showcase the considerable work that is already ongoing in



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this area. There are numerous examples of similar webpages that institutions may wish to consult: for example, the Maynooth University 'Consent Framework' page; the University College London (UCL) page on Dignity Advisors; and the University of Manchester's page on Harassment Support Advisors.⁵³

Actions might include:

Important:

- > **Action 1a:** in Sample Action Plan: Assign responsibility for work in this area to a member of the institution's senior management. (This decision will be taken by the institution's President.)
- > **Action 1b:** Create a specific institutional webpage in a logical, easy-to-find area of the institution's website (perhaps within the EDI section of the institution's website). The webpage will be publicly accessible. The webpage will include:
 - » A message of support from the institution's President and member of senior-management team who has been identified as having responsibility for this area.
 - » A summary of current initiatives, plans, and campaigns. (Also consider including these in the communications strategy of the institution.)
 - » Links for further information in relation to key internal and external services.
 - » A list of Working Group members (names and job-titles) and designated contact-people for staff and students.
 - » A note of what these contact people can (and cannot) do.
 - » Working Group meeting dates.
 - » An outline of available methods for reporting/disclosure and the differences between these (e.g. anonymous reporting, informal disclosure, and formal reporting).

Action 1c: Thereafter, this webpage will be reviewed at least once per semester and updated promptly (with dates logged) to reflect any changes in membership or other noteworthy developments.

Desirable:

Monitoring

- > Monitor webpage visits through Google Analytics (if possible) to identify trends during the year.
 - » When awareness campaigns are underway, this will help to ascertain effectiveness (in directing staff/students to find out more information). Unexpected increases in visits may also identify problematic periods during the academic year.

Strategic Plans

- > Highlight senior leadership's support for work in this area as a priority in any forthcoming institutional Strategic Plans.

Resourcing

- > Appoint a full-time, designated staff-member to lead all work in this area. (Where TUs are being formed, the appointment of such an individual would be particularly appropriate, given institutional size.)
 - » This staff-member will have access to a suitable private space for in-person disclosures (e.g. fully accessible, with discreet entrances, sound-proof space). Disclosures will also be taken by them remotely.

6.3.2 Working groups

Framework outcome: HEIs will establish an Institutional Working Group to coordinate Framework implementation. This will be comprised of key stakeholders including academics, support services, administration, and students' 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+.

As noted previously, almost all institutions have formed an institutional Working Group, with the remainder working towards doing so. As noted in the Framework, the inclusion of particularly at-risk groups on Working Groups is essential. Nonetheless, a challenge for institutions is to recruit members with disabilities, marginalised groups, ethnic minorities, and the LGBTI+ community in a transparent and respectful manner. An institution-wide call for Working Group members, supported by staff and student services, societies, and unions, is a potential means of particularly welcoming staff and students from at-risk groups. This should also target postgraduate students and postdoctoral researchers, as their early career and/or temporary contract status may leave them particularly vulnerable to exploitation or abuse.⁵⁴

Actions might include:

Important:

- > **Action 2a in Sample Action Plan:** Form an institutional Working Group (if not already in place), set targets against the current baseline membership of the Working Group, and measure success in achieving balanced representation.
 - » Targets might be in relation to gender balance; involvement of all major academic faculties or units; inclusion of underrepresented/marginalised groups; representation of researchers, etc.
 - » Include a representative of a Rape Crisis Centre and/or the Gardaí among the group's membership.
- > **Action 2b:** Agree Terms of Reference with Working Group members. These will succinctly outline: the role of the Working Group; the frequency of meetings; and the reporting and governance structure.

Desirable:

Working-Group Checklist

- > Create a checklist for an annual review of the membership of the Working Group:

- » To ensure that no gaps have arisen due to change-over in staff or student representatives.
- » To check membership against any best-practice guidelines, such as those devised by the National Women's Council.

Recognition

- > Explore ways of formally recognising such work by staff within the institution's Workload Allocation Model and/or as criteria for consideration as part of progression/promotion.

6.3.3 External specialist agencies

Framework outcome: Liaison and partnership with external specialist agencies to ensure effective engagement with external structures.

All institutions are engaging with external specialist agencies in their work towards implementation of the Framework, with additional linkages being developed.

Actions might include:

Important:

- > **Action 3a in Sample Action Plan:** Collate information on external and internal services and the roles that they fulfil in responding to sexual violence. These external services must include, but are not limited to:
 - » The local Rape Crisis Centre, of which there are currently 16 in Ireland, and the national rape crisis helpline.
 - » The nearest HSE Sexual Assault Treatment Unit (SATU), of which there are currently 6 in Ireland: in Cork, Donegal, Dublin, Galway, Mullingar, and Waterford.
 - » Gardaí (specifically, Divisional Protective Services Units [DPSU], which are located around the country, and/or Campus Watch Gardaí).
- > Information will be designed for dissemination in a variety of formats: on-campus posters, website download, orientation packs, induction slides, student-accommodation welcome packs, social-media advertising, induction pack for new staff, etc. (Consider portable, credit-card-sized and/or printer-friendly formats.)
- > Supply all students and staff with information about these external and internal at logged dates.
- > **Action 3b:** Thereafter, this information will be checked and/or updated annually in advance of the start of the academic year. At logged dates, this information must be disseminated to all staff and students.

Desirable:

Induction Checklist

- > Create an induction checklist for newly recruited staff (if one does not already exist), including the above information. The checklist will be signed off by both the Head of Unit and employee, within 3 months of start-date, once all information has been received and read and any training completed.

- » If Disclosure Training is rolled out for all staff during the timeline of the Action Plan, this will be added to the induction checklist at the appropriate point.

6.4 Institutional Processes: Recording

This is an area in which institutions have a significant amount of activity in progress. Actions will address the need to ensure that appropriate systems for reporting and disclosure of incidents are in place.

6.4.1 Disclosure/reporting system

Framework outcome: HEIs will create an easy-to-use system for students and staff to disclose and report incidents, which would be reflected in a high level of awareness and understanding among both students and staff.

Actions might include:

Important:⁵⁵

Formal reporting

- > **Action 4a:** Map processes for formal reporting on flowcharts, clearly illustrating all potential response pathways. Plain language versions should also be available.

Anonymous reporting

- > **Action 4b:** Implement an anonymous-reporting tool for staff and students. This will assist institutions in collectively making progress in creating an easy-to-use system for anonymous reporting.
- > On a 6-monthly basis (or more), monitor statistics generated by this system to identify trends and patterns.
 - » Use these findings to inform future work in this area: for example, to identify training and information needs and any gaps in current policies and procedures.
 - » Use this information as input to reports for the Governing Body.

Outline of Pathways

- > **Action 4c:** All methods of reporting and response pathways will be clearly outlined on the institution's website. Differences between available methods of reporting (e.g. anonymous reporting, informal disclosure, and formal reporting) will be outlined clearly. (This action is likely to overlap with actions 1b and 1c.)

6.4.2 Rights of vulnerable groups

Framework outcome: The reporting system is compatible with reporting party/survivor rights, cognisant of the needs of vulnerable groups, and has the confidence of the higher education community.

All initiatives that are emerging in this area must be trauma-informed and must take a rights-based approach. This is already evident, for example, in the adoption of Active* Consent and Bystander Intervention training resources and in the development of the anonymous-reporting tool. Actions might include:

Important:

- > **Action 5a in Sample Action Plan:** A balanced, wide-ranging institutional Working Group will be key to ensuring that vulnerable groups' needs are thoroughly represented:
 - » Include Counselling Service representatives on the institutional Working Group.
 - » Include representatives from relevant external specialist agencies (e.g. the local Rape Crisis Centre) as full or advisory members of the institutional Working Group.
- > These members will be assigned responsibility to provide feedback on reporting mechanisms. (Action may overlap with action 2a.)
- > **Action 5b:** Put in place comprehensive disability adaptations for in-person and remote reporting and support, working with the institution's Access Office or equivalent.

Desirable:

Underrepresented groups

- > Conduct an annual open call for new Working Group members from among the student and staff body, highlighting the institution's wish to welcome the views and participation of at-risk groups: those with disabilities; ethnic minorities; LGBTI+; postgraduate and postdoctoral researchers. If interest exceeds available places, interested parties may be invited to attend focus groups or be engaged in this work in other ways.

Designated contacts

- > Recognising the burden that may be placed on designated contact people receiving disclosures, peer-support sessions will be offered (e.g. once per term initially, with frequency to be reviewed in line with numbers of reports received).
- > Measure participant satisfaction, striving to ensure that all contact people feel supported.

6.4.3 Recording of statistics

Framework outcome: Institutions shall record statistics on harassment, assault, and rape and report them in the context of their strategic dialogue with the HEA.

Institutions should seek to gather data on:

- > the extent and nature of sexual violence and harassment within the campus community.
- > the level of formal reporting, informal disclosure, and anonymous reporting.

- > barriers to disclosure/reporting, particularly if there is a disparity between formal reporting and informal disclosure levels.
- > support and service needs of those affected.
- > any links to wider issues of gender inequality and campus culture.⁵⁶

Institutions will also have a role to play in supporting and leveraging the findings of national surveys. It is anticipated that, from 2021, an annual national survey will be led by the HEA. Metrics are further considered in more depth in the 'measuring effectiveness' section.

To achieve this, actions might include:

Important (select some or all of the following actions):

- > **Action 6 in Sample Action Plan:** Collate institutional statistics by undertaking any or all of the following (cross-reference where appropriate):
 - » Analyse 6-monthly data from the anonymous-reporting tool.
 - » Add relevant questions to any existing annual EDI or other surveys of students/staff and analyse same.
 - » Summarise high-level data on disclosures/formal reports made.
 - » Monitor the number of contacts made to designated contact-people, particularly the Students' Union. Monitor this figure on an annual basis.
 - » Support staff and students' participation in future national surveys by actively publicising same and analysing data arising from these.

6.5 Institutional Processes: Policy

Actions in this area are at a relatively early stage, though some institutions have been updating or developing new policies and procedures proactively. This project will be of assistance to institutions in progressing actions in this area.

6.5.1 Dedicated policies

Framework outcome: Dedicated policies of breadth and depth consistent with the Framework aims referencing IUA/THEA guidelines and policies where appropriate.

Actions may include:

Important:

- > **Action 7a in Sample Action Plan:** Institutions will review existing policies in light of THEA, IUA, and other good-practice guidelines to ensure that policies clearly addressing sexual violence and harassment are available and published online.
- > **Action 7b:** Thereafter, policies in relation to sexual assault and sexual harassment of students and staff must be reviewed within a pre-defined period, in light of data gathered, feedback received, and emerging best practice. When new or significantly amended policies and procedures are introduced, it is recommended that the effectiveness of these be monitored annually (with dates logged). The report prepared for the Governing Body will be a key input into annual monitoring of policies and procedures.

All information regarding institutional policies and processes must be clearly signposted, publicly available, and easy to access online. When policies are being revised, it is advisable to have an overall ‘map’ of policies and to ensure that cross-referencing is as clear-cut as possible.

Desirable:

Standalone Policy

- › While some institutions may choose to continue to include relevant information in Dignity and Respect or similar policies, it is recommended that a specific, standalone policy will address sexual violence and harassment, given the complexity of these matters. This might consist of a joint policy for staff and students, with distinctions drawn in relation to process for staff and students.

‘Map’ Interrelated Policies

- › All information regarding institutions’ policies and processes must be clearly signposted, publicly available, and easy-to-access online. It is advisable to include an overall ‘map’ of any interrelated policies and to ensure that cross-referencing is as clear-cut as possible. This will be checked annually, in advance of the commencement of the academic year, to ensure that no links are broken, that information is up to date, etc.
- › Students’ and staff’s attention will be drawn to these policies – particularly highlighting any recent updates – via a twice-yearly email (sent from Human Resources to staff; sent from Registry to students).

Disclosure Form

- › A formal disclosure form will be designed and checked to ensure GDPR compliance. This will be posted on the institutional website.

6.5.2 Policies linked with lines of responsibility

Framework outcome: Policies are explicitly linked to clear lines of responsibility, active responses, institutional reporting, and regular review.

Policies should be regularly reviewed through internal consultation and subsequent approval by the Governing Body. Review should automatically occur if there is a significant change in national policy and guidance. Through participation in groups such as the National Advisory Committee, shared learning and recommendations for good practice will emerge, which should be reflected in routine review of key policies and procedures.

Actions may include:

Important:

- › **Action 8 in Sample Action Plan:** Identify who is responsible for responding to disclosures of sexual violence and harassment, for reporting, and for review of policies. Map reporting line(s) between the Working Group’s Chair and membership, the institution’s President and senior management team, and the Governing Body. Formalise the means and frequency of reporting. For example:

- » From any Working Group Subcommittees to the Working Group.
- » From the Working Group to any other institutional committees: e.g. EDI Committee (if applicable).
- » To the institution's President and senior management team.
- » To the Chair of the EDI Subgroup of the Governing Body.
- » To the institution's Governing Body (or sub-committee thereof).

Desirable:

'Map' Working Group members to Work Plan

- > Map roles and responsibilities of Working Group members against the annual work plan, differentiating between oversight and implementation roles, ensuring that all members have a contribution to make. Form Working Group Subcommittees, if helpful in clarifying areas of work and responsibility.

6.5.3 Guidelines for addressing complaints

Framework outcome: Policies include guidelines for addressing student and staff complaints, including transparency for all involved.

Actions may include:

Important:

- > **Action 9a in Sample Action Plan:** Map processes for formal reporting on flowcharts, clearly illustrating all potential response pathways (cross-reference actions 4a and 4c).
- > **Action 9b:** On the institution's website, outline the purpose of anonymous information gathered through an anonymous-reporting tool, linking to a Privacy Notice, explaining how this information will be analysed and used institutionally (interconnected with action 4b).

6.5.4 Links with leadership

Framework outcome: 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.

Work must be embedded within institutions' governance systems and structures, including that of the institutional Working Group. Actions may include:

Important:

- > **Action 10a in Sample Action Plan:** Introduce annual reporting to the Governing Body on preventative and response measures to sexual violence and harassment.
- > **Action 10b:** Prepare an agreed template for reporting to the Governing Body, noting data collated and initiatives proposed and/or implemented. This will fully incorporate legal advice to be sought to ensure all data-protection

requirements are met. The template might include the following data sources:

- » Analysis of data from national surveys.
- » Aggregated analysis of anonymous reports.
- » Data from EDI and other staff or student surveys.
- » Tabulated summary data of formal complaints.
- » Trends in contacts made to designated contact-people & feedback.

Desirable:⁵⁷

Recording system

- > Develop a secure, centralised system for recording and monitoring the progress of Formal Reports and ensuing investigations.

Public reporting

- > Collaborate with other institutions to publish relevant aggregated sectoral data.
- > Publish an annual institutional report on bullying, harassment, and sexual misconduct.

6.6 Targeted Initiatives

Work is underway in relation to education and training for staff and students, with considerable further action in this area being anticipated.

Development of internal systems for measuring effectiveness of initiatives will be key. Such impact-measurement systems may be best developed collaboratively by the sector.

6.6.1 Student workshops

Framework outcome: HEIs will provide direct student-facing activities including workshops/classes that promote an understanding of consent, student understanding and skills for speaking up and calling out unacceptable behaviour.

Student-facing activities, such as Consent Workshops, are a key component of institutions' preventative measures. As outlined in correspondence from the Minister for Further and Higher Education, Research, Innovation and Science to institutions' Presidents, workshops must be made mandatory for all incoming students for the academic year 2020/21. Institutions must also work to ensure that all students post first year have also attended these workshops. All institutions have introduced, or are advanced in the process of introducing, student workshops, with staff and student leaders having been trained as facilitators. Actions may include:

Important:

Attendance

- > **Action 11a in Sample Action Plan:** Continue to make student training available (e.g. Active* Consent Workshops/Bystander Intervention Programme):

- » To all first-year students, embedding initial training into orientation programmes and providing follow-up training.
- » To all later-year students.
- > For all students, create targets to build annually on current baseline attendance rate, identifying and addressing any imbalances (gender, disciplinary areas, etc.).

Satisfaction

- > **Action 11b** in Sample Action Plan: Conduct student polls to ascertain satisfaction levels and effectiveness of these workshops (e.g. in awareness-raising of existing supports).
 - » Create targets for satisfaction levels and effectiveness of these workshops (e.g. in awareness-raising of existing supports).
 - » Common questions might be agreed among institutions to enable mutual learning and benchmarking.
 - » Workshops/interventions for particularly vulnerable cohorts of students/staff (such as LGBTI+ students and early career researchers) may need a tailored response. Relevant cultural-awareness initiatives may be needed for international students, who may have different understandings of consent based on their home countries' laws and school education.

6.6.2 Messaging

Framework outcome: Ongoing messaging to disseminate information consistent with the Framework aims for cultural change and awareness.

