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Towards a Zero Tolerance Approach

A Good Practice Guide to implementing Safe, Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Higher Education (the Framework)

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Foreword

Sexual violence and harassment (SVH) go to the core of gender equality. Underpinned by harmful gender stereotypes and unequal power relations, they have a devastating impact on victims' lives, limiting their freedoms and preventing them from fully participating in society.

While sexual harassment and violence are not unique to Higher Education Institutes (HEIs), HEIs are uniquely placed in showing leadership on this issue. In recent years, facilitated through NWC projects, we have seen a very welcome, growing awareness and leadership from Higher Education Institutes in tackling sexual violence and harassment and adopting a zero tolerance approach.

This work was facilitated and promoted by the Department of Education and Department of Further and Higher Education, Research, Innovation and Science and culminated in the publication of Safe, Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Irish Higher Education Institutions (the Framework) in 2019.

Importantly, the new Framework shifted the onus from survivors speaking out, to Higher Education Institutes taking a leadership role. This involves adopting an approach where SVH are no longer normalised, taking swift and decisive action to ensure support is available when victims come forward and actions to create a zero tolerance culture.

In 2022, the Government launched the Third National Strategy on Domestic, Sexual and Gender-Based Violence (DSGBV), committing to a whole of government approach to address DSGBV, including actions to progress the work in Higher and Further Education Institutes. This Good Practice Guide fully aligns with these actions in the Strategy by providing detailed and practical advice on how to implement the various recommendations of the 2019 Framework. It is based on extensive consultation with the National Advisory Committee (NAC), a truly innovative forum, led by the National Women's Council, bringing together HEIS, sexual violence services, the Higher Education Authority, An Garda Síochána, women's and student organisations and specialist bodies.

Achieving a society where all women can live free from violence and harassment depends on all sectors coming together with the common goal of a zero tolerance to gender-based violence. We sincerely hope this Good Practice Guide will be a widely used and prove to be an effective tool for HEIs in tackling sexual harassment and violence and developing that much needed zero tolerance culture.

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Acknowledgements:

The National Women's Council (NWC) would like to extend our sincere thanks and gratitude to the Department of Further and Higher Education, Research, Innovation and Science for funding this project. Sincere thanks to Aoife Grimes for facilitating the consultation process and for preparing this Good Practice Guide.

This guide is a culmination of many years of work by the National Women's Council with the National Advisory Committee (the NAC). We would like to extend our sincere thanks to all NAC members for engaging in the work of preventing sexual violence in Higher Education in Ireland and for their feedback and expertise in creating this guide.

Thank you also to the NWC staff members who were instrumental in leading NWC's work with the NAC and in the area of violence against women, including Tara Brown, Hayley Mulligan, and Jennifer McCarthy Flynn. In addition, NWC would like to extend thanks to the Expert Advisory Group on Sexual Violence Prevention and Response in the Higher Education Authority.

The NWC also wishes to thank Dr Louise Crowley, Suzanne Walker, and Caitriona Freir, whose expertise and insight helped to ensure that this Good Practice Guide would be useful and relevant for those who will be undertaking this work in Higher Education.

Lastly, the NWC wishes to thank and acknowledge all victim-survivors of sexual violence and harassment within Higher Education, and those who offer them guidance and support. We understand that this journey has been a difficult one, and we hope that the work of this Guide can be a small step to ensuring that your voices are heard, and continue to change the landscape of sexual violence and harassment in Higher Education.

Background to this document:

The Good Practice Guide (GPG) is a document that aims to assist Higher Education Institutions (HEIs) in Ireland implement, and give true life to, **Safe, Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Irish Higher Education Institutions (2020)** (the Framework). The Framework is a government document, published by the Dept. Of Education and Skills (but now falls within the remit of the Dept. Of Further and Higher Education, Research, Innovation, and Science). It sets out fifteen key outcomes, which are clustered under four thematic pillars: Institutional Culture, Institutional Processes, Institutional Policies, and Targeted Initiatives. Each HEI has published an Action Plan for the implementation of the Framework which is structured around these 4 pillars and associated outcomes.

The Higher Education Authority (HEA) supports and monitors sectoral and institutional implementation of the Framework and HEIs report on progress to the HEA on an annual basis. The HEA is supported in its work by an expert Advisory Group on Ending Sexual Violence and Harassment in Irish Higher Education Institutions, which was established in 2021.

Every HEI in Ireland is in the process of implementing the Framework, and in many cases, this work was undertaken for several years before the Framework was published. There has been a grassroots movement to recognise the issue of Sexual Violence and Harassment (SVH) in Higher Education in Ireland, as well as worldwide, for the last two decades. In Ireland, with other European Partners, **the ESHTE Project**. This project was established in 2016 and aimed to 'prevent and combat SVH and build a culture of zero tolerance in universities and third-level Institutions throughout Europe through developing a feminist understanding and analysis of the causes and effects of SVH against women students'[1]. This project, and its successful campaigns, laid the groundwork for the movements we have seen toward ending SVH in Higher Education in Ireland in the last five years, and we are indebted to it. **The National Advisory Committee** (the NAC) was created as an offshoot of the ESHTE project and has been co-ordinated by the National Women's Council of Ireland (NWCI) since 2018. The HEA ESVH Advisory Group played a crucial role in the development and analysis of comprehensive national surveys that explored experiences of staff and student experiences of sexual violence and harassment in Higher Education in 2021. The rich findings of the surveys have informed policy and funding decisions, including the development of the 'Ending Sexual Violence and Harassment in Higher Education Institutions Implementation Plan, 2022-2024' that is currently being implemented.

1 The ESHTE project, ItStopsNow Toolkit, 2019. Accessible at: https://www.nwci.ie/images/uploads/It_Stops_Now_Toolkit-FA-Website.pdf

What is the NAC?

The NAC was originally created to support and develop the outputs of the ESHTE project but has since become a practitioners' network, discussion, a community of practice, and most importantly, a collation of on-the-ground expertise for people in Higher Education in Ireland who are working towards ending SVH. The NAC has a cross-representation of students and staff from HEIs, representatives from statutory bodies and agencies, and NGOs and support organisations. The group was created to be open and accessible to anyone who works in the area in Ireland, is connected to HEIs, and for this reason, has no set membership. The NAC had three subcommittees, Research and Data, Policy and Practice, and Targeted Initiatives. Meeting regularly, the NAC discussed ongoing projects, issues, ideas, and developments within the sector and their organisations. Through these meetings, and projects which developed alongside and because of the work of the NAC, national and governmental recognition of the issue of SVH in Higher Education has been achieved. The NAC, and the ESHTE project, are now in their final stage, and in doing so, encouraging its members and others to continue the work and the messaging of these groups as they take their next steps in ending SVH in Higher Education.

Following on from many years of NAC meetings, it became clear that the practices and ideas from within the group could provide a good basis for the effective implementation of the Framework. The group wished to create a record of their learnings, as a resource for HEIs, as they go through the complicated process of implementing the Framework. For almost all Institutions, policies and procedures would benefit from review and improvement, or to be developed where not in place, as well as the implementation of new committees, groups, and targeted initiatives to bring them in line with the aims and ethos of the Framework.

The NAC had many members who were undertaking these difficult tasks within their Institution and became a place for shared ideas, inter-Institutional collaboration, and, overall, support.

To conclude the NAC project, the GPG aims to condense what was learned in many years of meetings into one document, for the use of NAC members, staff, and students in HEIs, and other groups or individuals who may be interested in the work of the NAC.

The Good Practice Guide

Each section of the GPG aligns with a specific Framework Outcome. These outcomes are noted on page 17 and 18 of the Framework. The aim of the GPG is to help institutions give life to these outcomes in their work. Each section of the guide also aligns with a subcommittee of the NAC (apart from the first section, which aligns with the work of the full NAC). Each subcommittee met and reviewed the condensed learning and recommendations based on their work, and these meetings were drawn upon and pulled together to create the recommendations within the Guide.

The GPG splits each section of the Framework into three subcategories: the Digest, the Practice, and a Checklist. We encourage HEIs to review all the material in the Practice sections of the guides and examine how these practices can fit into their future of SVH prevention. The Practices are condensed into Checklists, but these should not be considered 'tick-boxes'. Rather, these are indicators of the base level of work that NAC members have suggested is required within our HEIs, and nationally, to ensure the aims and ethos of the Framework are brought to life, through messaging, policies, and practice.

Definitions

Below are some definitions which have been sourced from various literature which connect to law, policy, and research connected to SVH. The Framework has several good practice definitions, but since its creation, there have been advances in law and policies connected to SHV, in Higher Education and otherwise, so the below is offered as assistance for HEIs as they create policies and practices connected to SVH going forwards.

Sexual Violence, Sexual Assault, Sexual Misconduct

Throughout this GPG, specific words are used to describe actions that can be considered Sexual Violence and Harassment. Sexual Violence, Sexual Assault, and Sexual Misconduct are often used as 'catch-all' terms to describe actions of a sexual nature made against a person without their consent. These acts are considered to be forms of Gender Based Violence (GBV)but can affect people of all genders and none.

In the Framework, **sexual misconduct** is described as: "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."[2]. Rape and Sexual Assault (often referred to as **sexual violence**) are given in their legal terms and are defined within the Framework in their legal capacity, in the Criminal Law (Rape) (Amendment) Act 1981 Act as Amended.

Image-Based Sexual Abuse (IBSA)

In the GPG, IBSA is the sharing, or threatening to share, an intimate image or video of another person without their consent. IBSA is illegal in Ireland under The Harassment, Harmful Communications, and Related Offences Act, 2020.[3]

Intimate Partner Violence (IPV)

IPV refers to any behaviour within an intimate relationship that causes physical, psychological, or sexual harm to those in the relationship.[4] These behaviours can include acts of physical violence, sexual violence, emotional abuse, and controlling behaviours.

Coercive Control

"Coercive control is an act or a pattern of acts of assault, threats, humiliation, and intimidation or other abuse that is used to harm, punish, or frighten their victim."[5] Coercive Control, as outlined by Evan Stark, is a pattern of behaviours used to entrap victim-survivors in abusive relationships.

A Good Practice Definition of SVH

When creating policy connected to SVH, it is encouraged that a definition that encompasses broad a range of actions connected to SVH is used. It is also suggested that a definition used by HEIs would encompass new laws in Ireland around IBSA, and patterns of behaviour as well as single incidents. An example of this could be:

non-consensual, unwanted, forced, and/or coerced sexual behaviours, or patterns of behaviour, including, but not limited to, rape, assault by penetration, sexual assault, sexual harassment, indecent exposure, image-based sexual abuse, stalking, and domestic abuse, including coercive and controlling behaviour.[6]

2 Government of Ireland, Safe, Respectful, Supportive and Positive Ending Sexual Violence and Harassment in Irish Higher Education Institutions, 2019, p. 14. Accessible at: https://assets.gov.ie/24925/57c394e5439149d087ab589d0ff39c92.pdf

3 https://www.irishstatutebook.ie/eli/2020/act/32/enacted/en/print

4 World Health Organisation, Understanding and addressing violence against women, 2012, p. 1. Accessible at: https://apps.who.int/iris/bitstream/handle/10665/77432/WHO_RHR_12.36_eng.pdf?sequence=1&isAllowed=y

5 Women's Aid, Coercive Control, accessed on 23/02/2023 https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/coercive-control/

6 C.J. Humphries and G.J. Towl, Addressing Student Sexual Violence in Higher Education: A Good Practice Guide, Emerald Group Publishing, 2020, 1st edn, p.5

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Institutional Culture

Institutional Culture

1. A member of HEI Senior Management team will have responsibility for the implementation of the Framework.

1.1 The Digest:

In the context of this recommendation, the Framework is clear that a member of Senior Management in an Institution will have responsibility for the implementation of the Framework. The seniority of this role within an Institution is important given that the tasks connected to the implementation of the Framework, specifically those connected to policy and disciplinary procedures, are likely to require changes to the Institution's response to SVH, and possibly a full culture shift within an Institution.

As the Framework states that a member of the 'Senior Management team' will have responsibility for implementation, this particular section of the Framework should not be interpreted as being delegated to the *Sexual Violence and Harassment Prevention and Response Manager* roles, funding for which was announced by the Minister of Further and Higher Education, Research, Innovation, and Science, Simon Harris TD, in October 2022, for 17 eligible institutions. Rather, the Sexual Violence Prevention and Response Manager is likely to report to the member of the Senior Management Team, ensuring that necessary issues can be escalated to the top levels of management within the Institutions.

1.2 The Practice:

Sexual Violence and Harassment Prevention and Response Managers

Following the announcement of funding for 17 new Sexual Violence and Harassment Prevention and Response Manager positions by the Department of Further and Higher Education, Research, Innovation, and Science, many Higher Education Institutions will begin recruitment of these new positions. The creation of such roles will be integral to progressing the implementation of the SVH Framework and ensuring that both reporting and responding parties are supported. The HEA has sent letters to all eligible HEI concerning the parameters of the funding for the new roles.

