

SUPPORTING DISCLOSURES OF SEXUAL VIOLENCE AND HARASSMENT IN THE TRINITY COMMUNITY



Trinity College Dublin
Coláiste na Tríonóide, Baile Átha Cliath
The University of Dublin

TABLE OF CONTENTS

DEFINITION OF SEXUAL HARASSMENT	4
FROM THE TRINITY COLLEGE DUBLIN DIGNITY & RESPECT POLICY, PAGE 12	4
EXAMPLES OF SEXUAL HARASSMENT	4
MODEL OF CONSENT	5
HOW COMMON IS ASSAULT?	6
TCDSU SEXUAL ASSAULT SURVEY 2015	6
NUIG SMART CONSENT 2018	6
WHAT IS IBSA?	6
IBSA IN IRELAND	6
IMPACT OF SEXUAL TRAUMA	7
I'VE BEEN SEXUALLY HARASSED, ASSAULTED, OR RAPED	8
WHAT DO I DO?	8
I'M A VICTIM OF IBSA	9
WHAT DO I DO?	9
IBSA AND THE LAW IN IRELAND	10
SUPPORT SERVICES - COLLEGE AND EXTERNAL	11
YOU CAN FIND CONFIDENTIAL HELP ON REPORTING ASSAULT IN ANY OF THESE PLACES	11
MAKING A REPORT	12
IF YOU HAVE BEEN ACCUSED OF SEXUAL HARASSMENT OR MISCONDUCT	14

DEFINITION OF SEXUAL HARASSMENT

FROM THE TRINITY COLLEGE DUBLIN DIGNITY AND RESPECT POLICY, PAGE 12

-Sexual harassment includes acts of physical intimacy or requests for sexual favours or any act or conduct by a harasser, including spoken words, gestures, or the production, display or circulation of written words, pictures or other material that is unwelcome, to the recipient and could reasonably be regarded as sexually offensive, humiliating or intimidating to the recipient

-The unwanted nature of sexual harassment distinguishes itself from flirtatious or sexual behaviour, which is entered into freely and mutually. It is the damaging impact of the unwanted behaviour on the recipient, not the intention of the harasser, which counts. The impact of sexual harassment is taken into account when cases of sexual harassment are investigated.

EXAMPLES OF SEXUAL HARASSMENT:

VERBAL

- Unwelcome sexual advances
- Suggestive jokes and innuendo
- Requests for sexual favours
- Threats

NON-VERBAL OR INDIRECT

- Sexually suggestive pictures or written material
- Leering or gestures
- Spreading rumours about a person's sexual behaviour or orientation

ELECTRONIC

- Sexually suggestive messages or images transmitted by computer/ electronic means

PHYSICAL

- Unwelcome physical contact, up to and including assault

MODEL OF CONSENT

CONSENT IS F.R.I.E.S

F **REELY GIVEN**

Doing something sexual with someone is a decision that should be made without pressure, force, manipulation, or while drunk or high.

R **EVERSIBLE**

Anyone can change their mind about what they want to do, at any time. Even if you've done it before or are in the middle of having sex.

I **NFORMED**

Be honest. For example, if someone says they'll use a condom and then they don't, that's not consent.

E **NTHUSIASTIC**

If someone isn't excited, or really into it, that's not consent.

S **PECIFIC**

Saying yes to one thing (like going to the bedroom to make out) doesn't mean they've said yes to others (like oral sex).

HOW COMMON IS ASSAULT?

TCDSU SEXUAL ASSAULT SURVEY 2015

-25.2% of female students and 4.5% of male students reported having had a “non-consensual sexual experience”

NUIG SEXUAL EXPERIENCES SURVEY 2020

-29% of females, 10% of males, and 28% of non-binary students surveyed out of a group of 4000 third level students reported nonconsensual penetration by incapacitation, force, or threat of force

WHAT IS IBSA?

-Image Based Sexual Abuse (or IBSA) is a form of sexual abuse which is defined as the non-consensual creation and/or distribution of private sexual images. This could mean, for example, the distribution, or sharing, of private images between people without the consent of the person photographed, or the sharing of images nonconsensually downloaded from a site like OnlyFans.

-This form of sexual abuse often takes the form of ‘leaking nudes’ to groupchats or others, and is commonly referred to as ‘revenge porn’, but this name doesn’t reflect the abusive and damaging nature of IBSA.