Actions may include:

Important:

- > **Action 12 in Sample Action Plan:** Prepare an annual plan for communications and awareness-raising activities, linking these to institutional (e.g. announcement of student workshops), national (e.g. USI Sexual Health Awareness and Guidance campaign) or worldwide events, campaigns, and milestones (e.g. 16 Days of Activism against Gender-Based Violence).
 - » The Students' Union will be a key partner for student-facing campaigns and events.
 - » The involvement of internal experts and external specialist agencies in planning such campaigns is vital, as is the participation of diverse groups (such as people with disabilities, marginalised groups, ethnic minorities and the LGBTI+ community) to ensure that campaigns are relevant to those with a wide range of personal experiences.

Desirable options for annual communications/awareness-raising plan:

This annual plan might include any/all of the following:

- > A target to hold at least one relevant institutional event per academic year.

Suitable events may include film screenings (e.g. *Picture a Scientist*); plays and multi-media performances (e.g. Active* Consent drama); campaigns (e.g. It Stops Now); exhibitions of art, photography, history; and knowledge exchange and partnership events, including seminars, panel discussions, and workshops. All activities will be used to drive attendees to the institution's relevant webpage and Twitter account and will link to work that is ongoing in the institution. Whichever type of event is chosen, it will be important to:

- » Monitor attendance at events, particularly gender balance.
 - » Review success and relevance of events in post-event and/or EDI surveys.
- > A daily check on relevant external content to be shared via the institution's EDI/ Athena SWAN/Healthy Campus Twitter page.
 - » Content may have a variety of sources: e.g. Active* Consent, National Women's Council, Rape Crisis Centres, Women's Aid, internal services, etc.
 - > Notifying all staff and students of the institution's webpage on the institution's approach to preventing sexual violence and harassment and sending a reminder once per semester. This will be timed to coincide with particular initiatives, events, or campaigns.

Collaboration

- > Collaborate with other institutions, such as TU partners, on events and campaigns.

6.6.3 Education plan

Framework outcome: HEIs will create and implement an education plan to ensure all staff (or all staff who have involvement in the pastoral care of students or in support services) 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.

An Education Plan for staff will be a key component of institutions' Action Plans. As not all staff require in-depth knowledge of how to manage disclosures, a tiered approach may be chosen. However, at least a basic level of awareness should be raised among all staff. Actions may include:

Important:

Disclosure Training

- > **Action 13a in Sample Action Plan:** Implement Disclosure Training for key staff and student leaders. Similar to student workshops, participation in and effectiveness of this training will be monitored annually.
- > Devise a sector-wide identifier so that people who have received training are easily identifiable to students and staff who may wish to disclose.

Awareness-raising among all staff

- > **Action 13b:** On the introduction of any new sexual violence and harassment policies, offer information sessions for all staff, and supply straightforward "how-to" guidance on how to receive a disclosure.

- › Consider CPD options for staff to increase the understanding of sexual violence and harassment.

Desirable:

Training for all staff

- › Roll out large-scale Disclosure Training for all staff.

Investigator Training

- › Develop specialist guidance and training for staff who work with or respond to disclosures.

6.6.4 Measuring effectiveness

Framework outcome: HEIs will create and implement a system for measuring effectiveness of initiatives.

The effectiveness of all measures should be gauged by institutions to inform ongoing and future plans. Insofar as possible, impact measurement should be included for each initiative or sphere of activity. The overall target will be for continual improvement in awareness of available services, knowledge of how to make a disclosure, and perceptions of safety and supportiveness in the institution.

Some suggestions regarding what to measure, from whom pertinent information might be sourced, and how this data would be obtained are listed below.

What are we measuring?	Who	How?
Awareness of available services (internal & external)	Staff, students	EDI survey - staff & students
Knowledge of how to make a disclosure	Staff, students	EDI survey - staff & students
Knowledge of how to respond to a disclosure	Staff	EDI survey - staff only
Perceptions of HEI's safety & supportiveness	Staff, students	EDI survey - staff & students
Barriers to disclosure/formal reporting	Staff, students	EDI survey - staff & students
Incidents: Data from staff/student surveys	Staff, students	EDI survey - staff & students; HEA survey
Incidents: Data from anonymous reporting	Staff, students	Anonymous-reporting tool data
Incidents: Aggregated data on disclosures & formal reporting	Staff, students	Centralised register
Spread of training/education initiatives	Staff, students	Attendance monitoring - staff & students
Satisfaction with/effectiveness of training/education initiatives	Staff, students	Post-workshop survey - staff & students

Note: Insofar as possible, assess the baseline and set targets.

Figure 7: Options for measurement of effectiveness

Actions may include:

Important:

- › **Action 14a in Sample Action Plan:** Include a dedicated section on sexual violence and harassment in the EDI staff/student survey and monitor results.

- » Set the baseline in the first survey and target an increase in annual levels of awareness and monitor responses by gender and staff category (academic/ professional and support staff).
- » Common questions might be agreed among institutions to enable mutual learning and benchmarking.

Post-workshop surveys

- › **Action 14b:** As noted, include post-workshop surveys to monitor effectiveness and satisfaction levels in relation to all student and staff training and education initiatives (cross-reference actions 11a and 11b, on student workshops, & action 13a, staff training).

Desirable:

Exit interviews

- › Introduce/expand exit interviews to ascertain departing staff's views of institution's performance in this area. Exit-survey responses, including actions addressing issues raised, would be reported to senior management.

6.6.5 Services

Framework outcome: HEIs will provide accessible, trauma-informed services; for supporting student and staff disclosure, reporting and complaints, and for counselling and advocacy.

For students, the primary trauma-informed service is institutions' Counselling Service. Students may also be referred to specialist support agencies, when appropriate. Employee Assistance Programmes are the equivalent service for staff.

Actions might include:

Important:

Staff & Students

- › **Action 15a in Sample Action Plan:** A list of people who have received trauma-informed training should be posted on the institution's website. This list should be multidisciplinary, so that a person may decide where to go with a disclosure; they may wish to choose a person who is not from their own School/ Department/Unit.

Staff

- › **Action 15b:** Work with the institution's Human Resources team to monitor staff awareness of and satisfaction with the Employee Assistance Programme annually. This may be measured via the EDI or other staff survey.

Students

- › **Action 15c:** Conduct a survey of members of the institutional Counselling Service to:

- » Ascertain the proportion of counselling staff who have received training in supporting survivors of sexual assault and any specialist professional development needs that they feel they may have in effectively responding to these.
 - » Evaluate the satisfaction levels of counselling staff with existing institutional referral pathways to external specialist services.
 - » Assess overall capacity to respond to students' requests for counselling in a timely manner, evaluating such factors as the average length of time students are required to wait to see a counsellor.
 - » Seek aggregated/statistical information from local Rape Crisis Centres on students' attending their service.
- > This audit could be repeated (e.g. every two years) to track the institution's progress in resolving any issues raised.

The above-proposed action in relation to the Counselling Service is in line with the HEA's *National Student Mental Health and Suicide Prevention Framework* and international good practice (as recommended by the Australian Human Rights Commission).

6.7 Observations arising from this chapter

Some observations arising from this chapter are:

- > A meaningful Action Plan is 'SMART' – that is, one that is formulated using specific, measurable, achievable, relevant, and time-bound criteria. Actions should be spread realistically throughout the Action Plan's timeline. It is recommended that the review and/or introduction of new policies should be an immediate priority.
- > To achieve the goal of cultural change, a wide range of ambitious actions are required. Many actions relate the dissemination of clear information and raising of awareness among staff and students. The importance of such steps should not be underestimated.
- > Effectiveness of every initiative or sphere of activity should be gauged by institutions. Institutions must be prepared to adapt, as learning is ongoing.

Endnotes

53 Links are provided below:

Maynooth University webpage: <https://www.maynoothuniversity.ie/edi/edi-projects/consent-framework>

UCL page on Dignity Advisors: <https://www.ucl.ac.uk/equality-diversity-inclusion/dignity-ucl/dignity-advisors>

University of Manchester page on Harassment Support Advisors: <https://www.reportandsupport.manchester.ac.uk/support/harassment-support-advisors>

54 McGuire, P. (3 February 2020). 'Postgrad researchers are vulnerable to abuse, campaigners warn', *The Journal*, <https://www.thejournal.ie/postgrad-bullying-university-4990628-Feb2020/>

55 For example, see flowcharts published by the University of Exeter: <https://www.exeter.ac.uk/speakout/report/>

56 Donaldson A., McCarry M. & McGoldrick R. (2018). *Equally Safe in Higher Education Toolkit: Guidance and Checklist for Implementing a Strategic Approach to Gender-based Violence Prevention in Scottish Higher Education Institutions*, <https://www.strath.ac.uk/humanities/schoolsocialworksocialpolicy/equallysafeinhighereducation/eshetoolkit/>

57 For a sample institutional report, see <https://report-support.ucl.ac.uk/support/annual-reports-on-bullying-harassment-and-sexual-misconduct>

SECTION 7

**GOOD PRACTICE
FOR INSTITUTIONS'
EMERGING POLICIES
IN RELATION
TO SEXUAL
MISCONDUCT**

7. Good practice for institutions' emerging policies in relation to Sexual Misconduct (including Sexual Violence & Harassment)

7.1 Purpose of this chapter

While robust and compassionate policies and procedures are essential and are requirements of the national Framework, they must form part of a whole-of-institution commitment to addressing gender-based and other types of inequality, which is the context within which sexual harassment and violence take place.⁵⁸ This chapter offers general guidance to THEA member institutions to assist with the preparation and revision of institutional policies and procedures relating to sexual violence and harassment.

Essential elements for inclusion in such policies are outlined in the following sections. Some of the decisions to be made by institutions when formulating these policies and procedures are explored, with options and recommendations proposed.

A wide range of documents were consulted, including international guidelines and frameworks (from Australia, the UK, and the ESHTTE project), current and draft new policies in Irish institutions, and existing policies in institutions overseas that have been making advances in this area. IUA guidance has served as a particularly useful tool and should be read as a companion to this chapter; to avoid duplication, particularly relevant sections of the IUA guidance are cross-referenced in the document below.⁵⁹

This and the following chapter were informed by an extensive consultation process, involving Working and Steering Group members, THEA Registrars and HR Managers, as well as external stakeholders such as student and staff unions (including Fórsa, SIPTU, TUI, Unite, and the USI) and survivors' groups (including the National Women's Council and the Dublin Rape Crisis Centre). Outputs were also shaped by cross-sectoral discussion with the IUA and individuals from their member organisations (particularly Maynooth University, NUIG, UCC, and UCD). This work was greatly enhanced by means of a collaborative, inclusive approach.

When preparing or revising institutional policies and procedures, each institution will naturally wish to engage in a process of stakeholder consultation and to seek its own legal advice. Institutions may also have a standard policy or procedural template into which this guidance must be integrated. While it is hoped that the following guidance will assist institutions, a process of integration and adaptation will inevitably ensue.

7.2 A note on language

7.2.1 The policy title

In many institutions, expectations in relation to sexual violence and harassment are outlined within the Dignity and Respect policy or similar. Internationally, it has been recommended as best practice that a specific or standalone institutional policy should address sexual violence and harassment, given the complexity and sensitivity of these matters. Given the recent and imminent formation of technological universities, it may be timely for institutions to consider drafting a new standalone policy for this area.

Here, it is proposed that standalone policies should focus primarily on 'Sexual Misconduct', a term that should be shown to encompass sexual violence and

harassment, with a non-exhaustive list of examples provided. Such a title highlights the difference between internal disciplinary procedures and criminal proceedings, albeit without downplaying its magnitude; only the latter can find a person guilty of a criminal offence. While it is recommended that policies do not use criminal justice terms to label misconduct, it is necessary in training and education to cover the relevant laws.⁶⁰

If preparing a separate policy, institutions may wish to consider whether the policy and related procedures should be presented as separate documents; this may be helpful in making the information digestible. Likewise, a decision must be taken as to whether procedures relating to staff and to students should be contained in one, two or more documents. If separate, some overlap in contents is both inevitable and advisable to ensure consistency of approach insofar as possible. The current chapter focuses on policy guidance, with procedural information being provided in the next chapter.

7.2.2 Those affected by the policy and related procedures

In literature relating to sexual violence and harassment, various terms are used to describe the individuals involved. Those who have experienced sexual violence or harassment, in its myriad forms, are often termed ‘survivors’ (preferable to ‘victims’). Within legal or procedural contexts, the terms ‘complainant’ and ‘respondent’ or ‘accused’ are often seen.

In this document, the terms ‘**Reporting Party**’ and ‘**Responding Party**’ are chosen due to their neutral tone. Whichever wording is chosen by the institution, terminology should be used consistently throughout all related policy and procedural documents, aiming for all language to be as clear, understandable, and inclusive as possible. Gender non-specific language should be used.

7.3 Essential components for emerging policies

The following sections outline the key components of institutions’ emerging policies in this area. Recommended headings for inclusion in such policies are listed in **Appendix 5**. For transparency, all information regarding institutions’ policies and processes must be publicly available, clearly signposted, and easy to access online. Providing a plain-language version of all key documents is recommended.

7.3.1 Statement of commitment, purpose, and principles

The policy should open with a clear **statement of the institutional leader’s commitment to this area**, situating it within a broader, whole-of-institution dedication to the achievement of gender equality. This may be bolstered through reference to any relevant sections of the institution’s mission and Strategic Plan. The institution will undertake here to implement the national Framework, expanding its aims to encompass both students and staff.

The **purpose** and/or key **principles** of the policy will be outlined. For example, statements such as the following might be included:

- › The institution commits to provide a **safe, respectful, and supportive** work and study environment for all members of its community. It is the responsibility of the institution, together with all its staff and students, to ensure a working and learning environment where everyone is treated with **equality, dignity, and respect**.

- › Sexual violence and harassment are **unacceptable**, and the institution considers such behaviours to constitute Sexual Misconduct. When such behaviours are found to have occurred, they are deemed by the institution to amount to a breach of discipline and a failure to meet the required standard of conduct.

A list of behaviours should be included with indication of the range of sanctions that may be applied. (See the IUA Guidelines' Appendix for a list of examples of Sexual Misconduct.) It should be made clear that this list is non-exhaustive.

- › Sexual misconduct may be experienced by **any individual** regardless of sex, gender identity, gender expression, sexual orientation, relationship status, age, disability, faith, ethnicity, nationality, or economic status.
- › Noting the importance of the first response that a person receives when disclosing an alleged experience of sexual violence or harassment, the institution commits to providing **training** to student-facing staff and to student leaders. All staff will be enabled to acquire at least a basic understanding of how to refer a student or staff-member to the institution's designated contacts. The institution's designated contacts will be selected from a range of different departments and sections of the institution, ensuring that there are multiple available options in choosing to whom to disclose. These contacts will be easily identifiable and contactable. (The agreement of a sector-wide identifiable title and/or symbol would be beneficial in making designated contacts highly visible.)
- › The policy respects the **right of the individual disclosing** the experience to choose how to take forward the disclosure. The individual may decide to:
 - › Make a Formal Report following the institution's procedures;
 - › Notify An Garda Síochána;
 - › Report to both of the above;
 - › Seek counselling or attend a specialist support service;
 - › Attend a Sexual Assault Treatment Unit (SATU) while taking some time to consider the options.
- › When a person discloses, it is essential to allow them to take control in making decisions on what to do next.⁶¹ The person making the Disclosure should be advised of the important role that the Sexual Assault Treatment Unit (SATU) plays in enabling forensic evidence to be gathered while they are deciding how to proceed. The decision of the individual making a disclosure regarding whether to report to An Garda Síochána (if applicable) will be respected within the constraints of the law. (The institution is obliged to report any disclosures of child sexual abuse, assault, ill-treatment, or neglect of children to Tusla under the reporting responsibilities of the Children First Guidance and legislation and the institution's policy on Child Protection.) Likewise, if the individual decides not to make a Formal Report to the institution, an investigation will not ordinarily be pursued.
- › The policy will note that the Reporting Party will not be disciplined for consuming **alcohol or drugs** at the time of the alleged incident of Sexual Misconduct. Likewise, they will not be subject to disciplinary action if they have engaged in behaviour in violation of the social-distancing and public-health measures taken in response to the Covid-19 pandemic at the time of the alleged incident.⁶²
- › The policy's related procedures will set out how **Formal Reports** will be managed through all stages, including any investigations arising. The policy and procedures must be read in conjunction with one another.
- › The principle of **natural justice** or procedural fairness will apply to any investigation of sexual misconduct. Investigations will be undertaken in a **fair, reasonable, independent, and impartial** manner without presumptions being



**WHEN A PERSON DISCLOSES,
IT IS ESSENTIAL TO ALLOW THEM
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made about any party. Support and assistance will be provided to all parties affected by a formal-report process, as the institution has a duty of care to all members of its community. The safety and wellbeing of all parties will be of paramount importance to the institution.⁶³

- › Precautionary Measures and, ultimately, any resulting disciplinary actions will be **reasonable** and **proportionate** to the matter(s) being investigated.⁶⁴ (The decision-makers in this regard must be listed in the accompanying procedures.)
- › Insofar as possible, the principle of **parity** will be applied in relation to Reporting and Responding Parties: both parties will have equal access to procedural information, equal opportunity to put forward their case, equal access to support and representation, and an equal right to appeal the outcome.
- › Insofar as possible, the investigative process will be carried out within a **reasonable timeframe** once the Formal Report has been made.