The *THEA Promoting Consent and Preventing Sexual Violence (PROPEL)* report outlines, in detail, the responsibilities of the *Sexual Misconduct Prevention and Response Manager.*[7]

7 E. O'Brien, Report of the THEA Promoting Consent and Preventing Sexual Violence (PROPEL) project, 2021, p.126. Accessible at: https://www.thea.ie/contentFiles/PROPEL.pdf

It is likely that the member of Senior Management will partake in this role of responsibility as part of a roster of other roles they are assigned. For this reason, it has been argued by NAC members that, as a minimum, the S*exual Violence Prevention and Response Manager* would receive in-depth training on SVH in general, and in the context of Higher Education in particular, so that the prioritisations and understandings can be passed up to Senior Management, and down to the committees and Working Groups which they partake in.

It is envisaged that the *Sexual Violence Prevention Managers* will have training provided in their roles on understandings of the specific context of SVH connected to trauma, SVH policy, and the gendered nature of sexual violence.

1.3 Checklist:

- A member of Senior Management is assigned responsibility for the implementation of the Framework.
- The assigned Senior Management has expertise in this area and is of seniority that allows them to bring motions to the highest committees in the Institution.
- The assigned Senior Management is committed to the aims and ethos of the Framework.
- The assigned Senior Management is assisted by (a) staff member(s) whose specific remit is the prevention and response to sexual violence (i.e., Sexual Violence and Harassment Prevention and Response Manager).

2. 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+.

2.1 The Digest:

Each Institutional SVH Implementation Working Group is 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+ community members.

2.2 The Practice:

The naming of the Institutional Working Group

In general, HEIs have opted to call the implementing committee some version of a 'Consent Working Group' or 'Framework Implementation Committee'. There are notable exceptions to this wherein the Working Group is called some version of 'Ending Sexual Harassment Working Group' or 'Sexual Violence Implementing Committee/Working Group' or 'Sexual Health Working Group'.

The naming of the implementing group/committee should be given careful consideration as this will (in)form the basis of understanding of the work both within the group and beyond. It is recommended that the term sexual violence or harassment be included in the title of any Working Group established.

Membership of the Institutional Working Group

The membership requirements of the SVH Implementation Working Group reflect its important role as a group that has specific direct and ongoing responsibilities for tackling SVH. Membership guidelines in the Framework refer to:

- A member of the HEI Senior Management team should be assigned responsibility for the implementation of the SVH Framework.

- The Working Group will include key stakeholders such as academics, support services, administration, and the students' unions, having balanced representation particularly to give voice to at-risk and distinct groups in terms of gender, disability, ethnic identity, and sexual orientation.
- Institutions should ensure effective liaison and partnership with external specialist agencies.

The SVH Implementation Working Group, therefore, has a critical role assigned to it by the SVH Framework. It is a key driver of the goals of culture change, enhancement of policies, recording, and complaints, and education. Yet the SVH Implementation Group must help steer the HEI toward these goals in a manner that is specific to how the Institution is organised and must involve collaboration between internal and external stakeholders.

Page 17 of the SVH Framework describes a set of responsibilities for HEIs that speak to the SVH Implementation Working Group structure as a central focus for an overall strategy that has a distributed implementation structure across the administrative, academic, and management functions of the Institution. The 'Working Group' concept suggests a need to find a place for it in the administrative organogram of the Institution – for example, linked with the senior manager of Equality, Diversity, and Inclusion in the Institution.

It is advisable to be as inclusive as possible and 'think outside the box' for students and staff members who may be interested in joining a committee. When selecting roles and membership of the committee, it is important to review what is currently in existence within a HEI and ensure to engage those who have been involved to date in this work (for example, is there a student society that already runs disclosure workshops, and would they be interested in being student representative on the group?).

Composition of the Institutional Working Group

An example

An example of the composition of the implementation working group is given in *Appendix [2]*. This diagram illustrates how there are specific representation criteria that NAC members suggested would be valuable to address within the composition of the group and acknowledges that the roles which would fulfil these requirements may differ from HEI to HEI. It is important that there is wide representation to ensure the voices of victim-survivors are central to the policy development, and that composition of the committee is strategic to bring all the key Institutional players to facilitate implementation.

Ethos of the Institutional Working Group

Having an understanding of SVH and GBV, in general, are an important criterion in the selection of the implementation committee. This requirement can be fulfilled by a certain amount of training or workshops being provided to the committee at the beginning stages of each academic year, for example, seminars or other educational activities provided on a rolling basis when membership of the committee changes. The ethos of the committee should mirror that of the Framework, and aim for an intersectional, proactive, and feminist attitude to be advanced with the aim of ending SVH and protecting and supporting victim-survivors.

2.3 Checklist:

- An implementation group is created, with specific parameters, structures, meeting schedules, and members.
- Membership of the group is representative of the Institution, including student representatives, and representatives from minoritized and vulnerable groups.
- The group advances a feminist, intersectional, and proactive ethos, and members are encouraged to attend training in the area of sexual violence prevention and renumerated to do so where possible.

3. Liaison and partnership with external specialist agencies to ensure effective engagement with external structures.

3.1 The Digest:

Liaison and partnership are essential elements of the effective implementation of the Framework. The types of agencies used as partners will vary from HEI to HEI, depending on geography, size of the Institution, and demographics within an Institution.

3.2 The Practice:

It is recommended that a partnership structure is created within a HEI, to allow for strategic and useful work to be undertaken in working with agencies. The type of work undertaken will vary depending on the needs of the Institutions, but it is recommended that relationships are sought out with local domestic violence NGOs and rape crisis centers, local SATUs, and local Protective Services Units within a Garda Síochána. All of these agencies provide a specialised service connected to SVH and should be considered expert advisors in this way.

When creating a partnership with an external agency, it is important to consider not only what the agency can do to assist the HEI, but also what the HEI can do to assist the agency in their work. A partnership may, for example, allow for the membership of a member of a local rape crisis centre on the HEIs implementation panel, and the commitment from the HEI to run awareness and fundraising campaigns for the rape crisis centre in their Institution on an annual basis. There have also been successful partnerships with local SATUs where a clinic is run on campus for staff and students in the Institution. When considering the partnership and its operation, it is best practice to look at what agencies operate in your locality and begin discussions with them on what a mutually beneficial partnership would look like.

As sexual and gender-based violence are complex issues, which affect different groups of the population in different ways, liaison and partnership with external specialist agencies can assist in bringing an intersectional response to the issue of SVH in a HEI. Specialist organisations that work with people in vulnerable groups can provide support, care, and assistance to those who may have experienced SVH as well as racism, classism, or other intersectionality-affected groups SVH. For example, international students may be at a higher risk of experiencing SVH and may also know less about local procedures and supports which are available to them.

Creating a partnership with these organisations can provide those members of your community who may be impacted by these intersections and can also help to raise the profile of these organisations. Once again, when creating partnerships which such agencies, the HEI should consider reimbursement, and what a mutually beneficial relationship would be in this context. Also, while external specialist agencies can assist students who may be affected by racism or classism as well as SVH, it would be unethical and unhelpful if a HEI engages with such an organisation without first examining their own practices for explicit or implicit practices which could minorities further these vulnerable community members.

3.3 Checklist:

- Communication and partnership with local expert agencies are undertaken on an active basis within the Institution.
- The partnerships with local expert agencies are reciprocal, and the agencies are renumerated for their time when they work on groups or panels.
- The partnerships go beyond simply asking for assistance from agencies and are undertaken on a basis of mutual respect.

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Institutional Processes: Recording

Institutional Processes: Recording

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

1.1 The Digest

To fulfil this Framework requirement, the Institution must record statistics connected to the three named areas above. It is not noted in the aim whether this connects to formal, informal, anonymous, or named reports.

When recording reports and disclosures, it is important to note the difference between a disclosure made and a report recorded.

A **disclosure** or **informal report** is when an incident of harassment, abuse, rape, or other forms of behaviour which may violate the code of conduct of the Institution, or another policy is made to a person within an Institution. This person could be a staff member or a student leader or another person within the institution, and this could happen in any context. Disclosures aren't recorded, and should not be recorded unless there is consent from the individual making the disclosure. Disclosure Training is discussed in more detail in Section 4.. If a disclosure is recorded using the HEI's reporting procedures, it becomes a **formal report.**

A **report**, or **formal report,** is a record made **following a disclosure** of an incident of harassment, abuse, rape, or another form of behaviour which violates the code of conduct of the Institution, or another policy. This report is recorded, in a formal manner, with details taken by a named person and kept in a named place. Generally, in Institutions in Ireland, reports can only be made by a **named person against a named person or persons**.

An example **reporting form** for Institutions to use when recording reports is given in *Appendix [4],* which can be adapted by HEIs to suit their specific policies and procedures.

1.2 The Practice:

It is recommended that institutions develop a strategy or plan for the collation of data related to sexual violence and harassment as part of their Institutional data strategy. The following (are potential sources of data that could be collated and analysed) is an example of records and statistics which could be collated as part of this data strategy.

Possible data sources:

- The Speak Out Anonymous Reporting Tool or another anonymous reporting system.
- Number of incidences disclosed to health services.
- Number of incidences disclosed to counselling services (with consent).
- Number of formal reports made to the HEI.
- Number of formal reports which were deemed to not fall within the scope of the policy by a Preliminary Screening Process.
- The outcomes of Formal Reports.
- Survey data (such as annual EDI surveys or student surveys) .

All data should be disaggregated, as far as is practicable, by:

- Gender (with the option to delineate if the gender is different from the gender assigned at birth, to recognise that SVH disproportionately affects trans and non-binary people).
- Age.
- Association between reporting and responding party.
- Association with the HEI (student, staff, other).

It is important to discuss internally with your legal advisors and Data Protection Officers (DPO) how to ensure the data collected and reported to the HEA is compliant with GDPR guidelines. Secure storage of data and limitations of access to this data would also be important areas of this work.

It is envisaged there would be a named staff member who is responsible for the collation of the data, and who has access to it when it is requested by the HEA or other bodies, who has expertise in both sexual violence and data management. The above is not given as an example of how to ensure this, but simply as an example of what good practice in this area may look like.

Reporting statistics to the HEA

Going forwards, HEIs will be asked to report their statistics on reported incidents of Sexual Violence, Sexual Harassment, and Sexual Misconduct as part of their annual reporting to the HEA. The definitions of these categories used to collate data from the academic year 2021-2022, which is the first time this data has been formally collated by the HEA, were aligned with those used in the National Surveys of Staff and Student Experiences of Sexual Violence and Harassment in HEIs, and were provided by the HEA alongside detailed guidance on around the reporting of this data.

The HEA recognises that shared terminology is constantly evolving in line with new understanding, guidance and legislation, and endeavours to continuously review and update the terminology used in documentation in consultation with stakeholders.

The statistical data gathered through this process will be analysed alongside other sources of evidence, including anonymous data gathered via online reporting tools and national survey data, to enhance understanding of sexual violence and harassment in HEIs, to monitor trends over time, and to inform policy and practice.

1.3 Checklist

- Statistics are recorded of the number of formal reports made to the Institution on an annual basis, and the number of anonymous reports made.
- These reports are disaggregated on an internal basis, where practicable, to assess patterns in incident behaviour.
- The compilation of these statistics is an assigned responsibility of a specific member of staff.

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

2.1 The Digest

This section relates to an internal mechanism of disclosure and reporting incidences that breach the code of conduct, or other Institutional policies. The differentiation between disclosures and reports noted above is also important here.

When looking to fulfil this requirement, it is key to note that the systems for disclosure and reporting should be easy to use, and visible within the Institution.

2.2 The Practice:

System for Disclosures

As disclosures are generally seen as **anonymous** unless and until they are converted into a formal report, a system for informal disclosures can be held in a different category from a system for formal reports or complaints. When disclosures are made, the most important next step is seen to be to ensure the **safety** and **support** of the person who made the disclosure, and not an investigative process.

A clear mechanism for recording and storing Formal Reports is considered a requirement for HEIs under the Framework.

Going forwards, a HEI may decide to begin recording SVH Disclosures (through Speak Out and those made to counselling and health services and supports) and

Formal Reports to understand the scale and nature of SVH, but these actions should only be taken when consent is received from those making the disclosures, training in place for those receiving disclosures and supports available for those making and receiving disclosures.

Generally, there are two types of informal disclosures made within Institutions:

- Online anonymous reports, made to the SpeakOut tool or other online disclosure system.
- Disclosures made to other members of the Institution, for example, staff or students.

Following a disclosure made to an online system, there is generally a list of tailored supports given to the person who makes the disclosure.

