



# Sexual Misconduct Policy: Student Support and Report

RCSI DEVELOPING HEALTHCARE LEADERS WHO MAKE A DIFFERENCE WORLDWIDE

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**Acknowledgments:** Dublin Rape Crisis Centre (Shirley Scott, Leonie O’Dowd),

# Sexual Misconduct Policy: Student Support and Report

## 1. Purpose

The purpose of this policy is to provide information and guidance to RCSI students in the case of an alleged incident of sexual misconduct, including sexual harassment and/or sexual violence and to ensure students feel safe and supported at RCSI.

RCSI aims to provide a positive educational experience for students, however, occasionally; students may experience sexual harassment, misconduct or sexual violence by; a peer; a member of RCSI staff; someone they encounter on clinical placement; someone they are, or have been in a relationship with; a friend or an acquaintance; or a stranger.

This policy does not anticipate every situation that might occur with respect to students and the needs of each student must be assessed on a case-by-case basis.

This document outlines the supports available and the potential procedures to be followed in the event of a student reporting an incident of sexual misconduct to RCSI.

This Policy should be read in conjunction with the following RCSI policies along with any other policies applicable to the student. Please click [here](#)

- RCSI Code of Conduct for Undergraduate Students (current year)
- RCSI Code of Conduct for Postgraduate Students (current year)
- RCSI Student Dignity and Respect Policy
- RCSI Student Disciplinary Regulations
- RCSI Child Protection Policy

## 2. RCSI Statement of Commitment and Responsibilities

RCSI is committed to creating a learning environment free of sexual misconduct, sexual harassment, and sexual victimisation, where everyone is treated with dignity and respect. RCSI will not tolerate victimisation of a person for making allegations of sexual misconduct, sexual violence or sexual harassment in good faith or supporting someone to make such a complaint.

This document clearly defines the supports provided to a student who may be a victim of sexual misconduct, to help them identify who to tell about the incident, how to access supports and to offer guidance throughout the process to a student (Section 4).

A second stage of the process may include encouraging a student to disclose the identity of the alleged perpetrator, with the assurance that RCSI will take relevant actions to deal with misconduct. In this instance, RCSI will support a student to report the misconduct (outlined in section 5).

### RCSI has a responsibility to:

- Implement policy in relation to alleged sexual misconduct in a fair and transparent manner.
- Take all reasonable steps to provide appropriate support and care for the injured party and accused.
- To protect and ensure the natural justice rights of all parties involved (including the injured party and the accused).
- To develop best practice and policy in line with legislation.
- To raise awareness and to provide advice and training regarding sexual consent and appropriate handling of a disclosure of alleged sexual misconduct at RCSI

### 3.1 Scope

This policy is primarily intended to apply to, and provides guidance for:

- All undergraduate and full-time postgraduate students registered to programmes of study within the Faculty of Medicine and Health Sciences at RCSI\*

**Sexual misconduct** is a **serious** and **unacceptable** experience for any person, of any age, gender, sexual orientation, ethnic or religious community.

Sexual misconduct is a broad term encompassing a range of behaviours including sexual assault, sexual harassment, intimate partner violence, stalking, voyeurism, and any other conduct of a sexual nature that is non-consensual, or has the effect of threatening, intimidating, or coercing a person.

Awareness of key terms and definitions (Please see Section 3.2) will help members of the RCSI community to sensitively and appropriately respond to a disclosure of sexual misconduct, sexual harassment or sexual violence.

Therefore, all members of the RCSI Student Community:

- Share the right to be protected under this policy
- Carry a responsibility to ensure the policy is implemented.

(\* Similar policies for Professional Post Graduate Students and trainees, RCSI Interns and RCSI staff are available [Please click here](#) )

### 3.2 Definitions

It is important to have an understanding and awareness of key definitions, in order to decide if the policy applies to an experience you may have had.

**Figure 1** below outlines a range of experiences that fall under the definition of sexual misconduct (there may be others).