The policy's interconnection with any other relevant policies, codes and procedures in the institution will be clearly noted. (As recommended further below, links to these related policies and procedures should be listed towards the end of the policy document.)

7.3.2 Roles and responsibilities

All those who have oversight or practical responsibility for implementation of the policy should be listed (by job-title), with their roles and responsibilities specified. For example:

- › Institutional leaders and senior staff who have **formal responsibility** for the policy and its practical implementation should be listed.
- › It should be noted if the institution has a **Sexual Misconduct Prevention and Response Manager**/or similar: that is, a person who has been nominated by the institution to hold an advisory role in addressing all allegations of Sexual Misconduct. Further guidance on the role of this Manager is included in **Appendix 6**.
- › It should be noted if there are any **trained, designated Dignity & Respect Contact Persons** to provide practical information on available options and supports. (The policy should link to an institutional webpage with their contact information.) These designated people should be from a range of genders and backgrounds, including Students' Union Officers. As well as being specially trained, these people should have a support framework and supervision, given the extremely challenging nature of such roles.
- › Other **key institutional contacts** should be listed such that a wide range of options are offered for receipt of Disclosures. These contacts will differ in accordance with the status of the Reporting or Responding Party (as student or as staff-member): this should be clarified. Contacts might include:
 - » **Support for staff:** trained Dignity & Respect Contact Persons; the Employee Assistance Programme; Head of School/Unit; Human Resources; EDI Manager; Trade-Union Representatives.
 - » **Support for students:** trained Dignity & Respect Contact Persons; Student Counsellors; Students' Union Welfare Officer; Student Services; Head of School; Programme Coordinator.

7.3.3 Definitions of all key concepts

The policy must include definitions of key concepts referenced and terminology used. The difference between a Disclosure and a Formal Report should be made clear, and the differing responses to each of these should be outlined. Reference should also be made to the use of Precautionary Measures to protect the interests of all parties.

Some proposed definitions are included here:

- › A **Disclosure** occurs when an individual shares informally with another person who is part of the institution community that they may have been subjected to sexual violence or harassment. When a person discloses, they should be given information about all options available to them, including how to make a Formal Report. It should be made clear that support services, both internal and external, are available to them whether or not they choose to make a Formal Report.
- › A **Formal Report** occurs when a person makes a formal statement about Sexual Misconduct to a staff-member in the institution who has the authority to initiate a formal investigation process (e.g. the Sexual Misconduct Prevention and Response Manager). The Formal Report will then be managed in accordance with the institution's policy and accompanying procedures.
- › The **Reporting Party** is the person who has allegedly been subject to Sexual Misconduct and has made a Formal Report.
- › The **Responding Party** is the person who has allegedly carried out the Sexual Misconduct and against whom a Formal Report of Sexual Misconduct has been made.
- › The **Sexual Misconduct Prevention and Response Manager** is the person who has been nominated by the institution to hold an advisory role in addressing all allegations of Sexual Misconduct. As indicated by the title, this role will entail both prevention and response actions. They will play a central and proactive role in fostering a safe, respectful, and supportive culture in the institution.

Where similar roles have been introduced by institutions, they have been given a variety of titles: for example, the Sexual Violence Framework Project Manager in UCC, the Preventing Sexual Misconduct Manager (later the Behaviour and Culture Change Manager) in UCL, and the Sexual Misconduct Prevention and Response Manager in Durham University. The latter title has been chosen here. In the UN Women *Guidance note*, the equivalent role is an EAW (Ending Violence Against Women) Coordinator.

- › **Consent** is the freely given verbal or non-verbal communication of a feeling of willingness to engage in sexual activity. 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.⁶⁵

As subsequently noted, there are additional statutory responsibilities where minors and vulnerable adults are concerned. The institution is obliged to report any disclosures of child sexual abuse, assault, ill-treatment, or neglect of children to Tusla under the reporting responsibilities of the Children First Guidance and legislation and the institution's policy on Child Protection.

- › For the purposes of this policy, **Sexual Misconduct** is defined as 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.⁶⁶ This definition of Sexual Misconduct includes sexual violence and harassment.
- › In accordance with the *Employment Equality Acts, 1998-2015*, **Sexual Harassment** is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, which has the *purpose or effect* of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures, or material.
- › **Precautionary Measures** are actions that may be taken by the institution at any stage with the aim of protecting all parties. Any such measures will be reasonable and proportionate and will have the minimum possible impact on the Responding Party, while also providing a safe environment for the Reporting Party. These measures are not disciplinary sanctions, and they do not indicate that the institution has made conclusions regarding any alleged breach of discipline, failure to meet the required standard of conduct, or criminal offence.

In the UK, the 1752 Group plans to publish a briefing note on Precautionary Measures for staff-student Sexual Misconduct; this may be useful for institutions in Ireland to consult. (The 1752 Group is a research, consultancy, and campaign organisation dedicated to ending staff sexual misconduct in higher education.)

7.3.4 Scope of the policy

The **scope** of the policy must be clearly defined. Some of the considerations in relation to scope are outlined below. In brief, these relate to:

- › The location of the alleged incident;
- › To whom the policy applies;
- › The timeframe of any allegations;
- › Whether allegations from reluctant Reporting Parties, anonymous reports, or third parties will be considered.

As regards location, the policy must extend to any alleged Sexual Misconduct that occurs **either on or off the institution's campus or premises**. It should not be limited to on-campus incidents only. Rather, it should encompass allegations relating to conduct that occurs **during institutional or related activities**, including field trips, conferences, official social functions, and sporting events (both in Ireland or overseas).⁶⁷ The policy will also apply to conduct in writing, by phone and online that is connected to any institutional activity. Where students or staff-members are accepting a placement, internship, or secondment in other organisations, they should be advised to make themselves aware of the relevant policies in these organisations.

Following the institution's stakeholder consultation and legal advice, the extent to which staff or students can be disciplined for behaviour that is seemingly

unconnected with the institution should be considered within the scope of the policy. Alleged incidents that occur in a private home or at an unofficial social gathering, as well as behaviour on social media or in electronic communications, will be particularly relevant here. There may be cases where the reported Sexual Misconduct is considered to be insufficiently connected to the institution to fall under its disciplinary jurisdiction. This possibility may be noted in the policy, as well as the need for each case to be assessed on its own merits in this regard. In making such assessments, it must be borne in mind that alleged behaviours that occur beyond institutional settings or outside their immediate activities could still be said to have an impact that is strongly and adversely felt by staff and students within the institution. Indeed, such behaviours may pose a health and safety risk for the institution, its staff and/or students, and/or directly or indirectly lead to subsequent incidents that are immediately related to institutional activities. Therefore, inaction may be inherently risky, and could create issues of liability for the institution. Also, members of the institution's community will be bound by the respective staff/student code of conduct not to bring the institution into disrepute, and sexual violence or harassment against a fellow student or staff member would be a clear breach of this.

It should be noted that the policy relates to all types of Sexual Misconduct allegation: staff-to-staff; student-to-student; staff-to-student; and student-to-staff. Further, the policy should apply to **all members** of the institution's community – not only its staff and students. Where contractors, vendors, visitors, external members of institutional clubs and societies, and others are included within the scope of the policy, as well as students and staff, this should be noted in the policy. It is recommended that the policy should encompass all who engage with the institution, including those who provide or avail of its services. Where the Responding Party is neither a student nor a staff member, action(s) to be taken will necessarily be determined on a case-by-case basis in accordance with the role/function of the individual in question. For example, the matter may be referred to the relevant third-party employer; Precautionary Measures may also be taken by the institution.

Any limits on the **timeframe** within which Formal Reports may be lodged should be noted. Some institutions stipulate that Formal Reports must be made within a specific period, while others do not impose a limit. In relation to reports of staff Sexual Misconduct, the 1752 Group recommends against applying time-limits, noting that it is in the interest of the institution to receive such complaints, even if delayed.⁶⁸ From a trauma-informed perspective, a delay in disclosing an incident is entirely normal.⁶⁹ Where no timeframe is specified, the policy should note that a delay in reporting may affect the institution's ability to investigate.⁷⁰

Institutions will need to consider whether there might be circumstances whereby a person does not wish to make a Formal Complaint – a **reluctant Reporting Party** – but where there could be sufficient concern for the institution's broader obligations to the safety and welfare of others as to justify a formal investigation being instigated. They will also need to determine how to respond to reports from **third parties**, such as an alleged witness or bystander; third-party reporting refers to reports by members of the institution's community, or by people connected to this community, about Sexual Misconduct they have witnessed or been told about. (Of course, it is essential to allow for third-party reporting of incidents involving children and vulnerable adults.) Likewise, consideration will need to be given as regards how to respond to **anonymous reports** of sexual violence or harassment; anonymous reporting refers to reports that are made without a named Reporting Party. When such reports arise, the institution should seek legal advice to assess the rights of, and the risks to, all parties on a case-by-case basis.

It is generally considered that a formal investigative process and disciplinary action cannot ensue from anonymous complaints.⁷¹ The 1752 Group differs in this viewpoint, though they note the challenges involved in testing complaints for credibility where these are anonymous or the Reporting Party wishes to have

their identity remain confidential.⁷² The IUA guidance suggests that, while it would be exceptional for an institution to pursue a formal investigation with a reluctant complainant, a third-party or anonymous report, provision should be made to allow for such on **a case-by-case basis** in the policy.⁷³ The national Institute of Technology Disciplinary Procedure allows for some limited use of anonymous complaints: ‘Anonymous complaints, of themselves, may not be used as the only evidence in a disciplinary procedure. Where an anonymous complaint(s) has been substantiated by further investigation, that complaint(s) may be introduced as supporting evidence in the disciplinary process’.⁷⁴ A mitigating factor could be if several detailed anonymous or third-party complaints were received; this might lead to an environmental investigation – an approach that has been championed by UCL.⁷⁵ The valuable role of anonymous complaints in identifying problematic behaviours so that institutions may seek to address these by implementing awareness-raising, training, or other actions may be noted in the policy.

Should the institution’s policy allow for **environmental investigations** to take place, this should also be defined. For example:

- › Where there are a number of reports concerning unacceptable behaviour, the institution may conduct an environmental investigation with staff and/or students within a department, school, or faculty. Such an investigation aims to understand the behaviours in more detail and to identify and to implement appropriate support and interventions. An environmental investigation will involve an agreed Terms of Reference with the department, school, or faculty and interviews and/or focus groups with students and/or staff to ascertain the key concerns and possible solutions. The introduction of environmental investigations is intended to ensure effective resolution of complaints and prevention of future unacceptable behaviours.

7.3.5 Incidents that may constitute a criminal offence

It should be noted that some instances of Sexual Misconduct may also constitute a **criminal offence**.⁷⁶ A person who discloses an allegation of this nature should be given clear guidance regarding the options open to them, including internal support and reporting options, attending the nearest HSE Sexual Assault Treatment Unit (SATU) and/or referral to the Gardaí and/or specialist support services such as a Rape Crisis Centre.

Where alleged incidents may also constitute a criminal offence, these may be investigated through criminal proceedings, internal disciplinary proceedings, or both. If the Reporting Party chooses to pursue both avenues, the institution will reserve the right to **suspend** its internal investigation until that of An Garda Síochána has concluded so as not to prejudice the criminal investigation. The decision regarding whether or not to pause an investigation will be determined by Garda and legal advice. Where it is possible to do so, the investigation will proceed. It should be noted in the policy that, if the institutional process is paused, the institution will take any necessary **Precautionary Measures** to protect all parties in the interim.

Only in exceptional circumstances, and with specific legal advice, will an institution report a disclosure to the Gardaí contrary to the wishes of the individual.⁷⁷

The policy must state that **the criminal process and institutional investigations** are fundamentally different. For example:

- › The **standard of proof** in an institutional investigation is lower. The institution typically seeks to determine whether a person has on the *balance of probabilities* breached the policy. For the criminal process, the standard of proof is *beyond a reasonable doubt*.

- › Only a court can find a person guilty of a criminal offence. Institutions' investigations of this kind are limited to making **findings** of a breach in policy or discipline, and the language used should reflect this.⁷⁸
- › The most serious **sanction** that can be applied as a result of an institutional investigation is permanent expulsion or termination of employment; for a criminal process, the most serious sanction that can be applied is imprisonment.

When the criminal process has concluded, the institution may refer the matter for consideration under its disciplinary procedures. Where the Responding Party has been convicted, this can be relied upon to establish a disciplinary offence without requiring internal investigation. Where the Responding Party is acquitted following a criminal investigation, the institution may still take disciplinary action if there is sufficient evidence that the behaviour constituted a breach of policy.

7.3.6 Note on confidentiality

A note on the importance of **confidentiality** when a Formal Report is made is essential. Both the Reporting and Responding Parties have a right to privacy and protection, and information should only be shared on a need-to-know basis. The requirement for confidentiality extends to all who are party to a Formal Report, including witnesses and to those managing the complaint. The policy should include a clear explanation of any limitations in this regard – for example:

- › In situations where there is a risk that the Responding Party may pose a threat to the physical or psychological safety of others;
- › Where the Reporting Party is a minor or vulnerable adult.

7.3.7 Links to all related documents

Related guidance, policies and procedures should be clearly mapped to simplify any cross-referencing. It is recommended that the following be referenced:

- › Procedures for managing allegations of Sexual Misconduct (staff and students)
- › Disciplinary procedures (staff and students)
- › Guidelines on receiving a disclosure (staff and student leaders).

Procedures for managing allegations of Sexual Misconduct will differ according to whether the Responding Party is a staff-member or a student. Such procedures may be captured in one or separate procedural documents.

The policy should acknowledge that situations may arise where the Reporting and/or the Responding Party is both a staff-member *and* a student: for example, a postgraduate student with a lecturing contract or paid teaching/tutoring/demonstrating hours. The policy should outline how such situations will be managed. Decisions in this regard should be made consistently, selecting the status that has most relevance to the complaint. It is advisable to consult with the party who has this dual status and to note the decision-maker in the accompanying procedures.

7.3.8 Record keeping and data-collection mechanisms

The policy should note whether the institution has a centralised **data-collection mechanism**. The recording of Formal Reports by institutions is essential; where possible, disclosures should also be recorded. All such data must be retained

in accordance with the GDPR. Data subjects must be allowed access to their information in accordance with the GDPR.

Subject to the institution's legal advice, the Disclosure should be recorded in a central register (with the permission of the individual disclosing). The purpose of this should be made clear to the person who is disclosing: to identify patterns of behaviour to determine the effectiveness of existing procedures, and to publish aggregated institutional data for monitoring purposes. This register might be integrated into institutional anonymous-reporting tools.

Where a Formal Report has been made, all actions and decisions taken and the outcome of the investigation should be recorded in the central register of complaints.

Regular internal analysis of trends (considering number of Disclosures, number of Formal Reports, number of investigations, category of investigation, and outcome category) should be carried out to identify systemic problems.

7.3.9 Review of policy

For **version control**, details should be provided such as the date of policy approval, whom it was approved by, revision information, etc. All policies should be regularly reviewed (at least every 4 years) through internal consultation and subsequent approval by the Governing Body. The date of review and approving body should be recorded in the policy.

7.4 Observations arising from this chapter

Some observations arising from this chapter are:

- > The information included in this chapter aims to assist THEA members in preparing or revising institutional policies and procedures relating to Sexual Misconduct. This work was informed by an extensive consultation process, involving Working and Steering Group members, THEA Registrars and HR Managers, as well as external stakeholders such as student and staff unions and survivors' groups. It illustrates that progress in this and similar areas is best achieved through a collaborative, inclusive approach.
- > A common or standard approach to preventing and responding to sexual violence and harassment is to be encouraged. Each institution will incorporate the policy and procedures into their own institutional context to ensure suitability and ownership.

