

National College of Ireland

Implementing the framework for consent

March 8th 2022



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College of
Ireland

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Just over half of first year students reported experiencing sexual harassment / sexual hostility since beginning college. This rose to 62% for second year students, and 66% for undergraduate students in third year or higher.¹



¹ *Sexual Experience Survey 2020*, Union of Students of Ireland. <https://usi.ie/wp-content/uploads/2020/06/SES-published-report.pdf>

Introduction

The then Minister of State for Higher Education, Mary Mitchell O'Connor TD, launched the *Framework for Consent in Higher Education Institutions: Safe, Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Irish Higher Education Institutions* in April 2019.²

It is a requirement of the framework that all HEA-funded HEI's develop an action plan to tackle sexual violence and harassment. It is also simply good practice to do so, given how serious and widespread the issues of sexual harassment and violence are in society in general, and the HE-sector in particular.

THE DATA:

- 16% of students experienced sexual assault while at university.³
- 29% of females, 10% of males, and 28% of non-binary students reported non-consensual penetration by incapacitation, force, or threat of force during their time in college.⁴
- In a “survey just over 70% of respondents, who experienced sexual misconduct, said they don't understand what happens when a student reports an incident to their college, while only 16%, again who had an experience, said they had received information on where to get help from their institution, and only just under 10% said they knew how to report an incident. These are areas that can be addressed very quickly by Higher Education Institutions and one of the on-campus actions that must be taken as a result of these survey findings.”⁵
- Sexist hostility was the most common form of harassment experienced by all student groups, ranging from 46% of Asian students to 70% of white Irish students.⁶
- The first survey examining sexual violence by male UK students has shone a light on misogyny at universities, with many admitting to rape, sexual assault and other forcible acts. Of the 554 male students surveyed, 63 reported that they had committed 251 sexual assaults, rapes and other coercive and unwanted incidents in the past two years, according to researchers at the University of Kent.⁷
- In a study across five European countries, 47% to 68% of women students reported feeling sexually harassed by verbal or threatening unwanted sexual advances during their HE studies.⁸
- Sexual violence is a gendered crime. It is for the most part perpetrated by males against females. The vast majority of perpetrators of sexual violence are males (96%).⁹

² <https://assets.gov.ie/24925/57c394e5439149d087ab589d0ff39c92.pdf>

³ *Say Something A Study of Students' Experiences of Harassment, Stalking, Violence & Sexual Assault*, Union of Students of Ireland 2013

⁴ *Sexual Experience Survey 2020*, Union of Students of Ireland. <https://usi.ie/wp-content/uploads/2020/06/SES-published-report.pdf>

⁵ PR Comms | Jun 22, 2020 | Campaigns, Consent, Featured, RELEASES, Student Life, USI News <https://usi.ie/campaigns/12244/>

⁶ *Sexual Experience Survey 2020*, Union of Students of Ireland. <https://usi.ie/wp-content/uploads/2020/06/SES-published-report.pdf>

⁷ Understanding Sexual Aggression in UK Male University Students: An Empirical Assessment of Prevalence and Psychological Risk Factors <https://www.theguardian.com/society/2021/oct/29/research-reveals-rapes-and-assaults-admitted-to-by-male-uk-students>

⁸ “Gender-based violence, stalking and fear of crime: European Union” project (2012): data collected across 5 EU countries, Germany, Italy, Poland, Spain and UK (34 HEIs; 21,516 participants), reported in It Stops Now Toolkit, Ending Sexual Violence and Harassment in Third-Level Education. Section One Understanding sexual violence and harassment, challenges and responses. <https://www.itstopsnow.org/sites/default/files/2019-03/It%20Stops%20Now%20Toolkit%20Web%20Version.pdf>

⁹ *Rape Crisis Network Ireland Rape Crisis Statistics 2019*. <https://www.rcni.ie/wp-content/uploads/RCNI-Statistics-2019.pdf>

- Most rape and sexual assault victims are attacked by people they know, and this fact is the most likely reason the majority of people still don't report these offences to the Gardaí.¹⁰

THE CONTEXT

It is critical to note that sexual violence and harassment (SVH) does not exist in a vacuum. It takes place within a wider context of the marginalisation and exclusion of women and minority groups, and patriarchal structures.