When a disclosure is made to another member of the Institution, the person who receives the disclosure may be worried as to what steps they should take next. It is recommended that every person who is likely to receive disclosures within an Institution would receive **disclosure training**. People in an Institution who may be likely to receive disclosures could include, but are not limited to:

- Academic staff, including Lectures, Teaching Assistants, and Researchers.
- Students' Union officers.
- Accommodation staff.
- Security staff.
- HR.
- EDI staff.
- Class reps/clubs and society leads.

In disclosure training, there is generally a curriculum that explores what sexual violence is, how it happens and who it may happen to, and what to do if a disclosure is made.

Legal Mandatory Reporting Requirements:

It is important that training also notes **legal mandatory reporting requirements** under the Children First Act (2015) which will be contained within the Institutions' child protection policy. Generally, the law in Ireland means that there is a duty on people who work with children, or vulnerable adults (as defined in the Criminal Law (Sexual Offences) Act 2017) to report any knowledge, belief, or reasonable suspicion that a child (or vulnerable person) has been harmed, is being harmed, or is at risk of being harmed to a mandated person within an Institution.

If mandatory reporting is not required as per legislation, there is **no obligation to make a formal report of the disclosure, and this should not be undertaken without the knowledge, consent, and wishes of the reporting party.**

Immediately following a disclosure, the staff or student who makes a disclosure would be assisted to contact further supports if they wish, such as a counselling service, a rape crisis centre, or a SATU, regardless of whether they wish to make a formal report.

It is very important to note **that information about an informal disclosure should never be shared without permission from the person disclosing except where there is a legal obligation to do so.**

It is known from recent survey findings that many students who are victims of sexual violence or other unwanted behaviour are most likely to disclose to friends and trusted people in their social circle.[8] For this reason, to achieve this Framework aim, the disclosure systems, both online and interpersonal, could be highly promoted within the Institution throughout the year. The promotion of these would include key steps to accessing support, what would happen if a disclosure were made, and who they can talk to about their experience.

Due to the nature of disclosures, and how many people who experience sexual violence choose not to make a formal report, the recording of disclosures not made to online systems can be difficult and should not be done without the permission of the person disclosing.

Recording of statistics from counselling services and health services can help to give a better estimate of how many disclosures are made within an Institution, and trends in these disclosures over time, but the actual number of disclosures made to staff and students is likely to be much higher. An increase in disclosures does not necessarily mean an increase in incidents but instead can indicate a greater awareness of disclosure procedures, and more faith in an Institutional system.

Going forward, a standardised system across HEIs for reporting disclosures within Institutions, and disclosure training could be a welcome step towards consistency of approach. A standardised system across HEIs, similar to the SpeakOut tool, would allow for a more accurate recording of rates of disclosure and would provide a level of security and reassurance for those receiving the disclosure. A national, standardised system is preferable. This would ensure that disclosures received in Institutions by victims of incidents are equal across the board, no matter what Institution the person making the disclosure is a part of.

System of Formal Reports

When a disclosure is made to a person, as noted above, there **does not need to be a formal report made**. A formal report should only be made if the reporting party wishes to. It is important that those who receive disclosures are aware of this, and do not pressure disclosing parties to submit formal reports, but also that they do not prevent them from doing so.

8 P. MacNeela, K. Dawson, T O'Rourke, S. Healy-Cullen, L. Burke, W. Flack, Report on the National Survey of Student Experiences of Sexual Violence and Harassment in Irish Higher Education Institutions Summary of Survey Findings, 2022, p. 23. Accessible at: https://assets.gov.ie/214116/df0de859-4e3f-47e6-a1e3-4811e698146d.pdf

A formal report of an incident(s) should be made as per the institution's policies and procedures and should follow a set structure – an example form for reports is given in *Appendix [4]*. A report would be made to a **named person within the Institution**, named in the HEI policy. This person would know it is their duty to record and process reports and be given training, time, and support to do so.

Ideally, there would be at least two employees within the Institution whose role this is, to account for absences. When a person wishes to make a report, if they wish to have someone accompany and support them when doing so, it is recommended that this is permitted. Before completing the report, it would be very important to ensure the reporting party understands who the data will be shared with and how it will be used.

Following the creation of the Formal Repot, the formal procedure of the Institution would likely begin. Information on the next steps in the formal process is detailed in 4.2 (c) [2.1].

There would be a policy created for the storage and access to these reports, including who they can be accessed, under what circumstances, how long they are stored and how they are counted when compiling data for the Institutional data strategy. The legal standing of notes and records made in the process of recordings should also be considered. It is up to each Institution to create procedures around the protection of these records in line with data protection legislation.

2.3 Checklist:

- An Institution should create a formal reporting mechanism for students, staff, and visitors to record an incident(s) of SVH.
- There is an understanding of the reporting system by those who will be using it.
- The reporting system allows for the recording of mandatory reporting scenarios, and such mandatory reporting requirements (child protection, danger to self or others) are understood by those who will be using the reporting system.

3. The reporting system for students is compatible with complainant/survivor rights, cognisant of the needs of vulnerable groups, and has the confidence of the Higher Education community.

3.1 The Digest

This section recognises that people who experience SVH may be part of vulnerable groups within our Institutions, as students in these groups are more likely to experience SVH. Ensuring that students and staff members who come forwards with disclosures and/or formal reports are protected, and can continue their education in HEIs, is a key aim of the Framework.

This section also recognises that the reporting procedures of all Institutions must have the confidence of the greater Higher Education community. This is an important point, as the Institution of which someone is a part, in whatever capacity, should not mitigate a person's access to justice or fair procedures.

3.2 The Practice:

Victim-survivor rights

There is no specific list of victim-survivor rights, but when considering the rights of this cohort, it is important to look at, for example:

- Right to information – about procedures, processes, and what will happen to the information they share with someone. This could mean, for example, knowing when someone who receives a disclosure has to make a mandatory report, or if the person making the disclosure makes a formal report, that their report will be shared with the person it is about.
- Right to report, or to not report, to the HEI or the Gardaí – integral to the processes within an institution, and its ethos towards victim-survivors would be the importance of autonomy and control for victim-survivors. The decision to report, if the victim-survivor wishes to do so, should rest solely with them.
- Right to access supports – that provisions are made for the support of victim-survivors, and responding parties, and that these are accessible.
- Right to education or employment – ensuring that the person who makes the disclosure or report is protected following the disclosure and that the making of a disclosure or report does not impede on their access to education or their employment.
- Peaceable living situation – many students who attend Institutions live in student accommodation, and if they make a report or disclosure, the Institution may then be aware of the fact that the living situation in a student accommodation is no longer peaceable to them, for reasons which could include ongoing harassment, ostracization or danger. The student (or indeed staff member) who lives in accommodation provided by the Institution

ideally would be allowed to continue living there safely, and measures such as moving apartments, etc should not be presumed to be undertaken by the reporting party.

The Criminal Justice (Victims of Crime) Act (2017) can guide HEIs as they work to ensure that their reporting procedures to not contribute to the trauma which may have been accrued by the person who has experienced SVH.

The needs of vulnerable groups

As noted above, students and staff who are part of vulnerable or minoritized groups within our Institutions are more likely to experience SVH than students and staff who are not part of these groups.

For this reason, the needs of these groups who are more likely to experience SVH must be prioritised when creating reporting procedures. The needs of the groups in question will differ, based on the specific community which exists in HEI. For example, some Institutions may have a larger number of members who are International Students, or from specific vulnerable groups. Therefore, more provisions **may** be needed in these Institutions for vulnerable groups. That being said, every HEI will have a community of members who make up vulnerable groups, and adequate provision must be made for these to fulfil this section of the Framework.

Specific needs of vulnerable groups may include, but are not limited to:

- Access to ISL interpreters, at each stage of the disclosure and reporting process.
- Access to 'scribes' or other transcribing aids.
- Disclosure training is given in the Institution which has an understanding of vulnerabilities, other cultures, and factors that can affect peoples' willingness to make disclosures or reports.
- Information about reporting and disclosure procedures is accessible in the main languages spoken in the Institution.
- Visiting or temporary employees' and Erasmus students' knowledge of their rights while a part of the Institution.
- Easy-to-understand information accessible on campus and also online for members of the community who may not attend in-person or online activities.

3.3 Checklist:

- The reporting system is easy-to-use, understood and disseminated within the student and staff population, and accessible to anyone who would like to make use of it.
- Specific provisions are made for vulnerable groups who are more likely to need to use the formal reporting system, and funds are available to give life to these provisions.
- There is an understanding of the needs of victim-survivors amongst the Institutional population, and an understanding of the intersectional impact and nature of SVH.

SHE'S
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Institutional Processes: Policy

Institutional Processes: Policy
(policy and practice subcommittee)

1. Dedicated policies of breadth and depth consistent with the Framework aims.

1.1 The Digest

Dedicated, trauma-informed Policies and Procedures are, of course, one of the most important foundations for addressing SVH in HE. Before the SVH Framework incidences of SVH typically came under the Institutions Dignity and Respect Policy which dealt with bullying, harassment, and sexual harassment. It is now widely recognised that there is a need for separate SVH Policies and Procedures.

There have been several detailed discussions on various aspects of SVH Policies and Procedures within NAC Committee II. The following section reflects these discussions in the hope that it will offer greater clarity, and therefore consistency, across the sector.

Most HEIs have drafted, or are in the process of drafting, a separate SVH Policy, as with the above it is essential that 'sexual violence', 'sexual harassment' or 'sexual misconduct' is contained in the title of this Policy and all accompanying Procedures to ensure that victim-survivors can identify these easily. Clear 'plain English' and/ or diagrammatic versions of the Policy and Procedures should be easily accessible and available. This will help victim-survivors and those that are supporting them. **SVH Policies and Procedures may link with existing Student/ Staff Disciplinary Procedures, where appropriate, and where these have been reviewed to ensure that they are trauma informed and victim-survivor centred.**

1.2 The Practice:

Staff and Student SVH Policies

Most HEIs have opted for a single SVH Policy for both students and staff with distinct processes for each cohort. SVH Policies underpin the system of reporting/ investigations and consequences.

Many incidents transcend the student-staff divide and classification. For this reason and others, policies that are mirrored on a staff and student level, where practical, which incorporate and reflect both students' and employees' rights is considered good practice.

Once a formal complaint is submitted as per the HEI's procedures the report would then be processed and reviewed (or 'screened') to ensure that it falls within the scope of the institutional policy (either by a panel or an individual), and once determined to be within scope, it would usually be passed on to person named in policy for having the responsibility to coordinate the investigative procedures, who would organise a formal investigation as per the procedure set out in HEI policy.

However, it is also important that there is engagement with support for the reporting party, and this can be facilitated by a case manager. The parties would be offered relevant student or employee support, and interim measures may be put in place to ensure the ongoing safety of all parties involved in an investigation. Interim measures are explored more in 4.2 (c) [2.1].

Definitions of what Constitutes Sexual Violence, Sexual Harassment, and Sexual Misconduct

Many HEI policies have definitions of sexual violence, sexual harassment, and/or sexual misconduct. However, it is interesting, and welcomed, to note that some SVH Policies go further by specifically naming intimate partner abuse, including stalking and coercive control. Examples of definitions are given in Introduction [3]. When choosing and creating definitions, it would be welcomed if definitions which are broad and provide for a wide range of behaviour are included. The definition given in institutional policy is important as when a formal complaint is made, the behaviour must fall within the scope of this definition for it to be considered within the scope of the policy.

Sufficient Connection Between the Incident(s) and the HEI

Concerning the 'scope of policies', the IUA and PROPEL Guidance are clear that SVH Policies should set out a non-exhaustive list of examples that happen inside and outside of the university, as well as conduct on social media, and in digital communications. It could also be made clear in the policies that the unacceptable behaviours listed are not exhaustive and that the indication of the sanctions which may be applied if certain behaviour is found to have occurred is illustrative only (there will be instances when certain behaviours which might usually be considered to be minor are very serious and will require a more serious sanction).

Additionally, PROPEL outlines some of the considerations concerning scope that should be considered. In brief, these relate to:

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

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. As such, these behaviours may pose a risk to a student's ability to access their education, 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.

Persons to whom SVH Policies and Practices Apply

Applicable persons to whom the SVH Policy applies would preferably be broadly defined and applied. For example, the UCD Sexual misconduct Policy applies to:

"All members of the UCD community - employees, students, and others - "others" shall be taken to include, but is not limited to the conduct of contractors, subcontractors, vendors, and members of university societies/clubs. It also includes those who engage and/or who interact with the University and/or its associated bodies, those who provide services to the University, those who avail of services and/or are visitors of and to the University or any of its associated bodies".

Provision should also be made for more than one respondent in a report, as a report could include more than one person in an alleged incident(s).

Complaints that may also be crimes

A potential stumbling block in the creation and implementation of SVH policies has been the reality of some complaints and reports which are brought to a HEI also being crimes. It is a fact that a HEI would not wish to interfere with a criminal investigation or to jeopardise an investigation with its investigative process.