Endnotes

- 58 Universities Australia (2018). *Guidelines*, p. 3
- 59 IUA (2020). *Guidelines for Universities*
- 60 Humphreys, C. and Towl, G. *Addressing Student Sexual Violence*, p. 95
- 61 Humphreys, C. and Towl, G. *Addressing Student Sexual Violence*, p. 118
- 62 Humphreys, C. and Towl, G. *Addressing Student Sexual Violence*, p. 71
- 63 This point is echoed by the IUA guidance (clause 3.11)
- 64 For further guidance on Precautionary Measures, see IUA (2020). *Guidelines for Universities*, section 4
- 65 DES (2019). *Safe, Respectful, Supportive and Positive*, p. 14
- 66 DES (2019). *Safe, Respectful, Supportive and Positive*, p. 14. Definitions of Rape, Aggravated Sexual Assault, and Sexual Assault under Irish Legislation are also included in the Framework
- 67 Cf. IUA (2020). *Guidelines for Universities*, clause 3.9-3.10
- 68 The 1752 Group and McAllister Olivarius (March 2020). *Sector Guidance to Address Staff Sexual Misconduct in UK Higher Education*, <https://1752group.com/sector-guidance/> (p. 12)
- 69 Humphreys, C. and Towl, G. *Addressing Student Sexual Violence*, p. 110
- 70 Universities Australia (2018). *Guidelines*, p. 14
- 71 ESHTe (2019). *"It Stops Now" Toolkit* (p. 32)
- 72 The 1752 Group and McAllister Olivarius (2020). *Sector Guidance*, p. 19
- 73 Cf. IUA (2020). *Guidelines for Universities*, clause 3.12
- 74 Institutes of Technology Disciplinary Procedure, clause 4.6
- 75 See <https://www.ucl.ac.uk/equality-diversity-inclusion/dignity-ucl/prevention-bullying-harassment-and-sexual-misconduct-policy#10.%20Environmental%20investigations> (section 10)
- 76 For further guidance in this regard, see IUA (2020). *Guidelines for Universities*, section 5
- 77 The IUA guidance proposes limited circumstances under which referral to the Gardaí might occur contrary to the complainant's wishes (clause 5.11), noting that such actions would need to be justified under the Data Protection Acts 1988 to 2018 and the GDPR
- 78 ESHTe (2019). *"It Stops Now" Toolkit*, p. 34

SECTION 8

**GOOD PRACTICE
PROCEDURES
FOR MANAGING
ALLEGATIONS
OF SEXUAL
MISCONDUCT**

8. Good-practice procedures for managing allegations of Sexual Misconduct (including allegations of Sexual Violence & Sexual Harassment) involving staff & students

8.1 Purpose of this chapter

Each higher education institution must commit to provide a **safe, respectful, and supportive** work and study environment for all members of its community. It is the responsibility of the institution, together with all its staff and students, to ensure a working and learning environment where everyone is treated with **equality, dignity, and respect**. Sexual violence and harassment are **unacceptable**, and such behaviours constitute Sexual Misconduct. The institution must communicate this message clearly so that staff and students understand this. Supports, including **training and awareness-raising campaigns** for all staff and students, must be in place.

Although institutions strive to cultivate a **safe, respectful, and supportive work and study environment** where everyone is treated with equality, dignity, and respect, it is inevitable that allegations of Sexual Misconduct will be received by the institution. When this arises, there must be a **robust institutional procedure for investigation** in place so that the institution may act reasonably and fairly for the benefit of all parties. While not mandating the adoption of standardised procedures for all THEA member institutions, this document sets out some **good-practice recommendations for managing allegations of Sexual Misconduct**. It is recommended as best practice that a specific or standalone institutional policy should address sexual violence and harassment; if updating an existing policy or procedures, it is suggested that these recommendations might be incorporated.

When preparing or revising institutional policies and procedures, it is recommended that each institution engage in a process of **internal and external stakeholder consultation**, seek its own **legal advice**, and incorporate the policy and procedures into the **institutional context** to ensure **ownership**. Consultation should include staff, students, staff and students' unions, and relevant partners (for example, the local Rape Crisis Centre or Sexual Assault Treatment Unit).⁷⁹ Institutions may also have a standard policy or procedural template into which this guidance must be integrated. While it is hoped that the following guidance will assist institutions, a process of integration and adaptation will inevitably ensue.

Institutional procedures should be clearly **mapped to relevant institutional policies** (particularly those on Sexual Misconduct, Dignity and Respect, or similar), which will include all relevant definitions. For transparency, information regarding institutions' policies and processes must be publicly available, clearly signposted, and easy to access online. Providing a plain-language version of all key documents is recommended. Further, such policies and procedures need to be **widely communicated to, and well understood by, the institution's staff and students** to ensure that they know about these important documents and take responsibility for adhering to them.

Guidance will need to be customised to suit the individual institution's structure and its staff's roles and responsibilities. Some general recommendations or guidelines are made: for example, that each institution will appoint a **Sexual Misconduct Prevention and Response Manager**, who will be the person nominated by an institution to receive and to manage allegations of Sexual Misconduct. (When technological universities are formed, a dedicated post is recommended for this purpose.) As indicated by the title, this role will entail both prevention and response actions. They will play a central and proactive role in fostering a safe, respectful, and supportive culture in the institution. While creating such a position may not be immediately possible, it will ultimately be invaluable in progressing work in this

area. It is recommended that a designated, full-time person is appointed; this would be reviewed and increased to a team depending on the caseload and other work that arises. The Sexual Misconduct Prevention and Response Manager will have specialised training in working with survivors of trauma and in handling disclosures and detailed knowledge of investigation processes.

If an institution does not have a Sexual Misconduct Prevention and Response Manager in place, a **Sexual Misconduct Prevention and Response Committee** may be an alternative approach. Members of this committee must receive training in working with survivors of trauma. Where this approach is taken, the institution should appoint an external investigator (instead of an investigation team) to avoid any inappropriate overlap of roles.

Also, it is assumed that each institution will have **Dignity & Respect Contact Persons** who have been trained to provide relevant advice and information, including in situations of disclosure and sensitive circumstances; these Contact Persons may also be members of the institutional implementation committee, for example. The role of Dignity & Respect Contact Persons may be outlined in the institution's Dignity and Respect (or similar) Policy. These will be staff-members who have a wide variety of other responsibilities and duties but have been designated and trained to respond to queries and to outline options in relation to sexual violence and harassment.

The institution's procedures will describe how a Formal Report will be managed and investigated. Options of appointing an **investigation team** or an **external investigator** are both included. Here, it is recommended that the investigation is carried out by an independent investigator, who is external to the institution, to ensure **impartiality and sufficient expertise**, though a team (which includes an external representative) may be the preferred method depending on the institution's individual circumstances. Whichever option is used, those involved must have relevant training and expertise and have sufficient time available to undertake the formal investigation in an efficient manner. **Precautionary Measures** may be taken by the institution at any stage with the aim of protecting all parties, and supports will be consistently available.

Allegations involving staff

The following guidelines are relevant to both students and staff, with differentiation being made between these where necessary. For staff, these guidelines must adhere to the national **Institutes of Technology Disciplinary Procedure** and be in line with any future amendment thereof.⁸⁰ The latter Disciplinary Procedure was developed and agreed following discussions between management representatives from Institutes of Technology Ireland (now THEA), Dublin Institute of Technology (now TU Dublin), and Trade Unions (SIPTU, IMPACT [now Fórsa], Unite, and TUI) representing employees in the sector. The Disciplinary Procedure was prepared taking account of the Labour Relations Commission's Code of Practice on Disciplinary Procedures and was formally agreed between the parties at national level on 21 November 2008.

Although disciplinary action normally follows the progressive stages outlined therein, the procedure may be implemented by the institution at any stage of the process if the alleged misconduct warrants such action.⁸¹ Examples of offences that constitute gross misconduct whereupon the progressive stages of the disciplinary procedure may not apply include:

- > Unlawful discrimination, sexual harassment, or harassment of a serious nature against an employee or customer, including students.
- > Physical violence.⁸²

This indicates that an investigation may rightly ensue when allegations of Sexual Misconduct (including Sexual Violence and Sexual Harassment) are made. Unlike other Dignity and Respect matters, informal resolutions (such as mediation) will not be suitable where Sexual Misconduct is alleged; the same principle applies where allegations involving students occur.⁸³

8.2 Seeking support

- › Where an individual is on campus and appears to be physically injured and/or distressed, the institution's emergency phone-numbers should be used. When this occurs out of hours or off-campus, Emergency Services should be contacted.

Details of emergency contacts should be highly visible throughout campus and on the institution's website.

List contact details for the institution's emergency contacts and the hours during which they are available – e.g. the Estates Department, Campus Security, Health Service, Dignity & Respect Contact Persons, etc.

For all other incidents, details of Emergency Services should be provided (phone 112 or 999).

- › In many cases, an individual may seek support some time after an incident has occurred. Institutional support services are in place for both students and staff who feel that they have been subjected to sexual violence or harassment. These support services will help them to understand what has happened and to explore all options available to them.
- › Among these support services are trained Dignity & Respect Contact Persons. They are available to provide confidential support and information that may be helpful to both Reporting and Responding Parties.
- › When a disclosure of sexual violence or harassment is received by a member of the institution's staff or student leadership, it is important that they listen and provide a safe space for the individual to speak about what has happened. If the individual is comfortable and agrees to it, then a Disclosure Form may be completed and submitted to the Sexual Misconduct Prevention and Response Manager with the permission of the individual disclosing. If the individual is too traumatised to do so at this point, they may be made aware of any anonymous-reporting tools available to disclose their experience if/when they are comfortable doing so. (Receiving disclosures helps institutions to understand what is occurring and aids prevention efforts. The information will be used for trend-monitoring purposes to inform prevention and response initiatives only.) They should also be informed that they can make a Formal Report at a later date, should they wish to do so.

The institution's Disclosure Form might request such information as the Reporting and Responding Parties' genders, statuses (student or staff), the parties' relationship (for example, as lecturer/student, partner, ex-partner, peers, or strangers), and a short, factual summary of the incident. A copy of the form should be shared with the Reporting Party.

- › Expert external services are also available to support those who have experienced sexual violence. Students and staff should be supported and facilitated by the institution in accessing these.
- › An initial approach to the Sexual Misconduct Prevention and Response Manager may be made informally. The individual will be given practical information on how to avail of relevant counselling supports, both institutional and external. They will also be given information about all available reporting options, which include:

- » Make a Formal Report following the institution's procedures;
 - » Notify An Garda Síochána;
 - » Report to both of the above;
 - » Seek counselling or attend a specialist support service;
 - » Attend a Sexual Assault Treatment Unit (SATU) while taking some time to consider the options.
- > The decision of the individual making a disclosure regarding whether to report to An Garda Síochána (if applicable) will be respected within the constraints of the law. Likewise, if the individual decides not to make a Formal Report to the institution, an investigation will not ordinarily be pursued.
- » The institution is obliged to report any disclosures of child sexual abuse, assault, ill-treatment, or neglect of children to Tusla under the reporting responsibilities of the Children First Guidance and legislation and the institution's policy on Child Protection.

List the internal support services available and provide contact details, noting that these will differ according to whether the person affected is a student or a staff-member. Internal support services might typically include:

- > **Support for staff:** trained Dignity & Respect Contact Persons; the Employee Assistance Programme; Head of School/Unit; Human Resources; EDI Manager; Trade-Union Representatives.
- > **Support for students:** trained Dignity & Respect Contact Persons; Student Counsellors; Students' Union Welfare Officer; Student Services; Head of School; Programme Coordinator.

List external-support contact details – particularly the local Rape Crisis Centre. Where an individual wishes to take some time before deciding on a course of action, the option of attending a Sexual Assault Treatment Unit (SATU) should be noted for preservation of evidence in the meantime.

8.3 Making a Formal Report

- > The procedures should include or clearly cross-reference any important definitions. For example, a Formal Report occurs when a person makes a formal statement about Sexual Misconduct to a staff-member in the institution who has the authority to initiate a formal investigation process (e.g. the Sexual Misconduct Prevention and Response Manager). The Formal Report will then be managed in accordance with the institution's policy and accompanying procedures.
- > If an individual decides to make a Formal Report, this should take place as soon as they are ready to do so.
- > To lodge a Formal Report, normally the Reporting Party must make a formal written submission to the Sexual Misconduct Prevention and Response Manager or their alternate (in the case of the allegations raising a conflict of interest with respect to the Sexual Misconduct Prevention and Response Manager). A specific form will be made available for this purpose.
 - » To facilitate students or staff with a disability, additional means of making a Formal Report should be available, including doing so in person with a scribe.
- > The Reporting Party will be expected to indicate whether a report has been or will be made to An Garda Síochána. Where this has occurred, the institutional

process may be paused after preliminary review while the Garda investigation takes place. The decision regarding whether or not to pause an investigation will be determined by Garda and legal advice.

- › Where it is possible to do so, the investigation will proceed. If the institutional process is necessarily paused, the preliminary-review panel is highly likely to implement Precautionary Measures in the meantime.
 - » Ultimately, if the Responding Party is convicted, this can be relied upon to establish a disciplinary offence without requiring internal investigation.
 - » If the Responding Party is acquitted following a criminal investigation, the institution may still take disciplinary action if there is sufficient evidence that the behaviour constituted a breach of policy.
- › The Sexual Misconduct Prevention and Response Manager has specialised training in working with survivors of trauma and in handling disclosures and has detailed knowledge of investigation processes. They will hold an advisory role throughout, seeking to ensure that a fair and impartial process is followed. (Separately, the Reporting Party and the Responding Party will each be offered appropriate supports.)
- › The Sexual Misconduct Prevention and Response Manager will acknowledge receipt of the Formal Report within a defined period of submitting the allegation (e.g. 5 working days), outlining the process and timeline for the preliminary review.

8.4 Preliminary Review

- › The preliminary review will be administered by the Sexual Misconduct Prevention and Response Manager.
 - » The preliminary review will normally check whether the allegations (if later proven on the balance of probabilities) may be considered Sexual Misconduct. Allegations that, upon examination at this stage, do not align with the definition as outlined in the relevant policy may be addressed under another applicable institutional policy or procedure.
 - » Whether the allegations may reliably be considered to be mistaken, in which case they should be dismissed at this stage of the procedure. It is noted that those who make allegations in good faith should not be penalised and will be offered additional support.
- › All individuals on the preliminary-review panel will have received training in trauma-informed approaches to sexual violence and harassment.
 - » Where the Responding Party is a **student**, the preliminary review will be conducted by a panel comprising senior representatives from the Registrar's Office (specifically, Student Services), the institution's legal advisor, a senior representative from the EDI Office, the Sexual Misconduct Prevention and Response Manager, and a representative from an external specialist service/agency (e.g. Rape Crisis Centre).
 - » Where the Responding Party is a **staff-member**, the preliminary review will be conducted by a panel comprising a senior Human Resources representative, the institution's legal advisor, a senior representative from the EDI Office, the Sexual Misconduct Prevention and Response Manager, and a representative from an external specialist service/agency (e.g. Rape Crisis Centre).

- » Alternatively, the institution may wish to form a preliminary-review committee composed of some combination of the above staff (including representatives of both the Registrar's Office and Human Resources) to assess all Formal Reports.
 - » With the exception of the Sexual Misconduct Prevention and Response Manager, who maintains an advisory role throughout the process, involvement in the preliminary-review process precludes individuals from involvement in the investigation.
- > The review will be based on the written submission of the Reporting Party only.
 - > The decision whether or not the institution can investigate will be made at the preliminary review stage. If the preliminary review concludes that the allegations (if later proven on the balance of probabilities) may constitute Sexual Misconduct and cannot reliably be deemed to be mistaken, the institution should initiate a formal investigation under the relevant procedure. If the preliminary-review panel is unable to reach agreement in this regard, a formal investigation will ensue.
 - > The Responding Party will then be notified and sent the Formal Report – that is, the written submission of the Reporting Party – and all relevant policies and procedures within a defined period (e.g. within 5 working days of the preliminary review).
 - > The preliminary-review panel may make a recommendation of Precautionary Measures to be taken. Some examples of Precautionary Measures are as follows:
 - » Requiring the Responding Party, the Reporting Party, and/or certain witnesses not to contact one another.
 - » The Responding Party may be instructed not to attend certain events or from visiting certain parts of campus.
 - » In the case of alleged Sexual Misconduct by a student, making alternative tuition arrangements or suspending the student.
 - » In the case of alleged Sexual Misconduct by a staff-member, placing the employee on administrative leave with full pay pending the outcome of an investigation.⁸⁴
 - > If a lesser Precautionary Measure is available to mitigate risk, this should be used first. All Precautionary Measures should be reviewed regularly.
 - > The Responding Party and the Reporting Party (and, if relevant, any witnesses) will be informed of any Precautionary Measures taken. If there are any changes to these measures throughout the process, both parties will be informed.
 - > There is also a need to ensure that the Reporting Party is given reasons/information/updates at every stage of the process.
 - > All matters relating to the preliminary review are strictly confidential.

Two alternative pathways for investigation – appointing an Investigator or an investigation team – are listed below. The institution's customised procedures should indicate which of these options will be used. Alternatively, the institution may wish to include both options, selecting the one that is best suited to the allegation in question.