*SVH does not exist in isolation; it is inextricably linked to inequality in social, economic and political frameworks. Women and marginalised groups are traditionally underrepresented within decision-making and power structures. Their experiences and perspectives are excluded, and laws, policies, and priorities are defined by those in power. HEIs cannot adequately tackle SVH without transparently challenging the power dynamics within their own institutional cultures and ensuring that equality and representation are delivered at every level within their institutes.*¹¹

The eradication of violence against women and girls is also a target under one of the Sustainable Development Goals. Target 5.2: *Eliminate all forms of violence against all women and girls in the public and private spheres including trafficking and sexual and other types of exploitation.*¹²

NCI STATEMENT

National College of Ireland (NCI) is committed to ensuring an environment free from bullying and any form of harassment. All students, staff and visitors have the right to be treated with dignity and respect.

The College aims to provide a campus culture marked by mutual regard, personal dignity and support for everyone's skills and abilities.

NCI strives for a campus environment where employees and students may reasonably expect to pursue their work in a safe and civil environment, free from discrimination, harassment, threatening or violent conduct or offences against individuals or property.

Bullying and harassment by students, employees and non-employees of the College will not be tolerated.¹³

Definitions: Sexual Harassment¹⁴

Sexual Harassment is defined in the Equal Status Act as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating, or offensive environment for the person. A single incident may constitute sexual harassment.

¹⁰ Mary Crilly, chief executive officer of the Sexual Violence Centre Cork, told The Irish Times that victims are often subjected to "mind games" by their attacker. [Most rape victims don't report because they know the perpetrators](https://www.irishtimes.com) (irishtimes.com)

¹¹ *It Stops Now Toolkit, Ending Sexual Violence and Harassment in Third-Level Education*. Section One Understanding sexual violence and harassment, challenges and responses.

<https://www.itstopsnow.org/sites/default/files/2019-03/lt%20Stops%20Now%20Toolkit%20Web%20Version.pdf>

¹² <https://sdgs.un.org/goals>

¹³ From DRAFT NCI Prevention of Discrimination, Bullying and Harassment Policy and Procedure (slightly amended to include staff and visitors)

¹⁴ From DRAFT NCI Prevention of Discrimination, Bullying and Harassment Policy and Procedure (slightly amended to include staff and visitors)

Many forms of behaviour can constitute sexual harassment. Examples include:

- **Physical conduct of a sexual nature** which may include unwanted physical contact such as unnecessary touching, patting, or pinching or brushing against another employee's body, assault, and coercive sexual intercourse.
- **Verbal conduct of a sexual nature** including unwelcome sexual advances, propositions, requests or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendo. or lewd comments.
- **Non-verbal conduct of a sexual nature** which may include the display or sending of pornographic or sexually suggestive pictures, calendars, objects, written materials, emails, text messages, or faxes. It may also include leering, whistling, or making sexually suggestive gestures.

The Acts do not prohibit all relations of a sexual or social nature. To constitute sexual harassment or harassment, the behaviour complained of must firstly be unwelcome. It is up to each student/staff member/visitor to decide

- (a) what behaviour is unwelcome, irrespective of the attitude of others to the matter; and
- (b) from whom, if anybody, such behaviour is welcome or unwelcome, irrespective of the attitudes of others to the matter.

The fact that an individual has previously agreed to the behaviour does not stop the individual from deciding that it has become unwelcome. It is the unwanted nature of the conduct that distinguishes sexual harassment and harassment from behaviour that is welcome and mutual.

In addition, to constitute sexual harassment or harassment under the Acts, the behaviour must have the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

The intention of the perpetrator of the harassment or sexual harassment is irrelevant. The fact that the perpetrator has no intention of sexually harassing or harassing the individual is no defence. The effect of the behaviour is what is relevant. Sexual harassment, harassment, or bullying is defined by the impact of the behaviour on the recipient and not necessarily by the intention of the perpetrator.

If the individual is below 18 years of age, or is a vulnerable adult, and conduct of a sexual nature occurs, the College's *Child Protection Guidelines and Principles for the Protection of Vulnerable Adults* should be referred to for further guidance.