However, the Framework provides for the investigation of incidents by HEI that may be crimes[9]. It is also important to note that the role of the HEI is **not a criminal** process – this is why, for example, the Framework states that the burden of proof in an internal investigation is the balance of probabilities, not innocence until proven guilty.

HEIs are encouraged to work off the assumption that they are obliged to investigate a formal complaint if it falls within the scope of institutional policy. The reporting party has a right to bring an internal report, and not to report the incident(s) to the Gardai if that is their preference and should not be encouraged to report to the Gardai instead of making a report if they do not wish to do so.

Liaison with outside services can be a very helpful resource if the question of potential criminality comes into play. HEIs are encouraged to discuss and work with their local Garda Liaison to ensure their investigation and procedures undertaken are as thorough as they can be.

Rape Crisis Centres are also extremely familiar with the criminal procedures and investigations surrounding SHV and many provide psychological support and accompaniment to garda stations and courts. HEIs can liaise with their local Rape Crisis service to get information and advice on procedures in this area.

In addition, the government has promised to provide legal advice from the Legal Aid Board to those who have made complaints and complainants should be advised of this when the law is changed to allow this. This change will also facilitate people making complaints where criminal proceedings have been issued by the State and the person making the complaint wishes the Institution to proceed with the internal investigation.

9 Government of Ireland, Safe, Respectful, Supportive and Positive Ending Sexual Violence and Harassment in Irish Higher Education Institutions, 2019, p. 14. Accessible at: https://assets.gov.ie/24925/57c394e5439149d087ab589d0ff39c92.pdf

Scope of the SVH Policy – a good practice guide

Who	Defined to include staff, students, employees, and those connected to the HEI.
What	Sexual Violence, Sexual Harassment, and Sexual Misconduct – broadly defined and understood.
Where	On campus, at student accommodation connected to the Institution, and between members of the community where their role or ongoing education would be impacted by the behaviour which is being reported.
When	There ideally would be no time limit to making a Formal Report although this may be limited to incidents that occurred when the Reporting Party is/was a student/ staff/ employee of the HEI and where the Responding Party is a current student/staff/ employee of the HEI. It should also be explained to a Reporting Party that a delay may affect (although should not prevent) the Institution's ability to investigate.

Summary of policy requirements

SVH Policies and Procedures may include:

- Clear, broad definitions of sexual violence, sexual harassment, and sexual misconduct.
- Broad applicability to all members of the HEI community – staff, employees, students, and others. "Others" shall be taken to include, but is not limited to the conduct of contractors, subcontractors, vendors, and members of university societies/clubs. It also includes those who engage and/or who interact with the University and/or its associated bodies, those who provide services to the University, those who avail of services, and/or are visitors of and to the University or any of its associated bodies.
- A non-exhaustive list of unacceptable behaviours.
- All incidences that have a direct impact on any student/staff/employee of a HEI.
- Where there is an ongoing interaction between the Reporting and Responding Parties in a HEI-related environment this should be considered a 'sufficient connection' or nexus to bring it within the SVH Policy and Procedure.
- Conduct that happens inside and outside of the HEI, as well as conduct on social media, and in digital communications.
- No time-limit on Formal Reports.
- Former students, staff, or employees would not be prohibited from making complaints so long as the Responding Party is a current student, staff, or employee of the HEI.
- Interim measures are allowed for in the Framework and would give life to the rights of the complainant and victim-survivor.

1.3 Checklist

- There is a specific SVH policy, or section of a policy, in the Institution.
- The policy provides a system for reporting and investigating incidents of SVH and connects to relevant disciplinary procedures.
- The policy has clear remits, definitions, and applications.
- There is a named person, or persons, who have the responsibility for the implementation of the policy, and there is clarity as to what this responsibility looks like in practice.
- The policy speaks clearly to the aims of the Framework and is created to protect and support victim-survivors.

2. Policies are explicitly linked to clear lines of responsibility, active responses, Institutional reporting, and regular review.

2.1 The Digest:

This section of the Framework deals with the mechanics of the policies, and how they may play out in a reporting process. These are examined below.

2.2 The Practice:

Lines of responsibility

Responsibility for the report

HEI procedure would preferably clearly set out where and how a report may be submitted, clearly state who has responsibility for managing the complaint appropriately and the procedures that would then be followed.

It may be the case that the HEI has created case managers to provide for the processing of reports through the institution or is in the process of doing so. If this is not the case, it is hoped that a policy would lay out who would have a responsibility in particular for the following key steps in the reporting process:

- Passing the report on to the correct department and ensuring that a complaints process begins.
- Assigning both parties support from either student services or HR as appropriate.
- Aiding the department in the recruitment process of investigators, or the investigation panel.
- Ensuring that the investigation is undertaken if an action is deemed to fall within the scope of the policy.

- Ensuring progress reports are made to the reporting and responding parties on the timeline of the investigation.
- When an investigation is complete, informing parties of their right to review, and organising these appeals processes if requested.

It is believed that it would not be appropriate for the investigator, or a member of the review or investigation panel to fulfil these requirements, but this may depend on the institution. If it is the case that those involved in investigations and screening would have a dual role, it would be a good idea for the necessity of this decision to be outlined for transparency reasons.

Support responsibility for the reporting party and respondent(s)

When a report is created, there would, it is hoped, be support assigned to the reporting party and the respondent(s). The assigned support person may be from a student welfare department within the Institution, from HR, or another department within the HEI. The advocate would not be the same person for each party.

The support does not have responsibility for the investigation or for advocating on behalf of the party. They are instead concerned with providing information, support, or access to support for the party as they move through the investigation. Their primary role could also include the implementation of interim measures (sometimes called buffer zones) and providing pastoral support for the party.

Interim Measures

Interim measures are temporary measures implemented to support the reporting and responding party following the creation of a formal report. These measures may be organised by the support persons assigned to each party, with collaboration from the parties as to what measures they would find effective in the mitigation of harm.

It would be beneficial if the interim measures are implemented when a formal report is made, and all parties have been notified of the report and assigned a support person. The interim measures would therefore be in place before the preliminary screening process. While interim measures may be especially helpful during an investigative process, it has been suggested that interim measures could be put in place even if the preliminary screening process decides that the reported behaviour does not fall within the scope of the policy in question.

A non-exhaustive list of interim measures can be outlined in the SHV policy.

Some examples of Interim Measures provided by NAC participants include:

Accommodation: If the incident(s) occurred in a shared Institution accommodation, or if the parties live in the same accommodation, temporary or permanent changes to the accommodation could be offered by the HEI.

Education and Employment: Changes in class scheduling or assigned lectures or tutorials, or the movement of a party onto online-facilitated learning. These measures must be carefully enacted to ensure no party is removed from their ability to access education or undertake their role as staff.

Hours of Access to Specific Facilities: Parties could agree, through support, on hours of access to facilities such as libraries, sports facilities, or other areas of campus. If multiple facilities are serving the same purpose, parties could be assigned a facility for access.

Such interim measures would ideally be agreed upon between the supports and should not be seen by either party as a disciplinary procedure, but instead a preventative measure. For this reason, it is expected that the interim measures would be shared between the parties involved in the report so that one party does not take on the brunt of the labour in the preventative measures.

Depending on the nature of the alleged incident(s), and if one party does not agree to participate in interim measures, the Institution may find it appropriate under their Duty of Care responsibilities to enforce a leave of absence on the Responding party for the duration of the reporting and investigative process. The criteria for enforcing a leave of absence would be clearly delineated in the Policy.

Case management responsibility

When the case is assigned by the person with responsibility for receiving a formal complaint the report, a person within the assigned department, or a designated person, could take responsibility for the organisation of the preliminary screening. The process of the preliminary screening can take place via a review panel, or individual review. The process of preliminary screening would include an appeals process if the report is deemed not to fall within the scope of the policy.

Following the completion of the preliminary review, all parties should be informed of the outcome. If the outcome is for the complaint to be formally investigated, the organisation of an investigation would begin. More details are included in 4.2 (c) [2.1] on what an investigation may look like. If the outcome of the review is that the report does not fall within the scope of the policy, both parties should have the option to appeal this decision, and the organisation of this appeal would fall to an assigned person.

Preliminary Review/Screening of Formal Reports

The language around this phase of the Formal Reporting Process varies, with some HEIs referring to this as a Preliminary Review and some as a Preliminary Screening. Whilst there is no consensus as to the correct terminology that should be used, it should be noted that PROPEL opted to use 'Preliminary Review'.

The purpose of this phase of the Formal Reporting Process is to decide whether the incident(s) or behaviour(s) outlined in the Formal Report fall/s within the SHV Policy or whether it comes under a different policy for example Bullying and Harassment, or whether a person would benefit from some additional specialist supports.

In some processes, a form of Safety Risk Assessment is carried out by the Review Panel/ Reviewer with recommendations being made to either the Director of Human Resources or the Registrar that Precautionary Measures would be considered if the complaint involves an employee or a student, or both depending.

It is also recommended that the number of Formal Reports reviewed by the Preliminary Screening process and their outcomes are recorded within the Institutional Data Policy.

Review Panel

In some Institutions, there has been a movement towards the creation of *review panels* that assess a written complaint and decide if this complaint falls within the scope of the SVH policy. The panel does not review if the report is credible, but instead decides whether the *alleged* behaviour can be investigated under the policy in question.

The PROPEL report offers guidance on the possible composition of Review Panels. PROPEL recommends that all individuals on the preliminary-review panel will have received training in trauma-informed approaches to sexual violence and harassment.[10]

While there is value in having a multi-disciplinary Review Panel, it must be noted that victim-survivors may be intimidated and put off by this overly formalistic structure whose purpose is solely to determine whether the alleged incidence/s and/or behaviour(s) outlined in the complaint falls within the scope of the SVH Policy. Multi-person Panels may also add significantly to what should be a speedy process of determining whether the alleged incident(s) is in the scope of the policy. This delay may further deter survivors.

There are also questions about the need for the inclusion of an Institution's legal advisor on the panel. From a victim-survivor and trauma-informed perspective, there should be a greater emphasis on emotional and psychological support for the Reporting Party at this stage without the perception (real or perceived) that the process is weighted towards Institutional protection over that of victim-survivors.

Principles that may underpin the Review phase:

- Trauma-informed and survivor-centred, a system that encourages and supports Formal Reports.
- Limiting the number of people, as far as possible, who have access to the Reporting parties' Formal Report which will necessarily detail deeply personal and upsetting SVH incident(s).
- Safeguarding the confidentiality and privacy of both the Reporting and Responding Party.
- A timely and transparent process.

Alternatives to Review Panel

The alternative to convening a multi-person Review Panel is providing for one suitably qualified person to review the written Formal Report and decide whether or not it is appropriate to progress the complaint under the SVH Policy. This is the approach used by the HSE. The benefit of this approach is that the process is streamlined.

In smaller HEIs such an approach may be preferable as there may be a limited number of suitably qualified persons to undertake the various roles and responsibilities required by a fair SVH Procedure. As with a multi-person panel, the Reporting Party could ask for the decision to be reviewed and/or referred by

10 E. O'Brien, Report of the THEA Promoting Consent and Preventing Sexual Violence (PROPEL) project, 2021, p.91. Accessible at: https://www.thea.ie/contentFiles/PROPEL.pdf

the Reviewer to the multi-person panel if the reviewer so wished. At this stage, it may be beneficial that a multi-person panel may be convened as either an appeals mechanism or to offer a second opinion to the Reviewer. To ensure the privacy of the Reporting and responding parties, the Formal Report could be anonymised where it is being reviewed by the multi-person panel. However, under the single-person Review approach, most Formal Reports would be reviewed by a suitably qualified person.

It is important to note that a single qualified person who reviews reports may be regarded as biased or lacking in independence. If a single qualified person is chosen under a policy to review the reports, measures could be taken to ensure full independence, a lack of bias and an appeals process in place to counteract any perceived, or real, conflicts of interest.

To ensure a consistent and transparent process, Preliminary Reviews would be assessed using clear criteria and guidance.

The need for a trained Sexual Misconduct Prevention Manager has been outlined above however it is also important to emphasise the need for additional roles within the Institutional SVH reporting procedures some of which may include: SVH Complaints/Reports Manager for students and staff; SVH Case Managers; Designated SHV Support Persons. This is to ensure that both the Reporting Party and the Responding Party have the support and information that they need throughout the process. While these roles have been formalised in some HEIs this may be useful to be considered by all HEIs.

Preliminary screening digest:

- Any person involved in a Review should be specially trained in trauma and SVH.
- The sole purpose of the review process is to determine whether the alleged incidence/s and/or behaviour(s) would constitute a breach of the SVH policy if subsequently found to have occurred.
- Review Panels only review written complaints, as such, they do not meet with the Reporting Party in person.
- All members of the panel must be completely independent of any other part of the SVH procedure.
- The Review should be prompt and without delay.
- The Reporting Party should be made aware of the outcome of the Review writing.
- There should be an opportunity to appeal the decision of the panel.
- The Panel may have the authority to recommend Interim Measures, but they do not have the authority to instigate or enforce such measures.
- Safety Risk Assessments be carried out at any point in the process but should be done so as soon as possible and without delay.
- Clear delineation of roles and responsibilities should be set out in the SVH Procedure to ensure that all those involved are supported throughout the process.