WHEN ALLEGATIONS OF
SEXUAL MISCONDUCT ARE
RECEIVED BY AN INSTITUTION,

THERE MUST BE A ROBUST
INSTITUTIONAL
PROCEDURE FOR
INVESTIGATION IN PLACE

8.5 Investigator

- › An investigator will be appointed to conduct the formal investigation.⁸⁵
 - › Where applicable, the Reporting and Responding Parties' staff and/or students' unions will be consulted in relation to the investigator to be appointed and Terms of Reference. Exceptions to this will be where an individual is not a member of a union or where an individual indicates a preference not to have union involvement.
- › **The investigator will be independent and trained in trauma-informed approaches to sexual violence and harassment.** All investigation meetings will be conducted sensitively, showing due respect for the rights of all concerned.
 - › Institutions should use their discretion in deciding whether to appoint two investigators – one male, one female – for the purpose of gender balance, which can be helpful in cases of trauma.
- › The process of the investigation should be clearly outlined to all parties in writing:
 - › The principle of natural justice (procedural fairness) will at all times be respected in relation to both the Reporting and the Responding Parties, without presumptions being made about either party.
 - › The investigator will prepare clear Terms of Reference for the investigation.
 - › At the start of the investigation, the investigator will meet the Reporting Party to ascertain what is hoped to be achieved, to define the precise issues to be investigated, and to explain the range of possible outcomes.
 - › The investigator will meet the Responding Party and any other witnesses as appropriate.
 - › The investigator will interview all parties separately. Where clarification is subsequently required, an additional interview will be scheduled by the investigator with the relevant party.
 - › Both the Reporting and Responding Parties may suggest relevant witnesses. However, it is the investigator's responsibility to select the most suitable witnesses, choosing those who are likely to have information that will aid the investigator's fact-finding, and to interview these witnesses separately. Character witnesses will not be used, as the characters of the Reporting and Responding Parties are not in question.⁸⁶
 - › An investigation report will be prepared by the investigator.
 - › The investigation report's findings should be shared with both the Reporting and the Responding Party to ensure accuracy. The Reporting and the Responding Party will be given opportunity to respond to these prior to finalisation.
- › The investigator should report findings to the Sexual Misconduct Prevention and Response Manager within a defined period (e.g. within max. 60 working days of being appointed to conduct the investigation).⁸⁷

8.6 Investigation Team

- › An investigation team may be convened to conduct the formal investigation.
- › The investigation team may be comprised of senior persons internal and external to the organisation and should include all necessary expertise pertinent to the allegation being examined.

- › Care should be taken to ensure that no conflict of interest exists among the team members with respect to the Responding Party or Reporting Party. The investigation team should not include representatives from the academic or other unit of the Responding Party or Reporting Party, for example. There should be no overlap between the investigation team and those involved in the preliminary review, disciplinary panel, and any subsequent appeals process. The individual who received the first disclosure should not be included in the preliminary review, disciplinary panel, and any subsequent appeals process to avoid conflict of interest.
- › The investigation team should report findings to the Sexual Misconduct Prevention and Response Manager.⁸⁸
- › The investigation team should have access to legal advice, if required.

8.7 Formal Investigation

- › The Sexual Misconduct Prevention and Response Manager administers the formal-investigation process.
- › The purpose of the investigation is to gather relevant and available evidence, and to provide each party with a full and fair opportunity to explain their version of events. All investigation meetings will be conducted sensitively, showing due respect for the rights of all concerned.
- › On completion of the investigation, a written report will be submitted so that a decision can be taken as to whether disciplinary action might be warranted in respect of the allegations. If so warranted, a disciplinary meeting will be convened at the appropriate stage of the disciplinary process.
- › As noted above, the principle of natural justice (procedural fairness) will at all times be respected in relation to both the Reporting and the Responding Parties, without presumptions being made about either party.
- › The number of interviews with all parties, including witnesses, should be minimised to lessen the impact on those involved, while also seeking the most complete evidence available.⁸⁹
- › The institution should take all reasonable steps to conclude the investigation procedure within a reasonable timeframe.
- › Any disciplinary action following an investigation will be taken under the institution's disciplinary process.

8.8 Reporting Party

- › When allegations are first made, the Reporting Party should be advised of the available internal and external supports to ensure awareness of these.
- › The Reporting Party should receive a written response from the Sexual Misconduct Prevention and Response Manager within a defined period of submitting the allegations.
- › The Reporting Party and the Responding Party will each be offered appropriate supports. This support will be separate: the same person will not provide support to both parties.
- › It should be noted in the procedures that, to avoid re-traumatisation, the number of times that the Reporting Party is required to recount their experience will be minimised.
- › The Reporting Party should be permitted accompaniment to any interviews that occur during the investigation.

- › A clear timeline will be given to the Reporting Party at the start of the formal process.
- › The Reporting Party should be given the right to reply to any reports/statements arising from the investigation, on matters of fact only, before they are finalised.

The institution will wish to decide what accompaniment is permissible, with parity of treatment being shown to both the Reporting and Responding Parties (regardless of whether these are staff or students). The role of the accompanying person should be made clear (i.e. to provide support to the person being accompanied), such that accompaniment by a legal advisor is not ordinarily allowed.

Typically, **students** are permitted to be accompanied by a member of staff, a fellow student, or a member of the Student's Union. Under the Institute of Technology Disciplinary Procedure, **staff** are permitted to be accompanied by a colleague or a Trade-Union Representative.

To ensure that a **trauma-informed approach** is taken, institutions may wish to allow an external support-person to accompany the Reporting and Responding Parties. This might be a friend or family-member or an external support-service staff-member.

8.9 Responding Party

- › When a formal investigation is initiated, the organisation should inform the Responding Party in confidence that allegations of Sexual Misconduct have been received which involve them. The Responding Party will be advised, in writing, of the precise nature of the matters concerned and will be given copies of any relevant documentation in advance of any meetings taking place.⁹⁰ This detail will include the source and text of the Formal Report as received.
- › The Responding Party should be advised of the available internal and external supports to ensure awareness of these. The Reporting Party and the Responding Party will each be offered appropriate supports. This support will be separate: the same member of staff will not provide support to both parties.
- › The Responding Party will be permitted accompaniment to any interviews that occur during the investigation.
- › The Responding Party will be given the opportunity, including reasonable time, to consider and to respond fully to any allegations.⁹¹
- › The Responding Party will be entitled to examine all evidence available and to propose any witnesses or other persons as they deem appropriate in their support. The Responding Party may challenge any evidence that may be relied upon when making a finding.⁹²
- › A clear timeline will be given to the Responding Party at the start of the formal process.
- › The Responding Party should be given the right to reply to any reports/statements arising from the investigation, on matters of fact only, before they are finalised.
- › The Responding Party will be informed that a disciplinary panel will be convened to examine the final investigation report.

8.10 Disciplinary Meeting

- › If the outcome of the investigation is that disciplinary action may be warranted in respect of the alleged Sexual Misconduct, a disciplinary meeting will be convened.⁹³
- › Where allegations of Sexual Misconduct are concerned, it is generally inadvisable to have the Reporting and Responding Parties attend the same meeting. To preserve procedural fairness, alternative options should be explored: for example, separate hearings and recordings of statements. The Reporting Party may be invited to communicate impact on them and any outcomes that would help their recovery.
- › The Responding Party will be afforded opportunity and adequate time to respond and to state their case fully and to challenge any evidence that is being relied upon for a decision.⁹⁴
- › Mitigating, aggravating, and compounding factors will be considered in disciplinary decision-making.
 - » For example, mitigating factors would be a request for leniency by the Reporting Party or the expression of genuine remorse by the Responding Party. An aggravating factor might be if the Responding Party refused to cease a particular behaviour, despite being previously asked to do so. A compounding factor could be if this is not the first time that the Responding Party has been disciplined for similar behaviour.⁹⁵
- › The institution's procedures should link to its Student and Staff Disciplinary Codes for further information on the standard institutional disciplinary process. Any ensuing sanctions must be carefully chosen.⁹⁶

8.11 Institutional Management Team

- › The organisation's senior management personnel should, as necessary and appropriate, be kept informed at various points in the process, albeit without the identities of Reporting or Responding Parties being revealed. Typically, these points would include:
 - » Upon receipt of the initial written allegations.
 - » After the preliminary review has been completed.
 - » After any formal investigation has been completed.
 - » After any disciplinary meeting.
- › In general, it will be the responsibility of the Sexual Misconduct Prevention and Response Manager to update senior management.

8.12 Confidentiality

- › All matters relating to the investigation and any ensuing disciplinary procedure are strictly confidential to the parties and their representatives involved and breach of this confidentiality may result in disciplinary action.⁹⁷
- › The institution will take all reasonable steps to ensure that the entire process is carried out with appropriate confidentiality.

8.13 Outcome

- › The Reporting and the Responding Parties should be informed of the outcome of the process in writing. This communication should acknowledge the impact of the process on all parties with a reminder regarding internal and external support services available.
- › Insofar as possible, and subject to the institution's legal advice, findings in the investigator's report should be shared with the Reporting Party.
- › It may also be legal and appropriate in some instances for the Reporting Party to be made aware of any sanctions arising from the disciplinary process.
 - » The 1752 group and others who advocate in favour of a trauma-informed approach are in favour of the Reporting Party's right to receive information on any disciplinary sanctions imposed. While this may not be currently possible, institutions should consider this on an ongoing basis in light of legal advice.⁹⁸
- › If the Reporting Party cannot be made aware of any sanctions arising from the disciplinary process, due to this being confidential to the individual involved, they should be assured that appropriate actions will be taken, including those to protect the Reporting Party to ensure that a similar situation does not arise in future.

8.14 Making an Appeal

- › A Responding Party on whom a disciplinary sanction (including warnings) has been imposed at any stage of the procedure has the right of appeal.
- › While current sectoral and institutional disciplinary procedures do not typically envisage circumstances where the Reporting Party might submit an appeal, it is recommended that this would be considered in future iterations of such procedures.⁹⁹
- › The institution's procedures should link to its Student and Staff Disciplinary Codes for further information on how to make an appeal. As noted previously, there should be no overlap between the investigation team and those involved in the preliminary review, disciplinary panel, and any appeals process.

8.15 Observations arising from this chapter

Some observations arising from this chapter are:

- › While good-practice procedures are recommended in this chapter, it is worth noting that this is an area in which learning is ongoing. Akin to institutional policies and procedures, general or national guidance must also be revisited regularly in light of new knowledge.
- › Ultimately, the constants in this area are that investigations and related processes must be independent, trauma-informed, and fair to all parties. These features must be enhanced through evolving good practice.

Endnotes

- 79 Humphreys, C. and Towl, G. *Addressing Student Sexual Violence*, p. 70
- 80 The Disciplinary Procedure is published on THEA member institutions' websites. For example, see [https://lit.ie/admin/LIT/media/LIT/Quality/Quality%20Handbook%202019_2020/Volume%20\(7\)%20QA%20of%20Staff/\(4\)-Institutes-of-Technology-Disciplinary-Procedure-\(GB-7-2-09\).pdf](https://lit.ie/admin/LIT/media/LIT/Quality/Quality%20Handbook%202019_2020/Volume%20(7)%20QA%20of%20Staff/(4)-Institutes-of-Technology-Disciplinary-Procedure-(GB-7-2-09).pdf)
- 81 Institutes of Technology Disciplinary Procedure, clause 3.1
- 82 Institutes of Technology Disciplinary Procedure, clause 11.5
- 83 UN Women (December 2018). Guidance note, p. 21
- 84 Institutes of Technology Disciplinary Procedure, clause 4.15
- 85 'The Investigator(s) will be (a) senior manager(s) not previously involved in the case or in some instances a suitable third party.' Institutes of Technology Disciplinary Procedure, clause 12.1
- 86 Humphreys, C. and Towl, G. *Addressing Student Sexual Violence*, p. 153
- 87 In line with the Institutes of Technology Disciplinary Procedure (clause 12.3), on completion of the investigation, the written report of the investigator's findings will be shared with senior management.
- 88 In line with the Institutes of Technology Disciplinary Procedure (clause 12.3), on completion of the investigation, the written report of the investigation team's findings will be shared with senior management.
- 89 This is generally recommended as good practice. The 1752 Group and McAllister Olivarius (2020). *Sector Guidance*, p. 17
- 90 Institutes of Technology Disciplinary Procedure, clause 4.5. "Any relevant documentation" means documentation which would have been made available following a request under the Freedom of Information Act
- 91 Institutes of Technology Disciplinary Procedure, clause 4.8
- 92 Institutes of Technology Disciplinary Procedure, clause 4.9
- 93 Institutes of Technology Disciplinary Procedure, clause 12.3
- 94 This is in line with Institutes of Technology Disciplinary Procedure, clauses 7.4, 8.4, 9.5, 10.5
- 95 Humphreys, C. and Towl, G. *Addressing Student Sexual Violence*, p. 178
- 96 Humphreys, C. and Towl, G. *Addressing Student Sexual Violence*, p. 176
- 97 This is in line with Institutes of Technology Disciplinary Procedure, clause 4.19
- 98 The 1752 Group and McAllister Olivarius (2020). *Sector Guidance*, p. 8
- 99 Institutes of Technology Disciplinary Procedure, clause 13.1

SECTION 9
CONCLUSIONS AND
RECOMMENDATIONS

9. Conclusions and Recommendations

Steps being taken by leaders of higher education in Ireland are part of an all-of-society response to sexual violence and harassment. As noted by the Minister for Further and Higher Education, Research, Innovation and Science, Simon Harris T.D., higher education can play an influential and impactful role in this area.

At the time of writing, institutions are finalising their Action Plans against which progress in addressing sexual violence and harassment will be measured in the coming years. Though the individual actions are of the utmost importance, the national Framework's overarching aim is even more ambitious – cultural change. To fully achieve this, work in higher education institutions must be accompanied by wider commitments in education and beyond, as outlined in the O'Malley Review and subsequent Implementation Plan. All sectors must be united in adopting a trauma-informed approach to work in this area.

It is important to acknowledge that our understanding of the problems of sexual violence and harassment in higher education is still developing, and the best means of preventing and responding to these issues are consequently also in evolution. Rather than the end, this report is just the beginning. Ten conclusions are outlined below, with recommendations for future work arising from each. It is hoped that these remarks will be of assistance in ensuring that institutions become safe, respectful, and supportive, as set out by the national Framework. These conclusions and recommendations relate to three main areas:

1. Structures and resourcing
2. Linkages and communication
3. Ongoing development and learning

Structures & Resourcing

Conclusion 1: Institutions are collaborators – not competitors.

This THEA project has been characterised by close collaboration with the technological higher education sector, particularly via the project's Steering and Working Groups. To date, every institution has demonstrated good practice from which others might learn. Even small institutions with limited resources have demonstrated excellent practice. As fora for mutual learning, knowledge exchange and development of new initiatives, the project's Steering and Working Groups have been immensely valuable. By working together and with the leadership of a centralised human resource, major tasks were broken down into steps and made achievable. This is a model to follow when introducing any significant new initiative in the sector.

It is important to recognise that, in this area (and probably also in many others), institutions are not competing with one another. Work in combating sexual violence and harassment is for the benefit of higher education in Ireland, and for society more generally. To ensure this learning is disseminated across the sector it is critical that institutions continue to engage in an open dialogue on 'what works' and the areas for improvement; the value of sharing and openly discussing good practice has been highlighted internationally.¹⁰⁰

Recommendation 1: Grow collaborative links with the higher education sector, at home and abroad.

- › Sectoral collaboration should continue to be fostered: institutions will make strides by learning from one other. A sectoral Practitioners' Working Group, such as those in the THEA project, should continue. This should complement, rather than duplicate, the work of other groups such as the National Advisory Committee. By working collaboratively with the National Women's Council, the sectoral Practitioners' Working Group could then feed sectoral perspectives into the wider practitioners' network of the National Advisory Committee. The sharing of practical information will be helpful as institutions move *en masse* to introduce new policies and procedures. Events and awareness-raising campaigns might be organised collaboratively, avoiding duplication of effort.
- › As work in this area develops and staff take on formal roles in responding to disclosures, it will be advisable to develop a peer-support network across institutions. Developing such a peer-support network will be particularly valuable for those whose roles will entail receiving disclosures, recognising the emotionally distressing and/or 'triggering' nature of such work. Those who receive disclosures will require both emotional and professional support.
- › Once national links are established, developing international collaboration will be advantageous. National and international links may be best coordinated through a centralised national or sectoral human resource, who would work closely with, and would channel relevant information to, the HEA. Strengthening links with organisations such as the 1752 Group would be beneficial. This might lead to the development of an international conference to discuss related challenges that institutions are facing and good practice for responding to these. In June 2020, UCL hosted the 'Calling Time on Sexual Misconduct' international conference, which is thought to have been the first of its kind.¹⁰¹ To mark three years since the publication of the Framework, Ireland might host an international conference in April 2022.

Conclusion 2: Adequate resourcing is essential, both within institutions and supporting the sector.

Adequate and ongoing resourcing is key to making substantial progress in this area. Similar points have been raised in the UK, where it has been noted that 'inadequate resourcing and funding more widely remain a critical challenge for the sector to sustain and drive forward further improvements, and to move to a position where this activity is considered "core" business'.¹⁰² Though the Framework is both welcome and necessary, it entails significant additional work for institutions. Much work is already underway within institutions, but there is a limit to the progress that may be expected without being allocated additional funding for human resourcing. This additional resourcing should be implemented at both the sectoral/national and institutional levels; furthermore, the Employment Control Framework (or its successor) would need to allow for the appointment of additional staff. Relevant supporting services, such as Student Counselling, also require adequate resourcing.

