

IADT

Active consent policy

Information for Students

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Introduction

The aim of this Active Consent Policy is to support active consent, to indicate what constitutes sexual misconduct or sexual violence and to clarify what action the Institute will take when responding to breaches of this policy.

This policy should be read in conjunction with the IADT Mutual Respect Policy.

This policy defines each of the terms “sexual consent” and “sexual misconduct”. It provides general information and guidance to students of Dun Laoghaire Institute of Art Design and Technology (“IADT” or, the “Institute”) and outlines the procedure for making a complaint where unacceptable behaviour is alleged to have occurred.

2 Policy Statement

IADT is committed to the promotion and management of an environment for study, which upholds the dignity and respect due to each individual. The Institute supports every student’s right to study in a climate which is free from the threat of sexual misconduct or sexual violence.

Sexual misconduct or sexual violence is totally unacceptable. The Institute will not tolerate any student, staff member or person being treated with anything less than professional courtesy and respect. Neither will the Institute tolerate any student of the Institute, treating a fellow student or anyone coming into contact with the Institute, with anything less than professional courtesy and respect.

All allegations of sexual misconduct or sexual violence will be dealt with in a fair and sensitive manner, and as confidentially as is possible.

A complaint of sexual misconduct or sexual violence against a student will be dealt with under the IADT Mutual Respect Policy. Following an investigation this may lead to disciplinary action. Disciplinary action may include a range of responses, from verbal warnings to expulsion.

3 Policy Scope

This Policy applies to all students of the Institute in all locations (including the Institute campus, the campus of any other Institute / University or such other place where students may be representing

the Institute or participating in their capacity as Institute members at events such as social functions, conferences, sporting events, field trips, or work assignments which are related to the Institute and in all situations including communications in person, in writing, on the telephone, by e-mail or on the Internet in any Institute related activity or situation.

4 Policy Aim & Objectives

Policy Aim

The aim of this policy is to promote an environment which is safe, respectful and supportive for all IADT students. We aim to foster an institutional culture of respect, dignity and integrity for all students where there is clear condemnation of unwanted and unacceptable behaviours.

The objectives of the Policy are as follows:

- Develop awareness of active consent and to make this a positive, valued Institute and social norm
- Deter unacceptable behaviour and help to create an environment where students can interact together free from sexual misconduct or violence and where students feel safe, empowered, confident, and capable in their relationships with fellow students
- Inform students of the procedure for dealing with allegations of sexual misconduct or sexual violence.

5 Definitions

Key Definitions

Consent refers to “the freely given verbal or nonverbal communication of a feeling of willingness to engage in sexual activity” Hickman and Muehlenhard (1999, p. 259),

“A person consents to a sexual act if he or she freely and voluntarily agrees to engage in that act”,
Criminal Law (Sexual Offences) Act 2017

The following definitions are extracted from the framework “Safe, Respectful, Supportive and Positive Ending Sexual Violence and Harassment in Irish Higher Education Institutions 2019”.

Sexual Consent

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

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

The legal definition of consent in Ireland has been recently introduced, wherein "a person consents to a sexual act if he or she freely and voluntarily agrees to engage in that act".

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

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

Sexual Misconduct

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

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

Rape and Sexual Assault

The following definitions are used in Irish Legislation:

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

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

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

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

6 Policy Promotion, Information, Training and Support

An integrated strategy will be developed to underpin the effective roll out and operation of this policy. Key action points include:

- An awareness campaign which may include the publication of relevant support material/ information leaflets/pamphlets/frequently asked questions etc.
- Communication of this policy through the IADT website
- The organisation of information/briefing sessions/workshops for students
- Training for management, supervisors and staff and student representatives
- Training for those who may be appointed to investigate complaints

In addition, where a complaint has been made the Institute may at any stage make available reasonable counselling services to both a complainant and a respondent, should they request it.

7 Responsibilities, Reporting and Review

7.1 Responsibilities

All students have responsibility for building and maintaining a study environment that is free from unacceptable behavior, where students can interact together free from sexual misconduct or violence by committing themselves to:

- Consciously, through their own behaviour, attitude and example, creating a climate which is respectful and supportive of fellow students and staff
- Cooperating as necessary and in full with an investigation whether as a complainant, an accused person, or as a witness.