The definitions are drawn from current legislation and relevant codes of practice and are intended to provide a frame for acceptable behaviour in the workplace.

Gender-based Harassment

Gender-based harassment is aggression, intimidation, or hostile conduct based on sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity.

CONSENT WORKING GROUP

The NCI Consent Working Group is made up of the following members. (Membership March 2022)

- Barr, Anna / Lecturer in Early Childhood Education and Care
- Connelly, Mary / Human Resources Director
- Crowe, Darren / Accountant Finance
- Dineen, Andrew / Community Services Programme Coordinator
- Thompson, Conor / UDL Coordinator & Learning Support Tutor
- Jones, Karen / Registrar
- Kavanagh, Aine / Early Learning Initiative Stretch to Learn Coordinator
- McCarthy, Deirdre / Equality, Diversity & Inclusion Manager (Chair)
- Mooney, Karen / Student Support Supervisor
- Murray, Teresa / Marketing PR & Events Executive
- Sheil, Michael / International Office Regional Executive - Far East Asia
- Tormey, Deryck / Student Experience & Sport Coordinator
- Treadwell, Jennifer / Vice President for Welfare and Equality NCI Student Union

Action Plan to Tackle Sexual Violence and Harassment National College of Ireland

The department-prescribed consent framework covers four key areas,

1. *Institutional culture*: Effective structures in place, with institutions assigning responsibility by a management team member to implement the framework, including stakeholders, in the process
2. *Institutional processes*: Recording and reporting of statistics of incidents
3. *Institutional policies*: Dedicated policies consistent with the aims of the framework, with clear lines of responsibility, reporting, transparency
4. *Targeted initiatives*: For students and staff, including direct student-facing activities that promote an understanding of consent, an education plan to support students and staff, systems for measuring the effectiveness of initiatives and accessible trauma-informed services

The NCI action plan has been developed using this framework.

Relevant Consent Framework outcome	Action no.	Action	Progress to date/ milestones achieved	Person responsible	Timeframe (start/end)	Success indicator
1. Institutional Culture						
<i>A member of HEI senior management team will have responsibility for the implementation of the Framework.</i>	1.1.1	Vice President with responsibility for Equality and Diversity. EDI Manager will be the contact person.	Vice President with responsibility for Equality and Diversity appointed responsibility for the framework.	Prof. Jimmy Hill Vice President Academic Affairs and Research and Equality, Diversity & Inclusion EDI Manager	October 2021	Member of senior management identified and in position.
<i>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+.</i>	1.2	Committee established in Sept 2021. Additional nominees for the committee sought and agreed October 2021. Working group develop NCI Action Plan. Framework launched March 8 th International Women's Day.	Reconvened with additional members in October 2021. Additional membership secured.	EDI Manager with support of Working Group (WG)	Ongoing	Working Group established. TOR developed. Framework implemented. Plan developed and launched.

Relevant Consent Framework outcome	Action no.	Action	Progress to date/ milestones achieved	Person responsible	Timeframe (start/end)	Success indicator
<i>Liaison and partnership with external specialist agencies to ensure effective engagement with external structures.</i>	1.3	Liaise with appropriate external specialist agencies to ensure effective engagement with external structures to be identified and engaged with.	Liaising with the Active Consent NUIG and Speak Out Initiative. Training secured re Consent and By - stander Training from UCC Training plan will be developed with support of outside providers such as Active Consent	EDI Manager with support of Working Group (WG)	Ongoing	Appropriate supports provided as required.
2. Institutional Processes: Recording						
<i>HEIs will create an easy-to-use system for students and staff to disclose and report incidents, which would be reflected in a high level of awareness and understanding among both students and staff.</i>	2.1	Explore a suitable system and implement in NCI. Reporting <ul style="list-style-type: none"> Currently Staff via HR- under the <i>Dignity at Work Policy</i>. Review policy to ensure compliant and sufficient Students - under the <i>Bullying and Harassment Policy</i> Review policy to ensure compliant and sufficient Seek to engage with the launched Speak Out System. Develop awareness campaign for students and staff on systems developed. Monitoring reports on annual basis, to be reported to Executive Group and Academic Council.	Engagement with Speak Out. Policies reviewed.	EDI Manager with support of Working Group (WG)	All policies being review by December 2021. Additions and amendments made by Jan 2022.	Suitable system in place. High level of awareness amongst staff and students. Data collected, analysed and demonstrable used to inform impactful and timely decision making.