It has been noted that, in many institutions internationally, the recording and subsequent handling of bullying and harassment reports is distributed across different offices; this can lead to patterns of poor behaviour being missed. Institutions should ensure good communication across all offices, or, preferably, a single common route to reporting to enable any patterns of behaviour to be identified and addressed.¹⁰³ Key to the success of any policy in this area is 'to appoint an individual responsible for the coordination of its implementation and providing strategic guidance'; such person should be granted a senior level of authority on this issue and should frequently liaise with senior management in the institution.¹⁰⁴

Recommendation 2: Seek additional, recurring exchequer funding.

- › Within institutions, appointing a full-time Sexual Misconduct Prevention and Response Manager to lead such work is recommended. The Sexual Misconduct Prevention and Response Manager is the person nominated by the institution to hold an advisory role in addressing all allegations of Sexual Misconduct. As indicated by the title, this role will entail both prevention and response actions. They will play a central and proactive role in fostering a safe, respectful, and supportive culture in the institution. (A role specification for this individual is included as **Appendix 6**, and further information is provided in chapters 7 and 8.)
- › The network of institutional Sexual Misconduct Prevention and Response Managers should be actively supported and assisted by a full-time national/sectoral representative, who will develop close ties with institutions; this person could be based in THEA or in the IUA and would work closely with the HEA and with relevant government departments.
- › As noted in this report, independent external investigators may be best placed to conduct investigations into alleged Sexual Misconduct. Managed by the sectoral representative recommended above, an all-sector panel of trained investigators should be developed. Key stakeholders and experts, such as staff unions and Rape Crisis Centres, may be consulted in approving individuals for inclusion on such panels and the provision of training to them. Institutions may be advised to share feedback on the skills or failings of independent investigators, since it is of the utmost importance that investigations are fair and trauma informed.

Conclusion 3: A common approach aids progress.

As has been noted in this report, each institution has a unique mission, context, and community. Therefore, no two institutions' Action Plans will be identical. Ideally, every institution should have a standalone policy to respond to Sexual Misconduct. These policies may not be identical; however, broad similarities will be advantageous insofar as possible, as students and staff will often engage with, or move between, more than one institution in the sector. In the gathering and presentation of data, standardisation, where possible, will be beneficial for benchmarking. While allowing for institutional differences, it is important to ensure that a common standard is met; this will also have practical benefits, avoiding duplication of effort.

Recommendation 3: Introduce standard approaches, insofar as possible.

- › Resources permitting, a wide range of standard templates and guidance should be developed to assist institutions: for example, a Disclosure Form, Formal Report Form, and guidance for Investigation Reports. These might all be developed centrally (in collaboration with the Practitioners' Working Group) and shared via a sectoral or national website.
- › Common questions could be developed for institutions' staff and student polls and surveys. For external communications, a template report structure could be developed in collaboration with the HEA.
- › A sector-wide identifier or visual 'clue' should be developed to indicate that they are trained and willing to receive disclosures. This identifier might consist of a branded logo that is placed on a sticker, badge, email signature, or staff online profile.¹⁰⁵
- › Within each institution, it is recommended that a specific, standalone policy will address sexual violence and harassment, given the complexity of these matters.

Common approaches of communicating the policy might be developed, as it is not enough to send a mass email informing the institution's community that the policy is in place.

- › Common language and definitions for Sexual Misconduct policies should be agreed. The previous chapter on the policy framework for institutions might be developed into a checklist for developing new policies. Standardisation of the categories of misconduct offences and appropriate sanctions being used across the sector would be advisable.¹⁰⁶

Conclusion 4: Effective training is needed for everyone – including staff.

As this report and others have stated, sexual violence and harassment are unacceptable, and such behaviours constitute Sexual Misconduct. Institutions must communicate this message clearly so that staff and students understand this. The extension and embedding of training, leaving no-one behind, must be prioritised. Students have benefitted from excellent training workshops and programmes in recent months and years; the same will need to be achieved for the benefit of all staff. In the 'Seven principles to change the UK's research culture', it is recommended that recipients of research grants that involve supervision of individuals or small teams should have completed appropriate training in leadership, management, equality, diversity, and inclusion, and tackling bullying and harassment. Training for all staff is imperative, including academic staff and professional, management, and support staff. Education and training needs to be ongoing in order to become a fully effective means of preventing and responding to sexual violence and harassment. As noted in chapter 5, there are several staff-training options available, and training for students has become the norm across the sector.

Recommendation 4: Embed and develop training for staff & students.

- › Successful student training should be embedded, and innovation in this area must continue. When students return fully to campus post-Covid, training will need to be in place sufficiently early in the academic year to tackle the red-zone phenomenon whereby sexual assaults have been observed to spike at the start of the academic year.¹⁰⁷ Ultimately, if feasible, a move towards introducing relevant training prior to arrival on campus would be advisable; completion of such training would be a condition of registration. While the incorporation of workshops into students' orientation schedules is important, this should be reinforced through subsequent training and institution-wide publicity (e.g. flyers and posters) and campaigns.
- › It is also important to incentivise take-up of training, particularly any groups where there is a lag in awareness or interest. For students, courses leading to a digital-badge award have shown promise. This option should be explored by institutions.
- › General training, including Disclosure Training, will be key for roll-out among staff. Large-scale training is recommended, as survivors may choose to report to a peer or a staff-member with whom they are familiar. There is a risk that many staff will not be fully aware of developments in this area. While the same level of training will not be needed by all staff, awareness raising and knowledge of basic information should be widespread among all staff: for example, they should be familiar with their institution's relevant policy and their responsibilities as employees under that policy and should know how to respond to signpost staff and students to support and reporting options.¹⁰⁸ Training should be introduced as a component of induction for new staff.
- › To incentivise the take-up of such training among research students and academic staff, research funders should be invited to strongly encourage its completion among grant-holders (particularly among those with supervisory or mentoring responsibilities).

OUR UNDERSTANDING OF THESE PROBLEMS

IS **STILL DEVELOPING.**

RATHER THAN **THE END,**

THIS REPORT IS JUST

THE BEGINNING.



Linkages & Communication

Conclusion 5: Buy-in throughout the institution's community is essential.

It is regularly stated, both in Ireland and internationally, that strong leadership and senior-management buy-in is essential to combating sexual violence and harassment in higher education. Support from Presidents, Vice-Presidents, and Governing Bodies is particularly beneficial, as they have oversight of the entire institution and its functions. Though this high-level support is already evident in the technological higher education sector, it is worth reiterating its importance, particularly at this time of significant change within the higher education landscape. Additional technological universities are likely to be established in the near future, with Presidents to be appointed. Though it is beyond the scope of this report, it is also noteworthy that, in parallel, some universities will acquire a new President/Provost in the coming months. Implementation of the national Framework, though now no longer the perfect guide due to its primary focus on students, must be viewed by current and future institutional leaders as an essential part of their duties. The requirement to design ambitious institutional Action Plans and to report annually on these should maintain a place on their strategic agendas as high priority.

This buy-in at the highest level of the institution must be transmitted widely to staff and students; it cannot stop at the top. This is vital to ensuring that there is good take-up of training, that awareness of policies and procedures is raised, and, ultimately, that the institution's culture is transformed positively. This is a significant challenge, given that institutions within the technological higher education sector and elsewhere often span numerous campuses, have a diverse student and staff base, and courses provided vary significantly, from lecture-based to apprenticeships. Institutional Working Groups must represent and give voice to the full spectrum of staff and students, and targeted initiatives must reach the entire institutional community.

It is important to acknowledge that, in furthering institutions' progress in this area, many staff have voluntarily taken on additional workload due their belief in the importance of this area (for example, by contributing to the institutional Working Group). This additional workload is likely to increase as institutions train a wide range of designated institutional Dignity & Respect contact persons.

Recommendation 5: Communicate institutional buy-in visibly.

- › Relevant training for senior leaders and management teams is essential. They must be well briefed regarding sexual violence and harassment – and why change is urgent. They will then be in a position to promote staff and student take-up of training, leading by example.
- › Arising from this enhanced understanding, leaders' commitment to addressing sexual violence and harassment should feature in future institutional Strategic Plans as a key part of their overall EDI agenda. It should also feature in any related institutional plans such as Gender Equality Action Plans, Communications Plans, etc.
- › Although institutions strive to cultivate a safe, respectful, and supportive work and study environment where everyone is treated with equality, dignity, and respect, it is inevitable that allegations of Sexual Misconduct will be received by the institution. For the benefit of its staff and students, each institution should develop an institutional webpage that lists important external and internal contacts and publishes the institution's policies and procedures. The webpage should outline available methods of disclosure and reporting and the differences between these (anonymous reporting, informal disclosure, and

formal reporting). All available supports, pathways and procedures need to be widely communicated to, and well understood by, the institution's staff and students.

- › To demonstrate buy-in within the institution, due recognition of additional work undertaken by staff in addressing sexual violence and harassment is advisable. These individuals play an important role as catalysts for positive cultural change.
 - » Disclosure and other types of training should be recognised as valuable staff professional development.
 - » A move towards recognising such work and expertise within the Workload Allocation Model and/or as criteria for consideration as part of progression/promotion processes would be appropriate.

Conclusion 6: Fearless external communication is key.

As institutional leaders have come to accept, low reporting does not necessarily mean there are few or no instances of sexual harassment or misconduct in institutions: rather, it may mean there are barriers to reporting such.¹⁰⁹ At present, throughout the higher education sector, numbers of formal reports and investigations are strikingly low, according to documents released to the media under the Freedom of Information Act. As noted by Noeline Blackwell, CEO of the Dublin Rape Crisis Centre: 'This cannot be the full picture. It's inconceivable in workplaces, institutions and universities that there are so few instances of sexual harassment'.¹¹⁰ While reporting high numbers of cases of sexual misconduct carries a reputational risk, there is arguably a greater risk to the institution and its community when robust policies and systems are not in place.

Given the complexity of messaging in relation to sexual violence and harassment and the understandable anxiety that this situation creates for institutions, clear and consistent communication is needed. It must be conveyed that increasing numbers of formal reports and that staff and students' use of institutional policies and procedures may be interpreted as one of various signs of positive change. Unlike many initiatives, this is an area where the situation may appear worse (through increasing reports and disclosures) before it gets better. Indeed, an increase in disclosures may be considered to demonstrate success, indicating trust from students and staff in the ability of the institution to respond and to support survivors.¹¹¹ This relatively complex message may be best communicated sectorally or nationally.

Also, the language used in reporting such information matters. It must be sensitively chosen in order to avoid unintentional perpetuation of rape myths or re-traumatisation of survivors. Terminology and definitions should also be used consistently, insofar as possible, to achieve consistency across the higher education system.

Recommendation 6: Take a national approach to communicating about sexual violence & harassment.

- › To promote a culture of transparency, it is recommended that institutional leaders publish annual data about disclosures, reports and outcomes at an aggregated, sectoral level. A common, joint approach should be taken by leaders to ensure transparency and to alleviate concerns about messaging. These figures could be published annually in a format similar to the National Statistics on Formal Investigations of Research Misconduct.¹¹² A standard template and accompanying briefing notes should be prepared for this purpose. Such reporting should be sustained in order to facilitate analysis over time.

By centralising the analysis of such data, it may be disaggregated usefully by gender, roles of Reporting and Responding Parties, and other variables.

- › In addition to publishing aggregated sectoral data, institutions should publish an annual institutional report on bullying, harassment, and sexual misconduct. This might reflect on current initiatives, progress made, trends and challenges, and plans for improvement.
- › Institutional webpages recommended above should be complemented by a national or sectoral website (hosted by the Department of Further and Higher Education, Research, Innovation and Science or the Department of Justice and Equality). This would complement the commitment in *Supporting a Victim's Journey* to create a standalone website on the meaning and importance of consent in the context of sexual relationships and sexual activity.¹¹³ The national or sectoral website could contain a register of key institutional and other contacts; important reports, developments, and updates; standard templates; and case studies and an overview of good practice in the sector.

Conclusion 7: Links with local experts are immensely valuable.

The technological higher education sector is well embedded in their regional contexts, and links with Rape Crisis Centres and related groups are often strong. Several institutions have invited staff from Rape Crisis Centres to join their internal Working Groups; this is to be welcomed. Referral pathways to these organisations are typically already well-established, with the result that staff and students have a range of options for confidential services and support.

Recommendation 7: Formalise links with local experts.

- › Formalising the links between higher education institutions and Rape Crisis Centres would be highly beneficial. A future step may be to develop formal Memorandums of Understanding with local Rape Crisis Centres; such a measure would enhance transparency and accountability, clarifying the commitments of the institution and the Rape Crisis Centre to one another. A template Memorandum of Understanding was published by the White House Task Force to Protect Students from Sexual Assault in 2014.¹¹⁴ Formalising the links between institutions and Rape Crisis Centres acknowledges shared goals of preventing sexual violence on campus and in the wider community and of responding appropriately to students and staff who have been harmed. Rape Crisis Centres already play a part in providing support to students and staff victims; developing this into a partnership gives individual Rape Crisis Centres a role in ensuring that the approach of their local institution to sexual violence is one that is victim-led and trauma-informed.
- › The scope of the partnership will vary according to the needs of the institution and the capacity of the Rape Crisis Centre. Such enhanced partnerships will require investment in Rape Crisis Centres for expert support. The partnership should include mutual awareness-raising about the roles and resources of both organisations. Consultation on any relevant new policies or initiatives arising in the higher education institution would be advisable. Cooperation would also entail actively liaising regarding campaigns and training, the development of printed and online materials for staff and students, and the sharing of aggregated data to inform one another's work. Referral systems should be made as clear as possible.
- › Similarly, links with the Gardaí – specifically, Divisional Protective Services Units (DPSU) located around the country and/or Campus Watch Gardaí – should be developed and formalised.

Ongoing Development & Learning

Conclusion 8: Work is wide-ranging, multi-annual and will entail ongoing learning.

As has been shown in the chapter on Action Plans, the task ahead is considerable. This is the case, without exception, across the entire higher education sector. Such work requires ongoing commitment and will necessarily span multiple years; once-off initiatives will do little to achieve significant change. The vision of the Framework – to ensure an institutional culture which is safe, respectful, and supportive – is laudable. If this is achieved, the rewards will be significant for higher education in Ireland – indeed, for all of Irish society.

Recommendation 8: Monitor effectiveness and be prepared to adapt.

- › Data-gathering to ascertain the extent and nature of sexual violence and harassment is only just beginning and monitoring such data will be essential. This will inform the development of current and future initiatives. This is a complex task because, as noted above, increasing numbers of formal reports may be deemed to be a positive indicator of change.
- › Participation, satisfaction with, and effectiveness of all training and other initiatives will need to be monitored. Increasing awareness regarding available services, mechanisms, and response pathways are positive indicators.
- › Occasionally, failure will be inevitable: some events will not attract sufficient attendees, or training will meet with a lukewarm response. When this happens, specific actions in institutional Action Plans must be reshaped and learnings shared.
- › Once implemented, new policies and reporting systems must be regularly reviewed (perhaps as often as annually, if changes are significant) to ensure that they are working as intended. Feedback from Reporting and Responding Parties should be sought regarding their experience of the reporting process.
- › Similar to the approach taken in the UK, a follow-on report (for example, a ‘three years on’ report) should be commissioned to analyse progress in the higher education sector in relation to implementing the Framework. This should focus on disseminating learning, identifying challenges, and proposing next steps for the sector.

Conclusion 9: Women have put sexual violence and harassment on the agenda.

As shown by the membership of the project’s Working Group, which is composed of staff who are actively working in this area within institutions, practical work to address sexual violence and harassment is primarily being led and implemented by women. (Of course, there are notable exceptions.) Some institutions have noted a gender imbalance in attendance at student workshops, with male students being underrepresented. Much like the experience of sexual violence and harassment, such trends are currently highly gendered, and this needs to be addressed. Cultural change cannot be achieved if much of the higher education community perceives this work as not being relevant to them. Expanding reach and welcoming diverse champions will be key elements of any future endeavours in this area.

Recommendation 9: Seek diverse role-models and champions to further this work.¹¹⁵

- › Sectoral and institutional Working Groups should seek to achieve gender balance, setting annual targets towards achieving this aim. Further, Working Groups should also seek to be inclusive, particularly welcoming any cohorts of students and staff who may be especially vulnerable to sexual violence and harassment: early career researchers (postgraduate students and postdoctoral researchers), LGBTI+ staff and students, those with disabilities, ethnic minorities, and others.
- › Attendance or participation levels at training and events should be monitored actively for gender balance and to check whether any groups are not being reached. Where an imbalance is observed, tailored awareness campaigns and events should specifically target any groups who have unwittingly been excluded.
- › Sectorally, diverse spokespeople or champions against sexual violence and harassment should be developed. This may be done in partnership with the Department of Further and Higher Education, Research, Innovation and Science and/or the Department of Justice and Equality.

Conclusion 10: Inequality is at the heart of sexual violence and harassment – gender is just the start.