Good Practice Example

Rethinking the Reporting Structure –

Durham University operates a somewhat unique process compared to Irish HEIs. Before an investigative process is undertaken by the University, the Reporting Party will be asked to attend an initial review meeting (IRM)with a Case Manager, during which the procedure for investigations will be explained and the details of the report will be confirmed. If the Reporting Party is unwilling for the Responding Party to be informed of the allegation against them, the investigation cannot proceed. Following receipt of a confirmed Report to the University or a report to the Police, the Deputy Lead Sexual Misconduct and Violence Officer (DLSMVO) will instruct the Student Conduct Office to organise an IRM as soon as is practicable.

The purpose of the IRM is to assess support needs, consider how to protect the interests of all parties and members of the University community who may be affected by the case and agree on the next steps. The Report will not be investigated at the IRM. If either the IRM Panel or the LSVMO determines that the alleged incident(s) should not be considered under the procedure the Reporting Party is provided with written reasons and information about their right to request a review.

Temporal Requirement

Most SVH Policies do not include time limits for Formal Reports of SVH incidences. However, any limits on the timeframe within which time a Formal Report may be lodged would be noted in the policy.

From a trauma-informed perspective there it is believed there should be no time limits to lodging a Formal SVH Report as victim-survivors of SVH often delay disclosing or reporting such incidences due to the trauma they have experienced. Given the low rates of formal reporting of SVH, HEIs would ideally be doing everything they can to encourage reporting so that other students and employees can be protected.

Good Practice Example:

The Durham University Sexual Misconduct and Violence Policy applies where:

- the SVH incident(s) occurred when the Reporting Party was/is a student or staff member, and
- where the Responding Party is a current student or staff member.

The benefit of this approach is that past students or staff members can still formally report SVH incidences where the Responding Party is a current student or staff member. This reflects a trauma-informed approach and also encourages reporting of SVH incidences by current students or staff members who are still connected to the HEI.

The Durham University policy also reads:

The accompanying procedures to this Policy relate specifically to those experiences which have occurred during study or work at the University, in which the Responding Party is a current student or member of staff of the University. Disclosures and Reports made under this Policy are not limited to university premises or the immediate geography of the University.

Investigations when a respondent or complainant is no longer in the Institution or leaves during an investigation

This is an issue which can complicate both communication with a party and also the investigative process which may take place after a report is made. It is currently considered good practice to allow any report to be submitted so long as at least one party to the report is a member of the Institution **at the time of submission of a report**.

This does, by its nature, remove the possibility of historical reports being made when all parties are no longer in an Institution. If an Institution would like to make provision for historical reports to be made, this would be seen as a welcome step forward, but it would be important to ensure that legal advice is sought when creating such a provision.

Length of the investigative process

While it is impossible to predict a specific time as to how long an investigation will take within an Institution, it may be helpful to provide a guide timeline in the policy. This timeline could indicate:

- How soon after submitting a report a complainant will be notified of the receipt.
- How soon after receipt of a complaint will the complaint be screened.
- How often each party will be contacted by their support person.
- How long after receiving a review from a screening panel or an investigation can the decision be appealed.

As students or staff may be in an Institution for less than one year, an expedient process is favourable. This being said, what is critical in the process of investigations and reports is that they are thorough and advance the needs of victim-survivors. Throughout the process of reporting and investigation, the parties should be contacted regularly to inform them of what stage the procedures are at. They should also have access to their support person for the duration of the reporting and investigative process.

Review of policies and procedures for SVH:

As with all policies and procedures, a robust review process would be undertaken by an Institution on a regular basis. Many HEIs have annual reviews of their procedures, including disciplinary procedures, and this is considered by the NAC to be best practice. A review of procedures once each academic year would ideally take place, and the review would ideally look at the usability of the procedures, whether or not they are effective at advancing the aims of the Framework and the number of reports made via the procedures, and the outcomes of these.

Policies should also be reviewed on a regular basis, but this may be at the discretion of the HEI. To encourage reporting, and to ensure that the policy has the ownership/buy-in and understanding of the community it seeks to regulate, it is a good idea to include consultation with specific groups and people in a policy review. These could include, for example, students, staff, students' or employees' unions, student advocacy groups for particular minoritized communities such as LGBTQ+ groups, legal counsel, victim-survivor advocacy groups, rape crisis centres, and others. Policy reviews would also be advertised within community communications, and people who are interested in partaking in the review of the policy could be encouraged to do so.

2.3 Checklist

- Lines of responsibility for collating reports, initiating investigative procedures, creating supports and interim measures, and compiling a report following an investigation are clear, practicable and funded.
- There is a preliminary screening process, with clear parameters, which is trauma-informed, and ideally does not require more information from the applicant than that in the formal report.
- The investigative process has a clear timeline and there is a person who is responsible for the implementation of the timeline.
- There is an appeals process following the preliminary screening which is accessible to the applicant.

3. Policies include guidelines for addressing student complaints, including transparency for all involved.

3.1 The Digest:

The Institutional policy will include guidelines for addressing student complaints. These guidelines aim to ensure that at each stage of a reporting and investigative process, all parties involved, understand the nature and purpose of all steps involved.

When creating guidelines, language is important, and an easy-to-understand Framework overview and explanation of the process is a helpful tool to create. This, as well as flowcharts, would allow for a better understanding of the processes by the parties involved, which is a key element in providing trauma-informed, survivor-centred practices.

3.2 The Practice:

Support and Control of Information

For victim-survivors of SVH, support and control of information are incredibly important. SVH Policies and Procedures must not replicate the deficiencies that are inherent in the criminal justice system where the victim-survivor is largely excluded from large parts of the process as they are often viewed merely as a 'witness'. A victim-survivor of SVH who is reporting an incident(s) and/or behaviour(s) is not a witness but is the Reporting Party, they should be made aware of every decision in writing and should be provided with support throughout.

Most, if not all SVH Policies and Procedures provide for both the Responding and Reporting Party to be supported by a friend, colleague, or Union representative. Given the nature of SVH, it is worth considering whether the Reporting Party would benefit from a specialist external support person such as an Independent SVH Advisor. This Advisor could be funded by the HEI (or for smaller HEIs, it can be shared between several Institutions) but may sit within a local sexual violence organisation such as a Rape Crisis Centre in order to ensure independence from the HEI.

When creating a policy, it is important to remember two key principles:

- A Reporting Party should be supported from the moment of Disclosure or Formal Report.
- There should be a parity of advocacy and support for both the Reporting Party and the Responding Party.

Investigations and Investigators

The PROPEL project recommends:

'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 circumstances. Whichever option is used, those involved must have relevant training and expertise and have sufficient time available to undertake the formal investigation efficiently.'[11]

Of these two options, it is the first - independent investigator/s- that has been regarded in consultation with the NAC as the approach that can offer consistency, transparency, and fairness in investigations.

It is hoped that in the future, an external panel of investigators would be appointed to serve all HEIs. This approach would not only ensure the independence of investigations but would benefit smaller Institutions. It would also ensure sufficient expertise and consistency in all investigations.

When investigating, clear parameters would be set and communicated to all parties on the scope of the investigative process. Investigative processes are complicated and will be based primarily on the policy of the HEI in question. When creating parameters for the investigation, it is important to consider some of the following:

- Burden of proof.
    - It is important to remember that the burden of proof for the investigation is **not** innocent until proven guilty. As is noted in the Framework, investigations must be based on the **balance of probabilities.**[12] This is an integral element of the investigation and should be held in both the form and the result of the investigation.
- Evidence.
    - What evidence will be collected, and how will it be collected and stored?
    - Types of evidence which could be collected include but are not limited to statements, text messages, social media posts, CCTV, phone logs, recordings, and internal records such as building entry/exit logs.
- Witnesses.
- Who will be witnesses in the investigation, and how will they be examined?
- Witnesses could include direct witnesses (who observed the incident(s)), outcry witnesses (who know the details from one of the parties) and after-the-fact witnesses (who observed a change in behaviour in the reporting party after the incident(s)), indirect witnesses (who were later told about the incident(s) through one of the parties or a third party).[13]

11 E. O'Brien, Report of the THEA Promoting Consent and Preventing Sexual Violence (PROPEL) project, 2021, p. 88. Accessible at: https://www.thea.ie/contentFiles/PROPEL.pdf

12 Government of Ireland, Safe, Respectful, Supportive and Positive Ending Sexual Violence and Harassment in Irish Higher Education Institutions, 2019, p. 28. Accessible at: https://assets.gov.ie/24925/57c394e5439149d087ab589d0ff39c92.pdf

13 C.J. Humphries and G.J. Towl, Addressing Student Sexual Violence in Higher Education: A Good Practice Guide, Emerald Group Publishing, 2020, 1st edn, p. 152

- It is strongly suggested that character witnesses **should not** be permitted in an investigation, as the character of the parties is not in question, but rather the particular facts of a particular incident(s).

This is a complicated, challenging subject, and when creating investigative processes, HEIs are encouraged to consult *Chapter 8: Trauma-Informed Investigations in Addressing Student Sexual Violence in Higher Education.*[14] This is an excellent guide created by leaders in the area in the UK and advises on conducting an investigation, and best practices on disciplinary processes.

Following an investigation

When an investigation is concluded, the results of the investigation would be passed back to the case manager, or another assigned person. This person would then inform the parties of the result of the investigation, and the next steps.

Following an investigation, it is important that all parties involved in a reporting process have access to ongoing support, and to the possibilities of an appeals process. The appeals process would have specific parameters.

Disciplinary process

Following an investigation, if one of the parties is found to have breached the policies of the HEI, disciplinary processes would begin. These will generally be regulated by the HEI but would not exclude the possible expulsion from the Institution.

3.3 The Checklist

- Formal reports are stored for a specified length of time, by a specific office or person within the Institution.
- There is a procurement process for, or a line of responsibility for the assignation of, an investigator(s). There are funds assigned for this process, and it will not be considered unusual practice for an investigative process to take place.
- The investigator(s) have formal training on SVH investigating, what the investigative process should look like, and what successful outcomes for victim-survivors look like.
- The investigative process is based on the civil burden of proof – the balance of probabilities.
- Investigative processes are clear, fair to both parties and accessible to all who wish to make use of them, following the preliminary screening as outlined in [2.2].
- There is a disciplinary process which comes into effect following the findings of an investigation.

14 ibid, p. 135

4. 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.

4.1 The Digest

This final section connected to policy requires every HEI to ensure that following the creation of a policy, it is correctly implemented. The implementation of a policy is a key step in giving life to the aims of the Framework.

4.2 The Practice:

In the implementation of the policy, leadership is a key factor. There should be an individual, or individuals within the HEI assigned with responsibility for the enactment of the policy, and its embedding in processes of the HEI. This role may, for example, be fulfilled by the Sexual Violence Prevention and Response Manager.

Structures which would be necessary for the implementation of the policy are outlined earlier in the guide, but it is important here to remember that in the implementation, the role of external services should also be considered. Many staff and students will receive support from Rape Crisis Centres, SATUs, and other agencies. The role of the HEI in providing support to these services in recognition of their role in the lives of community members is welcomed and encouraged, and collaboration with these external service providers would be an important step in the implementation of the policy, and its long-term success.

The annual report is to be provided to the Higher Education Authority. The HEA issues a template report to all Institutions, with criteria for review. When creating this report, the implementation of a policy, and not just its existence, would be considered an important marker for success.

4.3 The Checklist

- There is an implementation plan within the Institution, with timelines, actionable points and assigned persons with the responsibility to enact the plan.
- The implementation plan, when enacted, will give life to the aims and ethos of the Framework.
- The implementation plan takes into account outside agencies who may work with and alongside the Institution to enact the Framework and support victim-survivors.

Target Initiatives

Targeted initiatives

1. 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.

1.1 The Digest

This section calls for HEIs to provide ongoing student-facing activities which relate to specific named areas:

- An understanding of consent.
- Student understanding of unacceptable behaviour.
- Student skills for speaking up and calling out unacceptable behaviour.

It is also suggested, as noted earlier in the guide, to comply with Istanbul convention protocols and also to align with ATHENA swan requirements, staff activities and training to advance knowledge and capacity relating to these three areas would be organised by an Institution. This section of the GPG aims to inform what student-facing activities aim to provide, and how this aim can be achieved.

1.2 The Practice:

Why direct student-facing activities:

Direct student-facing activities in the context of sexual violence prevention services to fulfil the aim of changing the culture of our Higher Education Institutions. They do this in two main ways:

- Educating our students on sexual violence prevention, consent, and expected standards of behaviour.
- Engaging the student population in the cause of prevention of sexual violence.