IBSA IN IRELAND

-In November 2020, up to 140,000 intimate and sexual photographs of women and underage girls were published without consent (it is important to remember that someone under the age of 17 cannot legally give consent or consent to sexual images being published of them). Some of those targeted by this assault were Trinity students.

IMPACT OF SEXUAL TRAUMA

Typical responses to a traumatic event are one or more of the following:

- Fear responses to reminders of the event, leading to avoidance
- Feeling like you are losing control of your life or your mind
- Re-experiencing the event through flashbacks
- Problems concentrating and staying focused on the task at hand
- Feelings of guilt, shame and self-blame
- Developing a negative self-image
- Depression
- Disruptions in close relationships

All of these reactions are normal responses to the traumatic event you have experienced. There is, however, no "typical" response.

The impact of an act of sexual violence will have is completely dependant on the individual, and not dependant on any objective "scale" of severity.

IBSA can also lead to a trauma response, with victims of IBSA suffering from Serious mental and physical impacts, as well as possible inhibition of sexual freedom, threat of re-sharing of the images, and possible cultural harm.

I'VE BEEN SEXUALLY HARASSED, ASSAULTED, OR RAPED

WHAT DO I DO?

- Make a written record of what you can remember, date it, and then take a photo of this record.
- Put yourself in a safe environment, and remove yourself from contact with the person or people who assaulted you.
- Get support and help - a trustworthy friend or family member, or one of the supports listed below. We recommend seeking support from one of the college welfare services, you can use the contacts we have listed below to confidentially contact them.
- Consider making a disclosure of the assault to one of the supports listed below. These supports are confidential, and you do not have to make a report of the incident if you do not wish to.
- If you have been physically assaulted, or raped, consider attending one of the clinics listed on www.hse.ie/satu, so that evidence can be taken.
- Do not shower before attending the clinic, and preserve any clothing you were wearing before, during or after the physical assault. This will help to preserve physical evidence.
- If physical evidence is taken, you still do not have to make a report, and the unit will keep your evidence should the situation arise later that you wish to make a report.

I'M A VICTIM OF IBSA

WHAT DO I DO?

- Remember that you are not at fault. This is a breach of your privacy, and a possible criminal offence. You have the right to take sexual images or videos of yourself, and share them with your consent. No-one else has the right to take, or share, such images or videos without your consent.
- Put yourself in a safe environment, and get support and help - a trustworthy friend or family member, or one of the supports listed below. We recommend seeking support from one of the college welfare services, you can use the contacts we have listed below to confidentially contact them.
- If you have been threatened with IBSA, then you should:
 - Write down as much information as you can about the threat or multiple threats. If they have threatened you over text, make sure to take screenshots as evidence.
 - If someone overheard or saw the person threatening you, take note of their name and contact details. They could be a witness if you decide to take legal action.
- If you are a victim of IBSA:
 - Make sure to make a record (screenshot, or screenrecord of all images and videos) and keep these in a safe, private location.**
 - Untag yourself if tagged on social media if possible, and get someone to contact the person who has posted it and request they take it down, and/or report it to the website in question and request they remove it.
 - You may want to deactivate your social media accounts. If you don't it is a good idea to take a step back from your accounts.
 - Create social media profiles for your name. This will push the bad search results off the first pages of Google. There are professional privacy companies who can help you to do this.

IBSA & THE LAW IN IRELAND

- Following the passing of The Harassment, Harmful Communications and Related Offences Bill (2021), it is now illegal to distribute intimate images of someone without their consent, and to threaten to do so. 'Distribute' means the sharing, sending, taking or publishing images or videos of someone.
- This new law means that the taking, distribution, publication or threat to distribute intimate images without consent, and with intent to cause harm to the victim, carries a maximum penalty of an unlimited fine and/or seven years' imprisonment. Without the intent to cause harm, there is a maximum penalty of a €5,000 fine and/or 12 months' imprisonment.
- It doesn't matter if the person consented to the taking of an image if it is subsequently published or distributed without their consent.
- If you have been a victim of IBSA, and you would like to take action against this, you can:
 - Contact the Gardai to report the incident and get help on what to do next.
 - Contact a legal professional to engage their assistance in removing it and demanding the person who shared it to surrender all copies they possess.
- Before doing so, you can contact a welfare officer, counsellor or other advisor so they can help you through the process. Remember, IBSA is a crime, and sexual harassment, and if you are a victim of this, there is help available to you.