Addressing sexual violence must form part of the overall EDI agenda, both institutionally and sectorally. It is to be welcomed that the scope of EDI activity in higher education institutions has increased significantly. Similar to other gender-focused EDI initiatives, a shift towards an intersectional approach to understand the various factors that exacerbate vulnerability will be required. Marginalised groups may experience multiple forms of discrimination.

It must be remembered that sexual violence and harassment are generally related to power. We must examine structural inequities that are the drivers of unacceptable behaviour and that set the conditions for abuse of power. This includes challenging and dismantling sexism, racism, ableism, and discrimination based on gender identity, expression, and sexual orientation. While this is no straightforward task, progress can be made.

Recommendation 10: Build towards an intersectional approach.

- › Institutional and sectoral data-gathering must be developed to include intersectional data. This will be vital to understand and to respond to the needs of a diverse higher education community. This will consider discrimination that may arise due to sexual orientation, race and ethnicity, disability, and other variables.
- › Some staff and students may have particular experiences and needs: for example, early career researchers (postgraduate students and postdoctoral researchers), LGBTI+ staff and students, people with disabilities, ethnic minorities, and international students. Arising from the evidence base gathered, workshops and other interventions may need to be tailored to protect cohorts of students and staff who are particularly vulnerable.

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**APPENDICES
AND REFERENCES**

Appendix 1: Group members

Working Group

- › **Róisín O’Connell**, Head of Communications, THEA (Chair)
- › **Dr Eavan O’Brien**, Policy Analyst, THEA
- › **Ann-Marie Quigley**, Psychologist, Student Counselling Service, Waterford Institute of Technology (with Breda Heavey as alternate member)
- › **Claire McGing**, Equality, Diversity and Inclusion Manager, Dún Laoghaire Institute of Art, Design and Technology
- › **Ellen O’Shea**, Athena SWAN Administrator, Munster Technological University (formerly, Cork Institute of Technology)
- › **Gertie Raftery**, Head of Student Counselling, Dundalk Institute of Technology (and Chairperson of Psychological Counsellors in Higher Education Ireland)
- › **Monica Megraw**, Student Services Officer, Galway-Mayo Institute of Technology
- › **Peter Doyle**, Human Resources Manager, Limerick Institute of Technology
- › **Rosalynd Hayes**, Student Engagement and Retention Officer, Munster Technological University – Kerry Campus (formerly, Institute of Technology Tralee)
- › **Rosemary Flynn**, Head of Learner Support and Student Services, Institute of Technology Carlow
- › **Dr Sharon McLaughlin**, Lecturer in Law, Letterkenny Institute of Technology
- › **Treasa Fox**, Head of Student Counselling, Athlone Institute of Technology

Steering Group

- › **Dr Jennifer Brennan**, Director of Research, Development and Innovation, THEA (Chair)
- › **Róisín O’Connell**, Head of Communications, THEA
- › **Dr Eavan O’Brien**, Policy Analyst, THEA
- › **Barry Coughlan**, Head of Legal Affairs, Munster Technological University (formerly, Cork Institute of Technology)
- › **Clare Austick**, Vice President for Welfare, Union of Students in Ireland
- › **Dr Derek O’Byrne**, Vice President for Academic Affairs & Registrar, Waterford Institute of Technology
- › **Dr Hayley Mulligan**, Violence Against Women Officer, National Women’s Council
- › **Lorna Fitzpatrick**, President, Union of Students in Ireland
- › **Rosemary Flynn**, Head of Learner Support and Student Services, Institute of Technology Carlow
- › **Tom Reilly**, Equality, Diversity and Inclusion Manager, Institute of Technology Sligo
- › **Treasa Fox**, Head of Student Counselling, Athlone Institute of Technology

Appendix 2: Terms of Reference

Purpose of this Project

Arising from the *Framework for Consent in Higher Education Institutions: Safe, Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Irish Higher Education Institutions* published in 2019, higher education institutions have a number of obligations with which to comply. Specifically, institutions have been mandated by the new Minister for Further and Higher Education, Research, Innovation and Science to progress implementation of the Framework and to produce institutional Action Plans within a fixed timeframe (March 2021). Institutions are to report on progress to the HEA.

Significant work is underway in all institutions, including the technological higher education sector, and there is a widespread appetite to respond to the above report in a meaningful and impactful manner. Led by a team in THEA, this fixed-term project will assist institutes in progressing this important work.

Outputs/Deliverables

It is anticipated that the following outputs or deliverables will arise from this project.

- > Briefing papers
 - » National and international sociocultural context ('why we need to act')
 - » National policy context ('what needs to done')
 - » Sectoral baseline analysis ('where our starting point is')
- > Outline of institutions' options for relevant training provision to students and staff
- > Summary of key components and options for inclusion in institutions' Action Plans
- > Policy documentation: agreed best practice for institutions' emerging policies in this area, reflective of current and anticipated future requirements
- > Project synthesis report, summarising project and proposed next steps.

As an outcome of this project, THEA member institutions will be well equipped to progress policies, procedures, and targeted initiatives in this area in a planned, achievable manner.

Approach

In undertaking this project, the following steps will be undertaken:

- > In-depth initial and ongoing discussions with relevant staff-members at all THEA member institutions.
- > Engagement with relevant national committees, including the National Advisory Committee and sub-committees (led by the National Women's Council) and the

HEA's Centre of Excellence for Equality, Diversity, and Inclusion.

- > Review of background policies, documents and reports and preparation of briefing papers.
- > Formation of a Working Group of institutional representatives, which will meet approximately 5 times during the project.
- > Formation of an expert Steering Group (including student and National Women's Council representatives), which will meet approximately 4 times during the project.
- > In partnership with the Working and Steering Groups, development of key components and options for inclusion in institutions' Action Plans.
- > In partnership with the Working and Steering Groups, agreement of best practice for institutions' emerging policies in this area.

Core Project Aims and Principles

All project participants will aim to:

- > Nurture collaboration within (and beyond) the technological higher education sector in this important policy area.
- > Enable the technological higher education sector to build upon progress already made, to share knowledge and learning, and to avoid duplication of effort.
- > Support the technological higher education sector in developing Action Plans and related policy documents.
- > Facilitate a consistent approach among these institutions, while respecting their unique missions, contexts, and communities.
- > Develop an overarching language and vision for a safe, respectful, and supportive technological higher education sector.

Appendix 3: Social and cultural context

Ireland

Some international studies place Ireland in an international context. While Ireland's relative global 'position' in this regard varies with the study, findings consistently demonstrate that sexual violence and harassment are commonplace. Further, these problems arise from a relatively young age. For example:

- > In 2019, WIN International published a survey exploring the views and beliefs of 30,890 people from 40 countries across the globe. It found that 32% of women in Ireland aged between 18 and 34 had experienced some form of sexual harassment in the previous 12 months – the second highest out of all 40 countries surveyed, and the highest in Europe.¹¹⁶
- > According to the Fundamental Rights Agency (FRA) Violence Against Women Survey 2014, every second woman (55%) in the EU has experienced sexual harassment at least once since the age of 15, and one woman in five (21%) in the year before the survey. Equivalent figures for Ireland were 48% and 19%, respectively.¹¹⁷

The available statistical evidence in relation to sexual violence and harassment in higher education in Ireland is summarised below.

In 2013, the USI launched the findings of the *Say Something* research study. The USI conducted this research project with the support of Cosc (National Office for the Prevention of Domestic, Sexual and Gender-based Violence). The report focused on the following areas: Unwanted Sexual Experiences, Physical Mistreatment, Harassment, Obsessive Behaviour, and Information on Campus. The survey was directed at third-level students, with 2,750 responding online. Despite the relatively low number of responses, it is interesting to note the report's findings:

- > 16% of respondents experienced some form of unwanted sexual experience while at their current educational institution.
- > 1 in 5 women surveyed experienced some form of unwanted sexual experience.
- > The survey data suggests that LGBT students were more likely to have experienced the behaviours examined in the study than non-LGBT students.

A summary of key service activity in the Sexual Assault Treatment Units (SATUs) is published annually by the Health Service Executive (HSE). There are 6 SATUs in Ireland: in Cork, Donegal, Dublin, Galway, Mullingar, and Waterford. In 2019, 36% (i.e. 337 individuals) of those who attended a SATU were either school or college students. There were similar findings in 2018: 362 (38%) of those attending were school or college students.¹¹⁸

The largest and most recent survey conducted in Ireland to date is the *Sexual Experiences Survey* (2020). This survey was a collaborative project between the Active* Consent team at NUI Galway and the USI. A total of 6,026 students completed the survey, participating from 14 third-level institutions in the Republic of Ireland. Findings in the report include:

- > 29% of females, 10% of males, and 28% of non-binary students reported non-consensual penetration by incapacitation, force, or threat of force during their time in college.
- > Of the students who reported experiencing non-consensual penetration through force or threat of force, or while incapacitated and unable to give consent, 49% of males, 35% of females, and 25% of non-binary students said they had not

disclosed the incident to anyone prior to taking part in the survey.

- › Just over half of first year students reported experiencing sexual harassment in the form of some form of sexual hostility since beginning college. This rose to 62% for second year students, and 66% for undergraduate students in third year or higher.

In the HEA's *National Review of Gender Equality in Irish Higher Education Institutions* (2016), it was noted that some respondents highlighted the urgent need to tackle sexual harassment in Irish higher education, calling for stronger leadership to address this problem and recommending the introduction of more formal procedures to deal with instances of such harassment when it occurs.¹¹⁹ In this report, unlike those previously cited, the focus was primarily on higher education staff.

International

Numerous studies and reports on sexual violence and harassment in higher education have been carried out overseas. Key studies with internationally relevant findings include those undertaken by the Swedish Research Council (2018), the National Academies Press (2018), and the ESHTTE project (2019). These reports noted the considerable variation in prevalence of sexual harassment detected by international studies, highlighting differences in methods, definitions, and time limits used. Variances aside, however, international research makes clear that women – particularly younger women and those with insecure employment conditions – and individuals from minority groups (due to sexual orientation, race and ethnicity, disability, and other variables) are more exposed to sexual harassment than other groups. Organisational climate is noted as being by far the greatest predictor of the occurrence of sexual harassment. Sexual violence and harassment are rooted in unequal power relationships and in gender inequality. Environments where the power structure is hierarchical with strong dependencies on those at higher levels are more likely to foster and to sustain sexual harassment.

Specific countries where significant work is also being undertaken in this area (UK, Australia, USA) will now be considered.

United Kingdom

Similar to Ireland, students have played a key role in raising issues of sexual violence and harassment, with the focus consequently being placed on harassment as experienced by students. The National Union of Students *Hidden Marks*' report (2010) revealed that over two thirds of respondents (68%) experienced some kind of verbal or non-verbal harassment in and around their institution. In September 2015, the British government invited Universities UK (UUK) to set up a taskforce to examine issues of harassment, hate crime, and sexual violence on higher education campuses.¹²⁰ The taskforce published its first report in October 2016, *Changing the Culture*, which set out a framework to support higher education institutions to deliver improvements in tackling all forms of harassment experienced by students.¹²¹ Reports on implementation of the taskforce recommendations have been published by UUK in 2018 and in 2019, wherein a heightened commitment across the higher education sector towards driving cultural change was highlighted.

The National Union of Students published the *Power in the Academy* report in 2018, turning attention to staff-to-student harassment; it showed that, out of 1,839 respondents, 752 (41%) had experienced at least one instance of

sexualised behaviour from staff. The 1752 Group, a research, consultancy, and campaign organisation dedicated to ending staff sexual misconduct in higher education, is particularly active in this area. The 1752 Group has issued detailed recommendations for higher education institutions processing student complaints against staff, noting the problems that can arise due to the separation of student-complaints processes (dealt with by Student Services) and staff disciplinary procedures (managed by Human Resources).

Matters relating to sexual violence and harassment in higher education have received extensive coverage in the UK media in recent years. In March 2017, the *Guardian* published the results of an investigation into sexual harassment in universities. The investigation was based on a series of Freedom of Information requests sent to 120 universities across the UK seeking information on allegations of sexual misconduct against academic and non-academic staff.¹²² A BBC investigation (2019) noted that reports of rape, sexual assault and harassment at UK universities had trebled in three years.¹²³ However, it was noted that the increase might partially reflect the fact that universities have made it easier for students to report allegations and to receive support.

In January 2020, England's Office for Students (OfS) initiated a consultation on the regulation of harassment and sexual misconduct affecting students in OfS-registered higher education providers.¹²⁴ The OfS proposes to publish a statement of expectations on the practice of higher education providers in relation to harassment and sexual misconduct and to evaluate the impact of this within two years of its publication. Subsequent evaluation will allow the OfS to consider whether further direct regulatory intervention may be needed. The consultation was paused due to Covid-19.

Relevant work is also ongoing in Scotland. The *Equally Safe in Higher Education (ESHE) Toolkit* is a free resource for Scottish universities working to prevent gender-based violence.¹²⁵ It was created at the University of Strathclyde and was funded by the Scottish Government. EmilyTest, a charity in Scotland, is seeking to roll out the recommendations in the ESHE Toolkit across higher education institutions. EmilyTest are also developing the first Gender-Based Violence Charter for further education and higher education in Scotland.

Australia

In parallel, higher education institutions in Australia have come under the spotlight for matters relating to sexual violence and harassment.

In February 2016, the *Respect. Now. Always.* campaign was introduced by Australia's higher education institutions. As part of this initiative, the Australian Human Rights Commission (AHRC) conducted a national survey on the prevalence and nature of sexual assault and sexual harassment at Australian universities and published the *Change the Course* report in 2017. The report noted that one in two students (51%) reported having been sexually harassed on at least one occasion in 2016 (26% in a university setting); the survey also found that 87% of students who were sexually assaulted, and 94% of those who were sexually harassed, did not make a formal report or complaint to their university.

As an initial response to the survey results, Universities Australia released a 10-point action plan and, subsequently, issued guidelines on how universities should respond to sexual assault and harassment. The AHRC survey will be repeated, with the next survey due to be held in 2021. In the interim, the AHRC has conducted audits of the actions taken by Australian universities, with significant progress in implementing the *Change the Course* recommendations being noted.¹²⁶

United States of America

There has been considerable change in USA regarding how sexual violence and harassment are addressed.

In 2011, in what has become known as the “Dear Colleague” letter, the United States Department of Education wrote to the presidents of all colleges and universities, stating that Title IX requires their institutions to investigate and to adjudicate cases of sexual assault on campus.¹²⁷ (Title IX of the Education Amendments Act of 1972 is a federal law that states: ‘No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance’.)

In 2014, a survey of college and university assault policies conducted at the request of the US Senate found that more than 40% of higher education institutions had not conducted a single rape or sexual assault investigation in the previous five years, and more than 20% had failed to conduct investigations into assaults they had reported to the Department of Education. Further, many higher education institutions were considered to use adjudication processes that did not comply with best practice.¹²⁸ In 2014, US President Barack Obama announced a White House Task Force to Protect Students from Sexual Assault, noting that ‘1 in 5 women on college campuses has been sexually assaulted during their time there’.¹²⁹ President Obama and Vice President Joe Biden launched the ‘It’s on Us’ campaign as part of an initiative to end sexual assault on college campuses. The Department of Education’s approach toward adjudicating sexual-assault accusations has been criticised for failing to protect the due-process rights of Responding Parties. Since then, several high-profile sexual-assault cases have received extensive coverage in the US, and hundreds of accused students have sued their colleges for using unfair disciplinary procedures and have won court judgments or received settlements.¹³⁰

In September 2017, Betsy DeVos, the Secretary of Education in the Trump administration, rescinded some Obama-era guidelines regarding campus sexual assault. In May 2020, DeVos released the lengthy, finalised set of regulations under Title IX.¹³¹ Prior guidance had discouraged colleges from using informal resolutions, such as mediation, to address sexual-assault allegations, but the new regulations allow this option, if the accused is not an employee, both parties voluntarily agree to it, and the process is led by a trained facilitator. Under new rules, those undertaking misconduct investigations are required to hold live hearings during which Reporting and Responding Parties may be cross-examined. A sexual assault must have happened either on campus or ‘in conjunction with an education program or activity’; when students are studying abroad, they no longer fall under Title IX protections. Also, the regulations have defined sexual harassment narrowly as actions that are ‘severe, pervasive, and objectively offensive’. Though arguments have been made both in favour and against these and other changes, victims’ rights groups are strongly opposed.¹³² Responses to these changes have also polarised along political lines.¹³³

Given President Biden’s campaign statements,¹³⁴ past policies to combat violence against women, and his work to eradicate sexual assault on college campuses, it is likely that his administration will work to repeal and replace DeVos’ Title IX rule. However, this process could take anywhere from two months to two years.¹³⁵

Endnote

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Appendix 4: Action Plan to Tackle Sexual Violence and Harassment – THEA Sample

Relevant Consent Framework Outcome	Action No.	Action	Progress to Date/ Milestones achieved	Person Responsible	Timeframe (start/end)	Success Indicator
1. Institutional Culture						
A member of HEI senior management team will have responsibility for the implementation of the Framework.	1a	Assign responsibility for work in this area to a member of the institution's senior management.	[Note if responsibility has already been assigned.]	President	[Insert date – may already have been achieved.]	Responsibility assigned and formally notified to senior-management team and Governing Body.
	1b	Create a publicly accessible webpage on the institution's approach to preventing sexual violence and harassment in an easy-to-find area of the institution's website. This webpage will formally state senior-management support for, and leadership of, work in this area.	[Note if such a webpage is currently under development.]	[Insert job-title of person responsible.]	[Insert date by which webpage will be launched.]	Webpage launched and announced to all staff & students by member of senior management responsible [provide URL in progress reporting].
	1c	Review this webpage at least once per semester and update to reflect any noteworthy developments.		[Insert job-title of person responsible.]	[Insert dates when the webpage content will be reviewed.]	Webpage checks and updates logged on agreed dates.
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 especially at risk of experiencing sexual violence and harassment; women, those with disabilities, ethnic minorities, and LGBT+.	2a	Form an institutional Working Group, achieving balanced representation.	[Note if Working Group has been formed, current baseline membership, & propose targets in relation to gender balance; involvement of all major academic faculties or units; inclusion of underrepresented/ marginalised groups, etc.]	[Insert job-title of person responsible – i.e. member of senior management.]	[Insert date(s) for achievement of targets.]	[Measure success in achieving balanced representation, comparing targets against baseline.]
	2b	Agree Terms of Reference with Working Group members.	[Note if Terms of Reference are in place and when they will be reviewed.]	[Insert job-title of person responsible for sign-off: i.e. member of senior management.]	[Insert date.]	Terms of Reference agreed & timeline for review set.
Liaison and partnership with external specialist agencies to ensure effective engagement with external structures.	3a	Collate, design & disseminate information for staff & students on external and internal services & the roles that they fulfil in responding to sexual violence. This will include on-campus posters, website download, orientation packs, induction slides, student-accommodation welcome packs, social-media advertising, induction pack for new staff, etc.	[Note current baseline – e.g. information may already be included in current student workshops.]	[Insert job-title of person responsible: likely to involve Counselling Service (collation), Student Registry & HR (dissemination)]	[Insert series of dates.]	Logged date(s) of dissemination to staff & students.
	3b	Check/update this information annually in advance of the start of the academic year.		[Insert job-title of person responsible.]	[Insert date.]	Logged date(s) of information being checked & disseminated to all staff & students.