Educating students

Educating students in direct student facing activities can provide a personal mindset change for individual students. Many students come from different countries, but also from different backgrounds and cultures. Direct student-facing activities, initiated at the outset of their time in Higher Education and built upon and reinforced throughout their time at Third Level can provide them

with a standardised approach as to how they can navigate the required behaviour standard, and encourage them to stand up for a zero-tolerance approach to sexual harassment and sexual violence.

Engaging students

Encouraging student participation in these activities is a good way to engage them to change their behaviour but providing space to allow students to assist in planning, creating, and enacting these activities can provide for even more cultural change.[15] If students are part of these processes, as well as partaking in them, there is a real sense of ownership in the student population of the activities, and helps to ensure that the activities speak to, and therefore help change, the on-the-ground experiences of the student body.

How can we ensure these activities give life to the Framework aims?

Student-facing activities are a great way to create long-term cultural shifts. They can provide for a change in the perspective of students and staff members, prevent sexual assault and violence, and also inform victim-survivors about avenues that are available to them for support.

Student-facing activities can cover a broad range of topics and exist in many formats. When considering what activities to implement, it is important to refer back to the three named educational aims in 4.1. As well as this, it is important to locate the programme(s) created by the Institution through the lens of the prevention of sexual harassment and violence.

A comprehensive prevention education programme for students will cover expectations of students' behaviour under the policy (i.e., identify what is expected and what is considered misconduct), consent education, how to access support, root causes of sexual violence, the sexual violence continuum, debunking rape myths, active bystander education and healthy relationships.[16]

Orientation, which takes place within all HEIs for first-year students is a good opportunity to provide timetabled educational activities such as workshops and training. The introduction of such activities over the orientation period has been mandated by the Minister for Higher and Further Education, Skills, Innovation and Science.

What should the activities include?

There is no set curriculum for what activities and educational endeavours provided by an Institution should include, but a good framing point can be the Istanbul Convention and the four Pillars it identifies-

15 S. McMahon, J.J. Steiner, S, Snyder, V. L. Banyard, 'Comprehensive Prevention of Campus Sexual Violence: Expanding Who Is Invited to the Table', *Trauma, Violence & Abuse*, 2021, p. 843

16 K.E. Edwards, H. D. Shea, and B. Barela, 'Comprehensive Sexual Violence Prevention', *New Directions for Student Services*, 2018, p. 47-58

Prevention

- An understanding within the HEIs community of what causes sexual violence, how culture can contribute to the prevalence of it, and how certain minoritised groups are at greater risk of experiencing sexual violence.
- Bystander intervention skills creation and building, and the embedding of a community standard of expected behaviour.
- Sexual literacy and sexual consent skills creation and building, to ensure that the community standard is lived out through sexual experiences. In these activities, there should be an emphasis placed on the prevention of perpetration, so checking in for consent, rather than emphasis placed on victimisation prevention, can create a lens of victim blame.

Protection

- Educational and outreach activities that ensure there is widespread and disseminated knowledge of supports and services in place to meet victim-survivors' needs, within HEIs and also in the greater community.

Prosecution

- Legal literacy around behaviours which are illegal, such as rape, assault and image-based sexual abuse.

Co-Ordinated Policies

- Education and activities to ensure literacy and confidence in using policies to seek help and support within a HEI, and confidence in pursuing a report against another member of the HEI.

Points of note when creating educational activities and initiatives within a HEI

- Who is hosting and coordinating the activities, and what impact does this have?
    - » If only students are coordinating activities and initiatives, the staff perspective can be lacking. This also means that staff in the Institution may not be aware of the activities, and this can prevent long-term cultural change.
    - » Students are transient, and remain within an Institution for a limited time, so knowledge and experience are regularly lost.
    - » If the programmes are only staff-led and orientated, there will be less confidence in the student community in the HEI's initiatives. It is also important to think of community members who exist at the axis of staff and student, for example, RAs or TAs, and how these members can be reached.
- Engagement of the student body.

- Are students involved in the planning, coordination, and selection of educational activities? The student body can provide a really useful perspective here, and also engagement at every stage means that the education activities can be by and for the students. The Students' Unions can be great collaborators here, and provide insight, expertise, and engagement from students.

- What format are the activities taking.
  - There is research to suggest that interactive activities provide for greater engagement with material and longer-lasting impacts on perspectives.
  - If activities are taking place in person, some members of the community who have access needs may not be able to attend, but in-person activities generally are better for creating and enhancing a sense of community.
  - If the material is not appropriate or connected to students' lives, they may not think it applicable. Think, for example, about an activity based on Irish students' experience being delivered to a cohort of mostly international students.

- Access.
  - The Framework requires that these activities must be delivered to a large percentage of the student population, so the activities should be scalable and open to many cohorts within the community.
  - It can be helpful to focus different activities on particular groups, especially when starting - for example clubs, societies, departments or years within the Institution, and particular student residences.

- Connection to outside agencies and actors.
  - The educational material can provide a dual utility for sectors and agencies which students and the Institution work with. Educational materials and programmes can help to amplify the messages of these Institutions and provide greater community buy-in on areas of cultural change.
  - Working with outside sectors on educational activities also allows students to understand the function of the work of different agencies and actors and create understanding and trust between students and these. This provides students with the ability to seek help from these external agencies, such as SATUs and Rape Crisis Centres.

National and local offerings around activities:

Trinity College Dublin	https://www.tcd.ie/Student_Counselling/consent		
Contact Person /Link	Ruth McMahon mcmahoru@tcd.ie		
Name of Offering	**Information**	**Length and Cost**	**Format**
First Responder	Trauma-Informed Disclosure Training.	2 hrs /4 hrs/ Full day *Contact for price info.*	Either Online or In Person
Consent Plus	Trauma-Informed Consent, Bystander and Disclosure Training.	2 hrs or 4 hrs *Contact for price info.*	Either Online or In Person
Consent Training	Trauma-Informed Consent Training.	2 hrs *Contact for price info.*	Either Online or In Person
What is a Trauma-Informed Approach	Covers understanding the components of a Trauma-Informed Approach to SHV.	2 hrs/4 hrs *Contact for price info.*	Either Online or In Person

IADT in collaboration with Active* Consent, and UCC Bystander Intervention.			
Contact Person /Link	Rachel Skelly rachel.skelly@iadt.ie https://www.youtube.complaylist?list=PLU4ejMmjHiEtSpPMdlQZuTi65bxWimTwS		
Name of Offering	**Information**	**Length and Cost**	**Format**
Moving Parts	Several animations created a collaboration between students and staff, in English and Irish, developed to raise awareness of SVH and IBSA.	5 x 2 minute animations (3 versions of each in English, Irish, and Irish with English subtitles) *Freely available online.*	Online:

Mayo Rape Crisis Centre			
Contact Person /Link	Loretta McDonagh director@mrcc.ie		
Name of Offering	**Information**	**Length and Cost**	**Format**
Disclosure Training	Equips people in all settings on how best to respond to a disclosure of sexual violence.	4 hrs €500	In Person

Dublin Rape Crisis Centre	https://www.drcc.ie/services/education-training/bespoke/		
Contact Person /Link	Joanna etadmin@rcc.ie		
Name of Offering	**Information**	**Length and Cost**	**Format**
Awareness and Disclosure training	Trauma-informed disclosure training for frontline workers who support victims of sexual violence.	4 hrs *Price on application- reduced rates for HEIs.*	Either Online or In Person

University of Galway and Active* Consent	https://www.consenthub.ie/contact/		
Contact Person /Link	Dr Pádraig MacNeela Dr Siobhán O'Higgins activeconsent@universityofgalway.ie		
Name of Offering	**Information**	**Length and Cost**	**Format**
"Consent, Sexual Violence and Harassment: Practitioner Skills & Practice" Level 9 Continuing Professional Development (CPD) module	Online interactive seminars to support capacity building in colleges in line with the Consent Framework, in partnership with Galway Rape Crisis Centre	27 hrs *Contact for price info.*	Online Sessions and one In Person Session

First Point of Contact Training	Provides skills and knowledge around causes and effects of SVH and how to deal appropriately with disclosure of SVH. Led by Galway Rape Crisis Centre in collaboration with Active* Consent.	12 hrs (4 x 3 hr sessions) *Contact for price info.*	Either Online or In Person
Active* Consent Workshop Facilitator Training	Training for staff and students to facilitate consent workshops on their campus. Participants receive a Facilitator Kit with all required materials.	3 hrs €0	Online
Active* Consent - 1.5hr Consent Workshop	A sex-positive space for third-level students to explore the nuances of sexual consent.	1.5 hrs €0	In Person
Active* Consent - 30min Video Resource	A resource to introduce consent at orientation.	30 mins €0	Either Online or In Person
Active* Consent -Digital Intimacy Workshop	Empowers higher education students with the knowledge and skills to navigate digital intimacy in a consensual way.	1.5 hrs €0	In Person
Active* Consent -Digital Intimacy Workshop Facilitator Training	Training for staff and students to gain skills to facilitate the workshop on their campus. Participants receive a Facilitator Kit with all required materials.	3 hrs €0	Online
Active* Champion Training	Training for student leaders to use their strengths and Active* Consent resources to become agents of positive change on their campus.	4 hrs €0	In Person

ConsentHub.ie	First national resource on consent awareness and learning in Ireland.	n/a €0	Online
The Kinds of Sex You Might Have at College Theatrical Drama	Original Active* Consent play based on research data introducing audiences to core messages of consent through stories and scenes.	2 hrs *Contact for price info.*	In-person Filmed version available in 2023.
Sexual Violence and Harassment: How to Support Yourself and Your Peers https://www.consenthub.ie/explore/over-17s/elearning-over17/	A self-guided eLearning module for students increasing knowledge of consent and SVH on campus.	20 mins €0	Online
Active* Consent - Staff Awareness-Raising Videos https://www.consenthub.ie/explore/educators-student-leaders/staff-awareness-video/	Short videos to introduce staff to laws, research findings, definitions, and quick tips for supporting disclosure and where to go to get more information.	20 mins €0	Online
Green*Light Podcast https://www.consenthub.ie/resources/green-light-podcast/	Explores how consent, sexual violence, and relationships are depicted in and shaped by pop culture.	n/a €0	Either Online or In Person

Galway Rape Crisis Centre			
Contact Person /Link	Grainne Kelehan education@grcc.ie https://galwayrcc.ie/		
Name of Offering	**Information**	**Length and Cost**	**Format**
Disclosure Training	Provides skills and knowledge around causes and effects of SVH and how to deal appropriately with disclosure of SVH.	Introduction Level 1 Level 2 *Contact for price info.*	Online or In Person

1.3 Checklist:

- Activities, training, workshops, and classes connected to the prevention of SVH, and the support of victim-survivors, are coordinated, funded and implemented by the Institution on a structured and regular basis.
- Activities should engage and educate those who they are aimed at.
- Activities aim to prevent SVH, protect victim-survivors, and educate the population on legal processes connected to SVH and internal policies and practices connected to SVH protection and prevention.
- Activities are well thought-out, wholistic and accessible for all who they are aimed at.

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

2.1 The Digest

Ongoing messaging also plays a key role in providing for the aim of cultural change around sexual violence in Higher Education. Ongoing messaging in this context is media and wording around sexual violence that is spread outside of formal and organised activities. The messaging can come from various sources within the community.

2.2 The Practice:

Why ongoing messaging?

Ongoing messaging serves to **emphasise** and **remind** groups within the college of the key messages and standards set in formal activities. It also serves to educate those members who have not received dedicated training.

Research shows that ongoing messaging connected to activities and campaigns can provide for retention of messaging and contributes to long-term cultural change.

Ongoing messaging contents:

Ongoing messaging can connect to particular campaigns or movements within the community or can relate to specific activities and projects. It can come from within the Institution or can be sourced from national or local campaigns. A combination of both may also be used.

Ongoing messaging could relate to:

- Expected standards of behaviour.
- Information about consent, and how to identify/look for/check for it.
- Information for victim-survivors of sexual violence.
- Social media campaigns.
- Videos and posters.
- Information about steps being taken by the Institution to combat sexual violence.
- Contacts for help/information.
- Ways to get involved in ongoing campaigns.
- Guidelines around language to be used in classrooms, lectures, seminars, and communication.
- Reinforcement of messaging received in student-facing activities.
- Upskilling around particular aims of the Framework - bystander intervention, for example.
- Knowledge of new laws that are relevant to the Institutional community - for example, IBSA laws.

How can we ensure ongoing messaging gives life to the Framework aims?

Ongoing messaging is key to providing for long-term shifts in cultural perspectives in Higher Education. To ensure that this messaging can provide for this, it is a good idea to keep certain points in mind:

- Consistency of messaging and applicability.
    - » A consistent message and perspective from Institutional leadership can give life to the creation of a community ethos. This could mean, for example, a particular statement that is reiterated in all messaging.