Relevant Consent Framework outcome	Action no.	Action	Progress to date/ milestones achieved	Person responsible	Timeframe (start/end)	Success indicator
<i>The reporting system is compatible with reporting party/survivor rights, cognisant of the needs of vulnerable groups, and has the confidence of the higher education community.</i>	2.2	NCI will join the Speak Out system in 2022 after the first 12-month trial period, which has been developed to ensure compliance with all the requirements.		EDI Manager with support of Working Group (WG)	Ongoing	Suitable system in place. High level of awareness amongst staff and students.
<i>Institutions shall record statistics on harassment, assault, and rape and report them in the context of their strategic dialogue with the HEA.</i>	2.3	Develop an NCI Specific anonymous report tool, until such a time that NCI joins Speak Out. Prior to using Speak Out, NCI will aggregate, anonymise and disseminate, on an annual basis, information on all reports made.		EDI Manager	Jan 2022	Statistics reported annually. Actions taken as a consequence/ from the learning of the data/ issues raised.
3. Institutional Processes: Policy						
<i>Dedicated policies of breadth and depth consistent with the Framework aims referencing IUA/THEA guidelines and policies where appropriate.</i>	3.1	Policies will be reviewed in the light of the issues that need to be included re consent. Addendums to be added as required. Key Policies <ul style="list-style-type: none"> • <i>Dignity at Work</i>, which covers staff • <i>Bullying and Harassment Policy</i>, which covers students 	Currently reviewing policies.	EDI Manager Registrar, Registrar Designate, HR Director and WG	Feb 2022	Policies meet the requirements re consent framework and are accessible and understood by staff and students.

Relevant Consent Framework outcome	Action no.	Action	Progress to date/ milestones achieved	Person responsible	Timeframe (start/end)	Success indicator
<i>Policies are explicitly linked to clear lines of responsibility, active responses, institutional reporting, and regular review.</i>	3.2	Policies will be reviewed in the light of the issues that need to be included re consent. Addendums to be added as required.	WG review these policies.	EDI Manager HR Director Registrars WG	Feb 2022	Policies meet the requirements re consent are published, and are regularly reviewed and monitored.
<i>Policies include guidelines for addressing student complaints, including transparency for all involved.</i>	3.3	Develop a simple guide for staff and students (to co-design with SU) to include: <ul style="list-style-type: none"> 1. Reporting instances and how to report, and what happens when they are reported. 2. Supports available both in house and external. 3. What to do when an incident is reported to them. 4. Important/key contacts and supports. 	Currently developing simple guide re policies.	EDI Manager HR Director Registrars WG Marketing	Feb 2022	Guide in place and freely available. To remain under regular review.
<i>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.</i>	3.4	Annual report re consent framework to be provided to Academic Council and the NCI Governing Body.		VP EDI Manager WG	Ongoing	Academic Council and Governing Body papers inform decision making.

Relevant Consent Framework outcome	Action no.	Action	Progress to date/ milestones achieved	Person responsible	Timeframe (start/end)	Success indicator
4. Targeted Initiatives						
<i>HEIs will provide direct student-facing activities including workshop/classes that promote an understanding of consent; student understanding and skills for speaking up and calling out unacceptable behaviour.</i>	4.1	<p>Consent training was provided by the SU and Feminist Society during the 2021/22 induction process. Consent training will be embedded in all student induction programmes.</p> <p>Review how training is provided and how it is delivered:</p> <ul style="list-style-type: none"> to ensure non first years are included Ensure all are comfortable (reference to young students, and minority ethnic community students) <p>Registrars working with the SU on a partnership agreement.</p> <p>Will ensure that the role of consent training is explicitly referenced to ensure ongoing handover of the function.</p>	<p>Consent Workshop run at Induction Sept 2021 for all first years.</p> <p>Staff trained in consent.</p> <p>Staff and SU trained in By-stander training.</p> <p>Partnership agreement in development.</p>	EDI Manager with support of Working Group (WG)	Feb 2022	<p>All students and staff will have the opportunity to receive introduce consent training.</p> <p>Targeted staff and SU are trained in By-stander Training, and Disclosure training.</p> <p>Obligations confirmed within and monitored against the NCISU/NCI Partnership Agreement</p>