SUPPORT SERVICES - COLLEGE & EXTERNAL

YOU CAN FIND CONFIDENTIAL HELP ON REPORTING ASSAULT IN ANY OF THESE PLACES:

In Trinity (internal support)

- Trinity College Dublin Students' Union Welfare Officer welfare@tcdsu.org
- JCR (Trinity Hall) Welfare Officer welfare@trinityhalljcr.com
- Graduate Students' Union Vice President vicepresident@tcdgsu.ie
- Student Counselling Services **(01) 896 1407** // student-counselling@tcd.ie
- S2S Peer Support **(01) 896 1407** // www.student2student.ie
- Chaplaincy chaplaincy@tcd.ie
- Senior Tutor's Office stosec@tcd.ie
- Assistant Wardens (Trinity Hall) **(01) 497 1772** // tcdlife.ie/wardentcdhall/contact
- Assistant Junior Deans (On Campus) **(01) 896 1317**
- On-Campus Security **(01) 896 1999** // **(01) 896 1317**

Outside of Trinity (external support)

- Niteline **1800 793 793**
- Rape Crisis Center **1800 778 8888** // www.rcni.ie
- Samaritans **116123** // www.samaritans.org
- Sexual Assault Treatment Unit (if within 7 days) www.hse.ie/satu
- Crime victims helpline **116006**

MAKING A REPORT

Some students wish to report incidences of sexual violence.

If you wish to report your sexual harassment within Trinity, the first step you should take is to contact one of the services above that is based within the college.

You will then be directed to the services that are available to help you make a report.

These include:

- An informal process
- Mediation
- A formal report

FORMAL REPORT/COMPLAINT

Before making a formal report, you should contact one of the supports above.

When you make a formal complaint, you will be required to set out the details of your complaint in writing to your tutor/post grad advisor, or head of department/school.

- You should be as specific as possible when doing this, including dates and times of incidences, and the names of any witnesses to each incidence

Your written account will be forwarded to the other person(s) involved in the complaint, to give them the right to reply. Likewise, you will receive a copy of any responses to their complaint. Further written correspondence may be exchanged, and the issue may be resolved with this correspondence.

If the issue isn't resolved, an investigator, a Trinity staff member, will be appointed. You will receive a letter setting out the terms of reference and the process for the investigation.

The investigator will communicate their decision to all parties, which can include disciplinary repercussions for the harasser.

AFTER A COLLEGE INVESTIGATION a number of actions may be suggested by the investigator. These include, but are not limited to:

- The offer of mediation
- An agreement that the respondent not enter certain buildings or not approach the complainant

-A confidential meeting with an independent specialist professional to provide the respondent with support around their sexual behaviour

-Intermission - time off books

-Referral to the discipline procedure for further consideration

-No further action.

Sexual assault and rape are serious crimes and not dealt with under the dignity and respect policy in the college. Students who have experienced sexual assault and/or rape can contact the Junior Dean or na Gardaí Síochána. You can also contact any of the supports above for emotional support where appropriate.

TO MAKE A REPORT TO THE GARDAÍ

Call your local Garda station or go in in person.

Bring a support person or contact victim support groups (www.cosc.ie) to accompany you.

OR

Contact your local rape crisis center

OR

Sexual assault treatment units (www.hse.ie/satu)

Only if you have been the victim of sexual assault in the last 7 days.

Comprehensive medical, psychological and forensic care will be available.

If you wish, this evidence can be retained for a year while you consider whether or not you wish to report a crime.

You can also avail of medical and psychological care without evidence being taken in the sexual assault treatment units Monday-Friday 09:00-17:00.

IF YOU HAVE BEEN ACCUSED OF SEXUAL HARASSMENT OR MISCONDUCT

- Don't panic or take action that you might regret later.
 - Take advice first and act second.
- Find out about the process that will take place.
 - If a formal report is being placed, you will receive written confirmation about this
- Get advice during the investigation, it is important that you consider getting support for your wellbeing.
 - You can speak to your college tutor, nurse, senior tutor, Chaplin, counsellor or Students' Union officers.
- There are limited circumstances where the college is obliged to share information with the Gardaí.
 - If you want to discuss anything confidential with staff, ensure you have understood the limits of confidentiality and how the information you are providing might be used later on.
- If you are reported to the Gardaí, then normally any connected university investigation or procedure will be paused.
 - Following the Garda investigation or criminal proceedings, the college will consider the most suitable action to take.