- It also means that the overall message of, for example, zero tolerance, is applied to all members of the community.

- Accessibility of materials.
  - It is key that the materials are accessible to all members of the Institutional body. The Inclusive Learning and the Provision of Reasonable Accommodations to Students with Disabilities in Higher Education in Ireland guidelines can be helpful to refer to here, but think also about the accessibility of language - would all members of the community understand what certain words mean? Would these words be relatable to the lives of those they are aimed at? A reference, for example, to harassment on Myspace would not be helpful to first-year students in 2023.
- Clarity of messaging.
  - It is a good idea to refer back to your Institutional action plan, and the Framework and understand what aspects of this you would like to give life to when you are creating messaging and campaigns.
- Awareness of the subject area.
  - It is important that the messaging that you use does not give life to stereotypes, discrimination of any form, victim-blaming perspectives or rape myths.

National and local offerings around messaging:

Institution/ Organisation	Contact Person /Link	Name of Offering	Information
Active* Consent https://www.consen-thub.ie/contact/	activeconsent@universityofgalway.ie	Poster Pack	Free poster pack that amplifies key consent messages.
Active* Consent https://www.consen-thub.ie/contact/	activeconsent@universityofgalway.ie	"Consent is for Everyone" Social Media Campaign	Campaign pack, including videos for Instagram, TikTok/IG Reels, Twitter, captions & posting guidelines and posters for your campus.
Active* Consent https://www.consen-thub.ie/contact/	activeconsent@universityofgalway.ie	Social Media Library	Social Media assets to be used in conjunction with your campaigns.
Active* Consent https://www.consen-thub.ie/contact/	activeconsent@universityofgalway.ie	#StartHere Social Media Campaign	A social media campaign to give basic information on how best to respond to disclosures of SVH.

2.3 Checklist:

- The Institution has a clear message of prevention of SVH, and protection of victim-survivors, and this message is reiterated through practice and communication with its community.
- Messaging is consistent, clear, informed, and accessible.
- Messaging promotes the ethos of the Framework and is backed up by clear actions by the Institution to give life to the Framework's aims.

3. 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.

3.1 The Digest

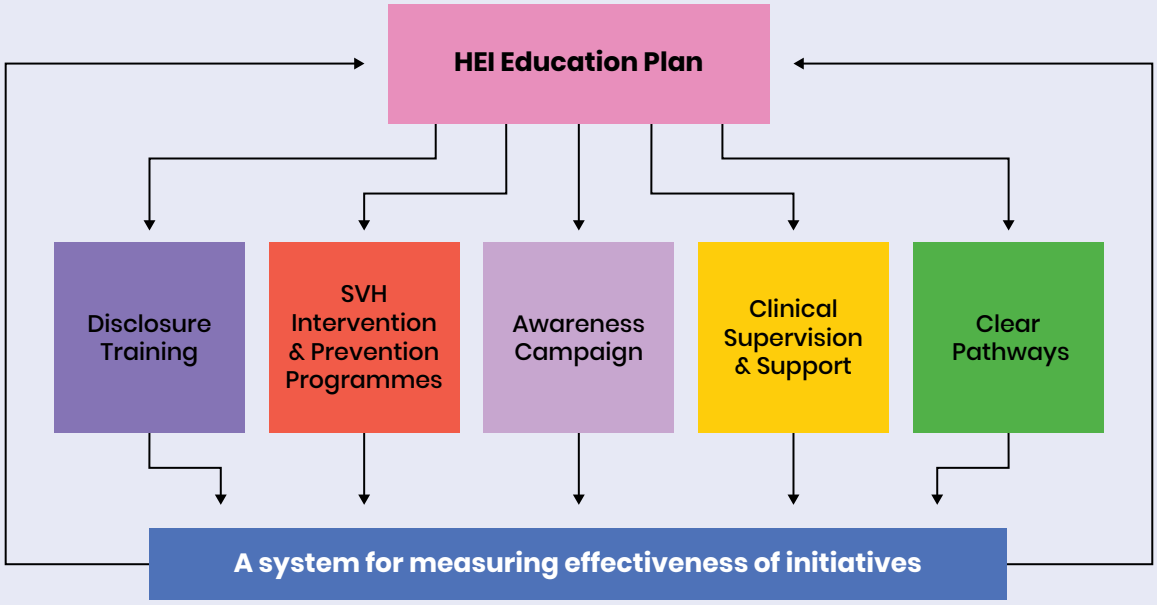
An education plan within a Higher Education Institution is generally created by a designated high-level committee or group and outlines a specific goal of education for the community. In this case, the aim of the education plan would target two specific groups within the community:

- For all staff and relevant students (student leaders within particular areas of responsibility, for example) to have understanding and capacity to support students (with disclosure).
- For all staff and all students who contribute to initiatives and services to receive training (in particular activities, e.g., Consent workshops or Bystander Intervention training).

An education Plan should include relevant students and Staff members who are likely to receive SVH disclosure as well as training, education and awareness campaigns for all students and staff.

3.2 The Practice:

A diagram mapping what an education plan in an Higher Education Institution may cover



Staff and student leaders who are likely to receive disclosures could receive:

- Specialist SVH trauma-informed disclosure and support training.
- Tailored training on the internal Disclosure, Formal Reporting and support structures and processes of the HEI for both staff and students.
- Specific training on recording incidences of SVH in line with the HEIs Data Gathering Strategy.
- Clinical support or supervision to support them in their role.

Any person who sits on the SVH Implementing Committee and/or those who are involved in any way in the Formal SVH Reporting Process could receive:

- Specialist SVH trauma-informed disclosure and support training from a specialist organisation such as a Rape Crisis Centre.
- Tailored training on the internal Disclosure, Formal Reporting and support structures and processes of the HEI for both staff and students.
- Specific training on recording incidences of SVH in line with the HEIs Data Gathering Strategy.
- Training from the local An Garda Síochána Divisional Protective Services Unit on the criminal process of sexual offences.

- Training from the local HSE Sexual Assault Treatment Unit (SATU).
- Specific training on the Equality Acts and employee rights (for reports that involve a staff member).
- Clinical support or supervision to support them in their role.

All staff could have:

- Some form of *Dignity at Work* training to ensure a basic understanding of sexual violence, harassment, and misconduct.
- A clear understanding of the supports that are available and where to go if they are experiencing SVH from either a student or another staff member.
- A basic understanding of how to deal with an SVH disclosure from either a student or a colleague in a trauma-informed way.
- Be aware of support pathways available and be able to signpost to both internal and external supports.
- An understanding of the HEIs formal and informal SVH processes.
- Should be aware of the specialist SVH-trained persons in the HEI are how to contact them.
- Should understand and be familiar with the Speak Out tool.
- Participated in SVH intervention and prevention initiatives such as Bystander Intervention, Active* Consent and/or Together Consent.
- An understanding of the laws which regulate sexual violence and harassment, including Image-Based Sexual Abuse.

All students could have:

- Participated in some form of SVH intervention and prevention initiative such as Bystander Intervention, Active* Consent and/or Together Consent.
- Have a clear understanding of the supports (both internal and external) that are available and where to go if they are experiencing/have experienced SVH from a stranger, a family member, a friend, an acquaintance, another student, or a staff member.
- A basic understanding of how to deal with an SVH disclosure from a friend or someone they know in a trauma-informed way.
- Be aware of support pathways available and be able to signpost to both internal and external supports.
- An understanding of the HEIs formal and informal SVH processes.
- Should be aware of the specialist SVH-trained persons in the HEI are how to contact them.
- Should understand and be familiar with the Speak Out tool.
- An understanding of the HEIs formal and informal SVH processes.
- An understanding of the laws which regulate sexual violence and harassment, including Image-Based Sexual Abuse.

3.3 Checklist

- An education plan for training, workshops and other activities exists in the Institution and has clear guidance on what activities will be available to different community members.
- The educational activities will be varied, and not consist solely of videos and/or online activities.
- The educational activities in the plan will be funded on an ongoing basis by the Institution, and if outside agencies or NGOs are involved in the training, they will be remunerated for their time.
- The education plan provides for some staff and students in the Institution to receive specialised education connected to disclosure response.

4. HEIs will create and implement a system for measuring effectiveness of initiatives.

4.1 The Digest:

It is important that the initiatives we undertake in HEIs are effective in their aims. The lens through which we view effectiveness must go back to the aim of the Framework, namely the prevention of sexual violence - bystander intervention, cultural change, and disclosure response. To achieve this, we must measure the effectiveness of the initiatives. Some external initiatives will have built-in assessments of effectiveness, but to achieve long-term change, perspectives, skills, and understandings of the HEI would be tracked over time.

4.2 The Practice

Effective initiatives

In the SVH space, initiatives can be seen to be effective if they create a change in behaviour, a change of understanding or perspective, an increase in capacity or vocabulary, or a new skill set and the confidence to use this skill set. Bloom's Taxonomy can be used as a scale for planning what effectiveness would look like for a programme and can help to guide the analysis of the programme following its roll-out.[17]

When initiatives are effective, the indicators for these can vary depending on the initiative in question. For example, effective bystander initiatives can demonstrate success through more community members self-reporting that they intervened in a potential SHV incident(s) to prevent or mitigate the danger, or that they feel comfortable to do so. Effective consent and cultural change initiatives may

17 D. Krathwohl, 'A Revision of Bloom's Taxonomy: An Overview', *Theory into Practice*, 2002, p. 212

demonstrate success through an increase in formal reports, as more community members have confidence in the reporting system, knowledge of its usage and/or a greater understanding of what an incident(s) of SVH looks like. Their success may also be demonstrated through surveys which ask staff and students about their understanding of consent, sexual violence and behaviours which fall under the scope of the Policy.

Measuring the effectiveness of initiatives

Before a new programme begins within a HEI, it is a good idea to analyse what success would look like within the HEI if the programme was to be effective. Examples of effective change are given above. Regardless of the success indicators, the measurements would ideally take place three times– before the activity, and following the activity, on a short-term and medium-term basis.

- **Before** the training or educational project, a survey, questionnaire, focus group or another form of assessment connected to the area being addressed by the activity should be undertaken.
- **Immediately after** the training or the educational project ends, a survey, questionnaire or focus group could be organised with all participants (if a training) or a sample within the community (if a community-wide education project). This assessment would assess the skills and competencies which have been focused on within the initiatives.
- **Six months after** the programme, a sample of participants (if a training) or a sample within the community (if a community-wide education project) would be invited to partake in a survey, questionnaire or focus group, to see the level of retention from the project. It may also be useful to ask participants or members if they have used the skills which they learned from the initiative in their lives since the end of the programme, and if so, what the outcome of this was.

Using measurement to guide initiatives

Following assessments of the programmes' effectiveness, a review of the education plan of an Institution could take place, and the programmes would be analysed again to see, following the assessment of effectiveness, if they are giving life to the Framework aims. Research backs up that targeted initiatives and workshops and training change attitudes, whereas behaviour change may take more time, and this would be analysed in the medium-term assessment.

4.3 Checklist

- Initiatives and activities within the Institution are monitored and assessed regularly.
- The assessment of the initiatives is based on the specific expected outcomes of the activities, and takes into account a variety of indicators of success.

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

5.1 The Digest

This recommendation deals directly with service provisions within a Higher Education Institution, for three particular areas.

- Supporting student disclosure (of sexual harassment or violence).
- Supporting reporting and complains.
- Counselling and advocacy.

It is also noted that these services must be **accessible,** and **trauma-informed.**

5.2 The Practice

Supporting Disclosure – A Sector-Wide Identifier

An idea that has found considerable favour is that of a sector-wide identifier for persons (staff and student leaders) who are trained to offer specialist support and guidance to victim-survivors of SVH. PROPEL recommends:

'Devise a sector-wide identifier so that people who have received training are easily identifiable to students and staff who may wish to disclose'.

It is hoped that in the near future, a formalised disclosure training, which would provide sectoral guidance on trauma-informed disclosure response, would be created, and funded. This training would allow for the existence of trained disclosure staff and students within an Institution, who would be identified on a database of some form, who received a minimum standard of training and who can complete formal disclosure reports.

Supporting reporting and complaints

This request ties directly to the policy and procedures section of this guide. A report and complaint cannot be supported unless there is a correct policy and procedure in place. Once this policy and procedure are created, then the Institution can look at how a service can provide support for reporting and complaints.

Services which can support reports and complaints could include, but are not limited to:

- Counselling Services – both in-house and external who are associated with an Institution.
- Health Services - both in-house and external who are associated with an Institution.

- Student Support staff, such as those involved in student welfare and student life.
- Disciplinary panels.
- Chaplaincies.
- Disability Services.
- Students' Union officers.
- International Students offices.