Relevant Consent Framework Outcome	Action No.	Action	Progress to Date/ Milestones achieved	Person Responsible	Timeframe (start/end)	Success Indicator
2. Institutional Processes: Recording						
HEIs will create an easy-to-use system for students and staff to disclose and report incidents, which would be reflected in a high level of awareness and understanding among both students and staff.	4a	Map processes for formal reporting on flowcharts, clearly illustrating all potential response pathways.		[Insert job-title of person responsible.]	[Insert date.]	For actions 4a-4c, indicators are: Web content launched and announced to all staff & students by member of senior management responsible [provide URL]. [Extract metrics on awareness and knowledge from staff & student surveys. Include baseline, if this has already been measured, and target(s); otherwise, set baseline in first survey year.]
	4b	Launch and monitor the tool for anonymous reporting.	[Note any involvement in this project to date.]	[Insert job-title of person responsible.]	[Insert date.]	
	4c	Outline all response pathways on the institution's website, including differences between available methods of reporting (e.g. anonymous reporting, informal disclosure, formal reporting).		[Insert job-title of person responsible for web content – likely to overlap with actions 1b and 1c.]	[Insert date.]	
The reporting system is compatible with reporting party/survivor rights, cognisant of the needs of vulnerable groups, and has the confidence of the higher education community.	5a	Recruit a wide-ranging institutional Working Group, including Counselling Service & representatives of relevant external specialist agencies. These members will be assigned responsibility to provide feedback on reporting mechanisms.	[Note if Working Group has been formed, current baseline membership & propose targets.]	[Insert job-title of person responsible – may overlap with action 2a.]	[Insert date(s) for achievement of targets.]	[Measure success in achieving balanced representation, comparing targets against baseline.]
	5b	Put in place comprehensive disability adaptations for in-person and remote reporting and support.		[Insert job-title – collaborating with the institution's Access Office or equivalent.]	[Insert date.]	
Liaison and partnership with external specialist agencies to ensure effective engagement with external structures.	6	[Select from the following menu of sub-actions: Analyse 6-monthly data from the anonymous-reporting tool. Add relevant questions to any existing annual EDI or other surveys of students/ staff. Summarise high-level data on disclosures/ formal reports made. Monitor the number of contacts made to designated contact-people.]	[Note if any data has already been gathered & propose targets.]	[Insert job-titles of people responsible.]	[Insert date.]	[Extract metrics on the extent and nature of sexual violence and harassment from the chosen data source. Include baseline, if this has already been measured, and target(s); otherwise, set baseline in first survey year.]

Relevant Consent Framework Outcome	Action No.	Action	Progress to Date/ Milestones achieved	Person Responsible	Timeframe (start/end)	Success Indicator
3. Institutional Processes: Policy						
Dedicated policies of breadth and depth consistent with the Framework aims referencing IUA/THEA guidelines and policies where appropriate.	7a	Review existing policies in light of THEA, IUA, and other good-practice guidelines to ensure that policies clearly addressing sexual violence and harassment are available and published.	[Note if this work is already underway – e.g. internally and/ or through collaboration with THEA project.]	[Insert job-title of person responsible.]	[Insert date.]	Updated policy announced and published [provide URL].
	7b	When new or significantly amended policies and procedures are introduced, monitor these annually.	[Note any involvement in this project to date.]	[Insert job-title of person responsible.]	[Insert date.]	Annual review of new/amended policy logged.
Policies are explicitly linked to clear lines of responsibility, active responses, institutional reporting, and regular review.	8	Identify who is responsible for responding to disclosures of sexual violence and harassment, for reporting, and for review of policies. Map reporting line(s) between the Working Group's Chair and membership, the institution's President and senior management team, and the Governing Body.		[Insert job-titles of people responsible or organisational map.]	[Insert date.]	Map of reporting lines published on institution's website [provide URL].
Policies include guidelines for addressing student complaints, including transparency for all involved.	9a	Map and publish processes for formal reporting on flowcharts, clearly illustrating all potential response pathways.	[Cross-reference actions 4a and 4c.]	[Insert job-title of person responsible.]	[Insert date.]	For actions 9a and 9b, indicators are: Web content launched and announced to all staff & students by member of senior management responsible [provide URL].
	9b	On the institution's website, outline the purpose of anonymous information gathered through the anonymous-reporting tool, linking to a Privacy Notice, explaining how this information will be analysed and used institutionally.	[Note interconnection with action 4b.]	[Insert job-title of person responsible.]	[Insert date.]	[Extract metrics on awareness and understanding from staff & student surveys. Include baseline, if this has already been measured, and target(s); otherwise, set baseline in first survey year.]
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.	10a	Introduce annual reporting to the Governing Body on preventative and response measures to sexual violence and harassment.		[Insert job-title of person responsible – differentiate between report preparation and sign-off, as needed.]	[Insert schedule of reports.]	Report presented to Governing Body, as scheduled, with feedback sought on next steps.
	10b	Prepare an agreed template for reporting to the Governing Body, noting data collated and initiatives proposed and/or implemented.				Template agreed.

Relevant Consent Framework Outcome	Action No.	Action	Progress to Date/ Milestones achieved	Person Responsible	Timeframe (start/end)	Success Indicator
4. Targeted Initiatives						
HEIs will provide direct student-facing activities including workshops/ classes that promote an understanding of consent; student understanding and skills for speaking up and calling out unacceptable behaviour.	11a	Continue to make workshops available to all first-year students (embedding initial training into orientation programmes & providing follow-up training) & to all later-year students.	[Specify type & duration of training chosen and note progress to date.]	[Insert job-title of person responsible.]	[Insert timeframe for annual measurement of attendance.]	[Set targets to build annually on current baseline attendance rate, identifying and addressing any imbalances.]
	11b	Conduct student polls to ascertain satisfaction levels and effectiveness of these workshops (e.g. in awareness-raising of existing supports).	[Note any monitoring done to date.]	[Insert job-title – collaborating with the institution’s Students’ Union.]	[Insert timeframe for annual measurement of effectiveness.]	[Create targets for satisfaction levels and effectiveness of these workshops (e.g. in awareness-raising of existing supports).]
Ongoing messaging to disseminate information consistent with the Framework aims for cultural change and awareness.	12	Prepare an annual plan for communications and awareness-raising activities, linking these to institutional (e.g. announcement of student workshops), national (e.g. USI Sexual Health Awareness and Guidance campaign) or worldwide events, campaigns, and milestones (e.g. 16 Days of Activism against Gender-Based Violence).	[Note any campaigns supported or other activities held to date.]	[Insert job-title – collaborating with external specialist agencies & the institution’s Students’ Union.]	[Set timeframe, linking with annual milestones.]	[Set frequency of events, etc. during academic year.]
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.	13a	Implement Disclosure Training for key staff and student leaders.	[Note any such training that has occurred to date.]	[Insert job-title of person responsible.]	[Insert timeframe for annual measurement of participation & effectiveness.]	[Monitor attendance & satisfaction levels, similar to student-workshop metrics.]
	13b	On the introduction of any new sexual violence and harassment policies, offer information sessions for all staff, and supply straightforward “how-to” guidance on how to receive a disclosure.		[Insert job-title of person responsible.]		
HEIs will create and implement a system for measuring effectiveness of initiatives.	14a	Include a dedicated section on sexual violence and harassment in the EDI staff/student survey and monitor results.	[Note if surveys have already commenced.]	[Insert job-title of person responsible.]	[Insert annual timeline for surveys.]	[Extract metrics on awareness and understanding from staff & student surveys.]
	14b	As noted, include post-workshop surveys to monitor effectiveness and satisfaction levels in relation to all student and staff training and education initiatives.	[Note overlap with actions 11a and 11b (student workshops) & action 13a (staff training).]	[Insert job-title of person responsible.]	[Insert timeframe for annual measurement of participation & effectiveness.]	Include baseline, if this has already been measured, and target(s); otherwise, set baseline in first survey year.]
HEIs will provide accessible, trauma-informed services; for supporting student disclosure, reporting and complaints, and for counselling and advocacy.	15a	Publish a list of people who have received trauma-informed training on the institution’s website.		[Insert job-title of person responsible – likely to overlap with other website-related actions.]	[Insert dates when the webpage content will be reviewed.]	Webpage checks and updates logged on agreed dates.
	15b	Work with the institution’s Human Resources team to monitor staff awareness of and satisfaction with the Employee Assistance Programme annually.	[Note any existing work in this area.]	[Insert job-title of person responsible.]	[Insert annual timeline for surveys.]	[Include baseline and target metrics from EDI or other staff survey.]
	15c	Conduct a survey of members of the institutional Counselling Service to identify needs & repeat to track progress re. any issues raised.	[Note any existing work in this area.]	[Insert job-title of person responsible.]	[Insert timeline for surveys.]	[Devise metrics for this specialised survey.]

Appendix 5: Recommended headings for inclusion in policies

1. Statement of commitment, purpose, and principles
2. Roles and responsibilities
3. Definitions
4. Scope of the policy
5. Confidentiality
6. Links to related documents
7. Record keeping and data-collection mechanisms
8. Review and version control

Appendix 6: Responsibilities of the Sexual Misconduct Prevention & Response Manager

The role of **Sexual Misconduct Prevention and Response Manager** will entail both prevention and response actions. They will play a central and proactive role in fostering a safe, respectful, and supportive culture in the institution. They may have the following responsibilities. This is a non-exhaustive list:

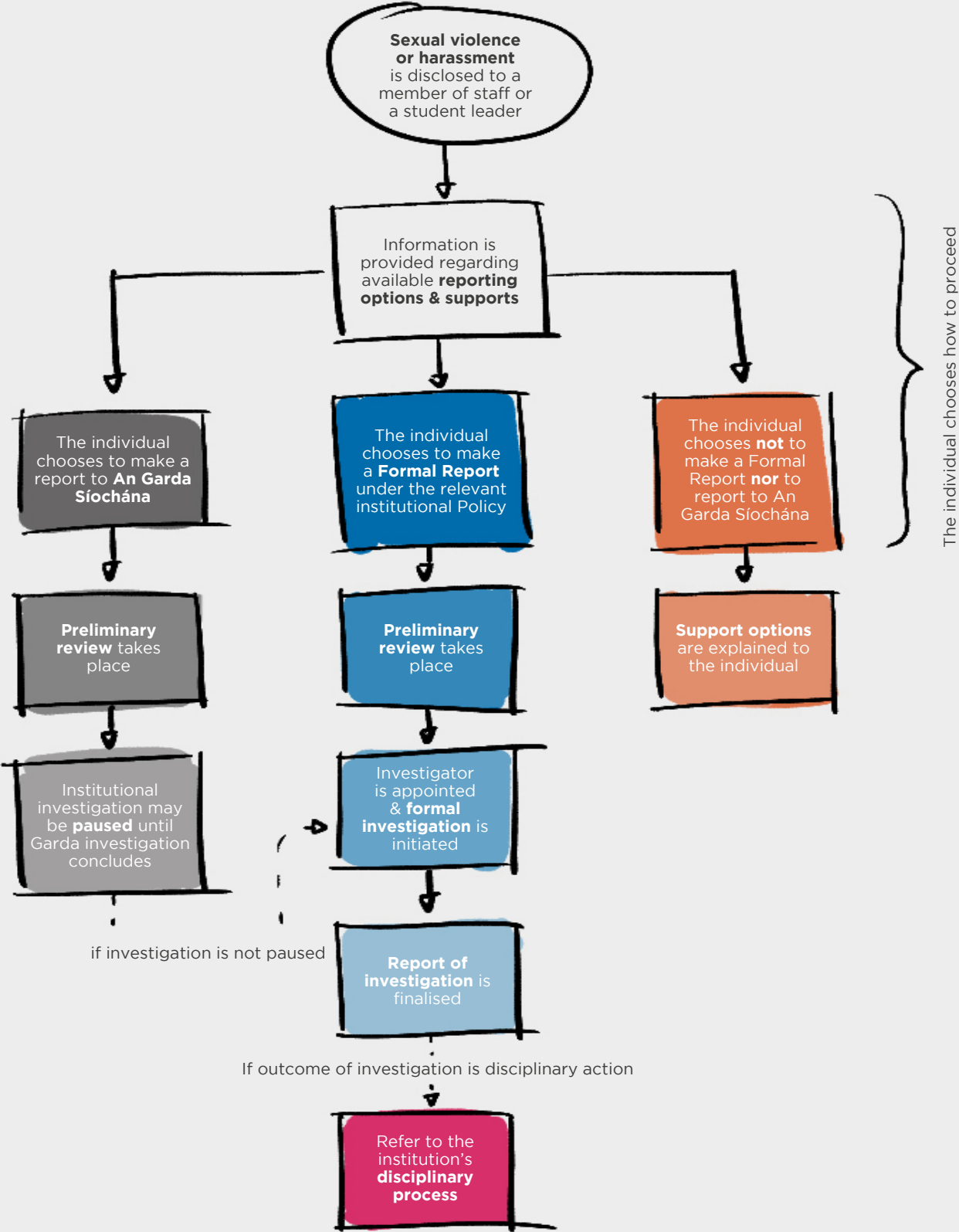
- › Creating and implementing an education, training, and awareness-raising plan for staff and students;
- › Engaging with external specialist services/agencies and disseminating relevant information;
- › Assisting the institution to put in place, and to monitor, policies and procedures relating to allegations of Sexual Misconduct involving staff and students;
- › Implementing and monitoring institutional reporting systems, including any anonymous-reporting system;
- › Liaising with representatives of relevant institutional services, implementation committees and external specialist services/agencies;
- › Keeping up to date with relevant national and international practice;
- › Assisting the institution in the processing of allegations of Sexual Misconduct involving staff or students. For example:
 - » Providing oversight, help and support to designated contact persons who receive disclosures within the institution;
 - » receiving allegations of Sexual Misconduct;
 - » providing advice throughout the preliminary review and subsequent process;
 - » initiating the investigation;
 - » updating institutional Senior Management and collating statistical information for internal and external reports.

They will not be involved in deciding whether individual allegations should be upheld and/or disciplinary sanctions imposed. This decision will be made via the institution's disciplinary process. While they will initiate and, depending on the institutional policy in place, coordinate the process, they will not personally participate in any investigation panels/process nor will they seek to influence the findings of said panels/process.

The person to be appointed should be an individual within the organisation with training in trauma-informed approaches to working with survivors and in the rights of vulnerable groups, as well as knowledge of investigation processes.

To allow for cases where the appointed Sexual Misconduct Prevention and Response Manager has a potential conflict of interest, the institution should also have a formally nominated alternate to whom allegations may be brought to directly or be referred by the Sexual Misconduct Prevention and Response Manager.

Appendix 7: Procedural Flowchart



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