7.2 Reporting

The “Safe, Respectful, Supportive and Positive Ending Sexual Violence and Harassment in Irish Higher Education Institutions 2019” framework has outlined a set of aims which are applicable for

all HEIs including the responsibility for maintaining records on incidents of harassment, assault and rape and reporting them in the context of their strategic dialogue with the HEA.

7.3 Review

The Institute is committed to reviewing this Policy on a regular basis in line with changes in the law, best practice, relevant case law and other developments. It is the policy of the Institute to observe the above provisions; however it reserves the right to depart from same where appropriate.

8 Procedure for making a complaint

A student that feels they are a victim of sexual violence or sexual misconduct by another student or staff member should refer to the IADT Mutual Respect Policy on how to submit a complaint. The policy is available on the IADT website www.iadt.ie or click [here](#) to access.

Criminal Investigations

Where the Institute becomes aware of any criminal investigation into matters which form the subject matter of a complaint, IADT will cooperate with the relevant authorities. The aim of the Institute shall be to balance the principles of natural justice, the health and safety of staff and students, the integrity of any possible criminal investigation, and the right to the good name and presumption of innocence of all parties concerned.

9 Supports

The Institute recognizes the particular difficulties raised for students in the context of sexual violence or sexual misconduct. Support is available for students from a number of sources both within the Institute and from outside agencies.

The table below provides a list of both internal and external groups and organisations who may be able to provide support for those who have or are experiencing sexual violence or sexual misconduct.

Voluntary mediation services are available where all individuals are agreeable to meeting with a mediator. This allows both parties the opportunity to be heard and to potentially achieve an outcome that is agreeable to everyone.

Internal supports

Area	Name	Email	Contact Number
College Nurse	Joan Broderick	joan.broderick@iadt.ie	01 239 4760
College Nurse	Suzanne Keily	suzanne.keily@iadt.ie	01 239 4760

Doctor	Doctor is available on a part-time basis in the Student Health Centre		01-2394760
Urgent health care outside of GP hours	EDOC is based in St Michael's Hospital, Dun Laoghaire from 1800 hrs to 0800 hrs from Monday to Friday; from 0800 hrs on Saturdays and Sundays & all Bank and public holidays for 24 hours		01-2234500
Student Counselor	Joanna Gorniak	Studentcounselling@iadt.ie	01-2394650
Vice President/ Welfare and Equality Officer	Students Union Welfare Officer	welfareiadt@gmail.com	086-0509863

External supports

Organisation	Support	Contact details
Dublin Rape Crisis Centre	The Dublin Rape Crisis Centre offers a wide range of services to women and men who are affected by rape, sexual assault, sexual harassment or childhood sexual abuse.	http://www.drcc.ie/ Free phone: 1800 77 88 88 (24 hour helpline)
Dublin Sexual Assault Treatment Unit (SATU)	The Sexual Assault Treatment Unit (SATU) is a safe place that you can	https://www.hse.ie/eng/services/list/5/sexhealth/satu/

	go to when you have or think you may have been raped or sexually assaulted.	Telephone: 01 8171736 Out of hours contact Rotunda Hospital 01 8171700 and ask for SATU
Dun Laoghaire Garda Station	In an emergency always dial 999/112	Telephone: 01 6665000
BeLong to Youth Services	National organisation for Lesbian, Gay, Bisexual and Trans (LGBT) young people aged between 14 and 23	www.belongto.org email: info@belongto.org Telephone: 01-6706223
Transgender Equality Network Ireland	TENI is a non-profit organisation supporting the trans community in Ireland. TENI seeks to improve the situation and advance the rights and equality of trans people and their families	www.teni.ie Telephone: 01-873 3575 Email: office@teni.ie
Women's Aid	Offers support and information to women who are being abused emotionally, physically or sexually by a current or former husband, partner or boyfriend	www.womensaid.ie Telephone: 1800 341900 Email: info@womensaid.ie
AnyMan	National service supporting Men experiencing Domestic Violence in Ireland	https://www.anyman.ie/ Telephone: 01-5543811 Email us: crisis@anyman.ie
Dundrum Garda Protective Services Unit	An Garda Síochána service that supports victims of Sexual crime and Domestic Abuse	Telephone: 01-6665600