Community members within these services could be offered disclosure training, and if a sector-wide identifier was created, could display this in a prominent place, to spread the visibility of their role within the HEI.

Counselling and advocacy

There is a long and important tradition of access to professional counselling in Higher Education Institutions. These counselling services are often on the front line of response and disclosure, and deal with many hundreds of clients each year, some of whom report sexual violence and harassment.

These services are typically short-staffed, and the NAC strongly advocates for an increase in funding for student counselling services in general, and also that there could also be an increase in Continuous Professional Development opportunities for student counsellors to develop expertise on the particular issue of SVH in HEIs, and to increase understandings of the disclosure and reporting procedures which exist in their HEIs.

5.3 Checklist

- Services which provide support and training within an Institution are well-funded, prominent within the working of the Institution, and feed into the implantation of the Framework.
- Services are provided with funding to upskill in particular areas, such as trauma, disclosure, and support of SVH.
- A system of disclosure response exists within the Institution, and those who work in support and who are likely to receive disclosures are educated on the disclosure response system.

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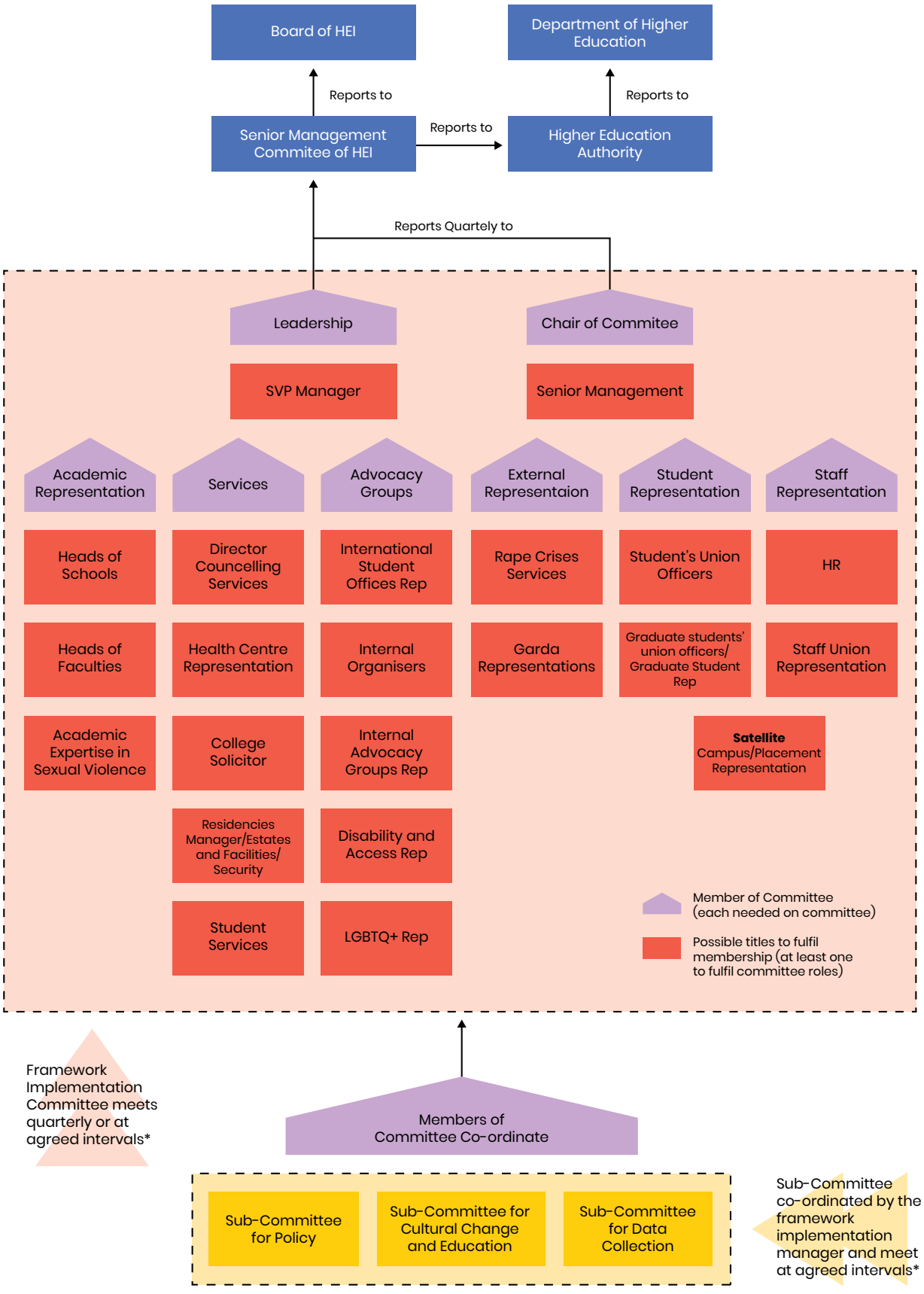
Appendices

Appendices

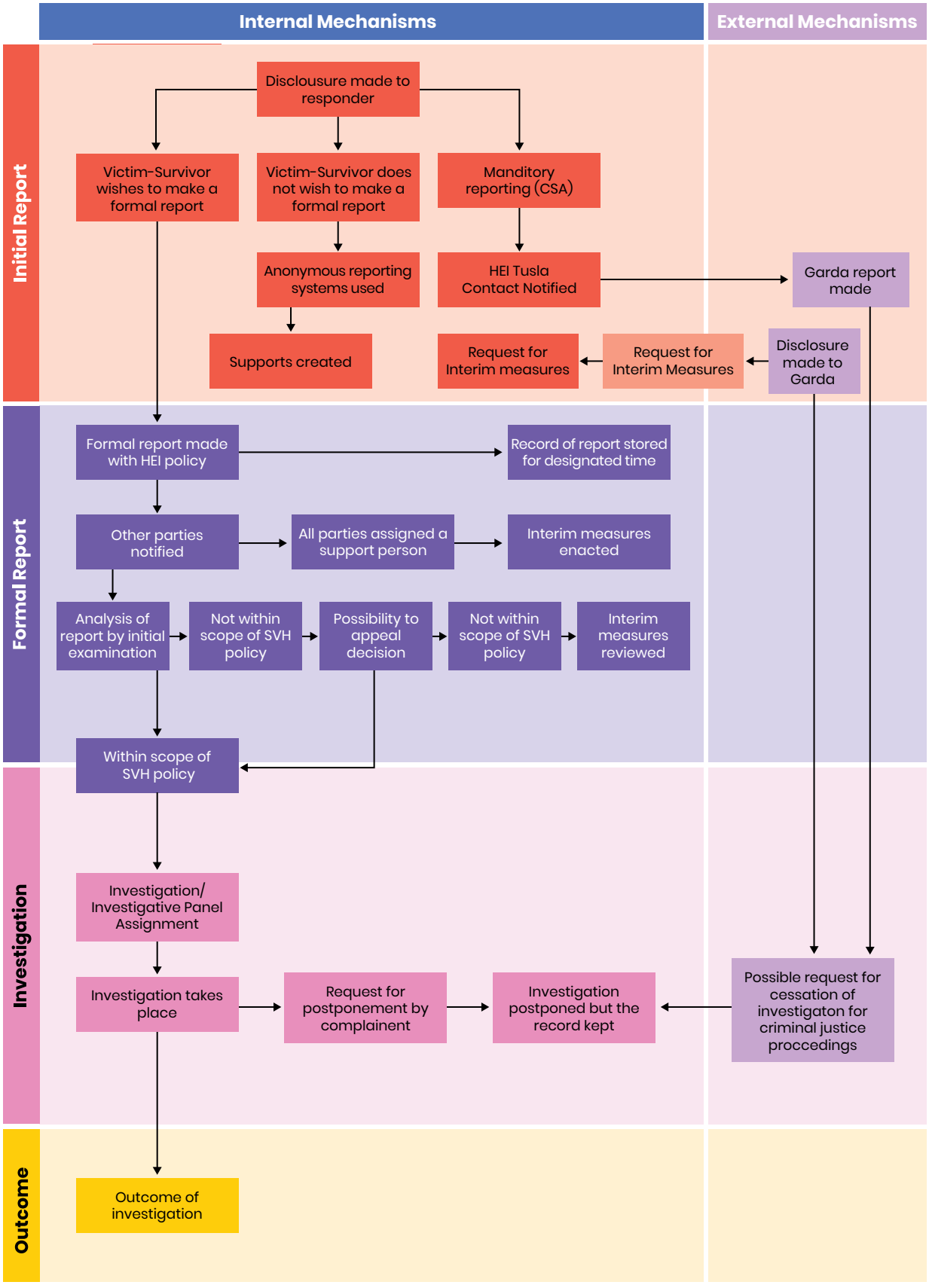
1. Glossary of Terms

Anonymous Reporting Mechanism	A system which allows for the reporting of SVH without recording the identity of the person making a report.
Disclosure	A report of SVH.
ESHTE	Ending Sexual Harassment and Violence in Third-Level Education.
Formal Report	A disclosure of SVH made to someone and recorded with the HEI's reporting system.
GBV	Gender-Based Violence.
GPG	Good Practice Guide.
HEA	Higher Education Authority.
HEI	Higher Education Institution.
IBSA	Image-Based Sexual Abuse.
Informal Report	A disclosure of SVH made to someone, but not recorded with the HEI's reporting system.
IPV	Intimate Partner Violence.
NWC	National Women's Council.
PROPEL	Promoting Consent and Preventing Sexual Violence Report .
Reporting Party	A person who creates a formal report of SVH in a HEI.
Responding Party	A person who is responding to a complaint made by a formal report.
SATU	Sexual Assault Treatment Unit.
SVH	Sexual Violence and Harassment.
The Framework	Safe, Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Irish Higher Education Institutions.
The NAC	The National Advisory Committee.
Victim-Survivor	Someone who has experienced SVH.

2. Example Structure of Implementation Committee



3. Mapping a Report Through an Institution: an Example of How a Report May be Processed



4. Formal Disclosure Reporting Form Example

This is an example of a reporting form that would be filled out when a formal report is being made within an institution. It can be adapted to fit the reporting requirements of a particular HEI. It is important to remember that reporting forms should only be filled out with the consent, knowledge and assistance of a reporting party.

Disclosure Information	
Date of Disclosure	
Start Time	**End Time**
Reporting Party The individual who is making a report of an incident(s)	
Name	
Contact information	
Gender (optional)	
Affiliation to Institution	☐ Student ☐ Staff ☐ Faculty ☐ Visitor ☐ Other (_____)
Department	
Responding Party, the individual reported to have committed incident(s)	
Name	
Contact information	
Gender (optional)	
Affiliation to Reporting Party	*(e.g., friend, peer, partner/ex-partner, lecturer, stranger, manager etc)*
Affiliation to Institution	☐ Student ☐ Staff ☐ Faculty ☐ Visitor ☐ Other (_____)
Department	

If student, indicate year	☐ Undergraduate ☐ Postgraduate Year of Study:_____
Incident(s) Information	
Date and time of incident(s)	
Location of incident(s)	*(Note specific location, if possible, indicate on/off campus, on/off campus accommodation etc)*
Details of incident(s) as disclosed by Reporting Party	*(Provide as much information as possible, as was disclosed, using reporting party's own words)*
Safeguarding issues identified and actions taken to address issues	*(i.e., child abuse, risk of serious harm or death to self or others)*
Record the reporting and support options discussed, and what steps are being advanced	
Did you signpost to (check all that apply)	☐ Sexual Assault Treatment Unit (SATU) ☐ An Garda Síochána ☐ Student Union Welfare ☐ Student Counselling Service ☐ Other (_____)
Individual who received and reported the disclosure	
Name	
Title/Role and Department	
Contact Details	
Date Recorded	
Receipt of report	
Name	
Title/Role and Department	
Date of receipt of report	
Actions being taken on foot of report	
Date until which this report will be retained	

**This form is an adaptation of one provided in "Addressing Sexual Violence in Higher Education: a Good Practice Guide" (2020). Reproduced with permission from the publisher.*

5. Joining the Dots: The Framework, GPG and Istanbul Convention

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

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

Dedicated policies of breadth and depth consistent with the Framework aims.	Prevention, Protection, Prosecution, Policies
Policies are explicitly linked to clear lines of responsibility, active responses, Institutional reporting, and regular review.	Protection, Policies
Policies include guidelines for addressing student complaints, including transparency for all involved.	Protection, Policies

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.	Protection, Prevention, Policies

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.	Prevention, Protection, Prosecution
Ongoing messaging to disseminate information consistent with the Framework aims for cultural change and awareness.	Prevention Protection
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.	Prevention, Protection, Prosecution Policies
HEIs will create and implement a system for measuring effectiveness of initiatives.	Protection, Prevention, Policies
HEIs will provide accessible, trauma-informed services; for supporting student disclosure, reporting and complaints, and for counselling and advocacy.	Protection, Policies

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