Relevant Consent Framework outcome	Action no.	Action	Progress to date/ milestones achieved	Person responsible	Timeframe (start/end)	Success indicator
<i>Ongoing messaging to disseminate information consistent with the Framework aims for cultural change and awareness.</i>	4.2	Highlight senior leadership's support for work in this area as a priority in any forthcoming institutional Strategic Plans.	Current SP being developed. Name support for this area as part of this process.	President Vice President EDI Manager	The Consent Framework will be submitted to Academic Council on 16 th Feb, for information, and submitted to the Governing Body March 2022 to formally document the framework and how it will be applied and monitored from 2022 onwards.	The next Strategic Plan will highlight, as a strategic priority, the Institute's role in promoting consent, and preventing sexual violence and harassment among students and staff.

Relevant Consent Framework outcome	Action no.	Action	Progress to date/ milestones achieved	Person responsible	Timeframe (start/end)	Success indicator
<i>Ongoing messaging to disseminate information consistent with the Framework aims for cultural change and awareness.</i>	4.3	<p>Create publicly accessible, specific, institutional, information on the NCI webpage. Inclusive of</p> <ul style="list-style-type: none"> • A message of support from the President • Reporting mechanisms and designated contact people for staff and students • Information on campaigns and initiatives • Information on how staff and students can get involved in education programmes. • Links for further information in relation to key internal and external services. • A list of Working Group members • NCI policies re SVH 		EDI Manager Marketing	April 2022	A webpage with general information on the Framework for Consent at NCI has been created within the EDI section of the website.
<i>Ongoing messaging to disseminate information consistent with the Framework aims for cultural change and awareness.</i>	4.4	<p>ELI to hold event to engage with children and families in NCI's local community to foster awareness of consent and gender biases from an early age.</p> <p>Possibility of repeating the event if evaluation is positive.</p>	Event based on previous work developed by ELI.	ELI Team	June-Sept 2022	Event held with a positive evaluation.

Relevant Consent Framework outcome	Action no.	Action	Progress to date/ milestones achieved	Person responsible	Timeframe (start/end)	Success indicator
<i>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.</i>	4.5	<p>Develop training plan and options, which will include mandatory inclusion in staff and student inductions, and scale training in line with roles and responsibilities for staff.</p> <p>Promotion of online consent training Active*Consent with staff and students.</p> <p>Awareness and training to take into account AF staff and students at all stages of learning (not just first years).</p>		EDI Manager Deans SU HR Working Group	March 2022	Training opportunities in place.
<i>HEIs will create and implement a system for measuring effectiveness of initiatives.</i>	4.6	<p>All initiatives will include a specific evaluation function.</p> <p>Annual Reports to Academic Council and Governing Body on the implementation of the Framework will include qualitative and quantitative information (where appropriate) on the implementation and impact of the framework.</p>	SU evaluated the consent workshop provided and feedback was provided to the consent WG.	Working Group (WG)		Programmes and strategies improved as a result of evaluations.

Relevant Consent Framework outcome	Action no.	Action	Progress to date/ milestones achieved	Person responsible	Timeframe (start/end)	Success indicator
<i>HEIs will provide accessible, trauma-informed services; for supporting student disclosure, reporting and complaints, and for counselling and advocacy.</i>	4.6	<p>Ensure that NCI's wide range of support services are accessible and available to staff and students including:</p> <ul style="list-style-type: none"> • Counselling services for students • Employee Assistance Programme (EAP), which is inclusive of counselling services to staff • Referral and direction to external appropriate services • Line Managers 	In-house counselling services available to both staff and students.	HR Counselling EDI Manager Working Group		<p>Services as required are available.</p> <p>Monitor impact of the Consent Framework, and initiatives undertaken re consent, on resources and, as appropriate, provide additional resources.</p>