Source: <http://brescia.uwo.ca/life/sexual-violence/>

- **Consent:** A person consents to a sexual act if they freely and voluntarily agree to engage in that act. Consent cannot be freely and voluntarily given if that person is asleep, unconscious, coerced or otherwise incapacitated. It is possible that they may not be able to give their consent because of the effect of alcohol or some other drug. In Ireland the age of Consent to sexual activity is 17 years. Please click [here](#) and [here](#) for the definition of consent, in Irish Law.
- **Sexual misconduct:** is a broad term encompassing any unwelcome behaviour of a sexual nature that is undertaken without consent or by force, intimidation, coercion, or manipulation.
- **Sexual harassment:** is 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. This can be a single incident or multiple and can include (but not limited to):
  - **Unwanted physical contact** such as unnecessary touching, patting or pinching, or brushing against another person's body.
  - **Verbal conduct of a sexual nature** such as unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the College or other work or study setting after it has been made clear that such suggestions are

unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.

- **Non-verbal conduct of a sexual nature** such as the display of pornographic or sexually suggestive pictures, objects, written materials, emails, electronic messages or any other method. It may also include leering, whistling or making sexually suggestive gestures. It would also include sharing of (or sometimes the threat of sharing) real or fabricated intimate/sexual images without consent, involving the student in question and /or others.
- **Sexual violence:** is defined as a sexual act involving a person **without that person's freely given consent**. It includes, but is not limited to:
  - **Sexual assault:** The term sexual assault refers to sexual contact or behaviour that occurs without the explicit consent of the person. Some forms of sexual assault include:
    - Attempted penetration
    - Fondling or unwanted sexual touching
  - **Sexual coercion:** is unwanted sexual activity as a result of a person being pressured, tricked, threatened, or forced in a non-physical way.
  - **Rape:** Someone who commits an act of sexual penetration without consent.  
Rape is:
    - (a) penetration (however slight) of the vagina, anus or mouth by the penis, or
    - (b) penetration (however slight) of the vagina or anus by any object held or manipulated by another person.
  - **Intimate partner sexual violence:** sexual assault, sexual coercion or rape that occurs in the context of an intimate relationship (i.e. a partner/ex-partner, boyfriend/ex-boyfriend, girlfriend/ex-girlfriend, husband/ex-husband or wife/ex-wife).

Please click [here](#) and [here](#) a detailed description of these and other terms

#### 4. SUPPORT AT RCSI

RCSI is committed to providing a safe environment for its students, and to responding appropriately to all incidents. RCSI has a range of supports available to all parties involved in an allegation of sexual misconduct (contact details follow).

In this section we have provided some information that might be useful. Some of the issues raised in this section may not be relevant to each student's case; however, in the first instance RCSI want to be sure that a student is in a safe place and can access any necessary medical care, if they choose to.

Please remember, there is no right or wrong way to feel. Some people report that they feel numb or shocked, or confused or frightened, or fragile or angry. It might be helpful to know that many people report that these feelings do not last. Whatever you are feeling, try to remember that this is not your fault, you are not to blame, and you are not alone. You should not feel under any pressure from anyone, including RCSI, to act in any specific way.

### **If an assault has just occurred, who do I contact?**

The first priority is for you to be safe. Contact the Gardai (**999 or 112**), RCSI security (**01 402 2219**) or others who can ensure your safety as quickly as possible.

Do you need medical attention? If an assault has just occurred, you may need immediate medical attention and should call an ambulance.

If you want immediate advice about what has happened, and you are not in danger, you can access confidential and non-judgemental support by calling the:

**Free National Rape Crisis 24-hr Helpline: 1800 77 8888**

**Or visiting the following website:**  
<http://www.drcc.ie/get-help-and-information/>

Whether you have any physical injuries or not, it is worth considering attending **a Sexual Assault Treatment Unit** (see Appendix 1) or at least be seen by a doctor to ensure your healthcare needs are addressed.

Medical Support available via Mercer's Medical Centre (**01-402 2300**).

### **Who can help at RCSI**

You may want to take some time to think things through or to talk to someone you trust, such as a friend or a member of staff at RCSI (e.g. RCSI Student Welfare Officer).

- **Student Welfare Officers:** Ms. Aoife Gilligan Quinn and Ms. Sinead O Kelly  
**Phone:** (01) 402 8537 or (01) 809 3768  
**Email:** swo@rcsi.ie

Although staff are not trained to provide specialist support for people who experience sexual violence, they can provide initial support and signpost you to specialist support services.

RCSI Student Welfare officers are trained and can support you to make decisions about:

- seeking medical assistance
- seeking confidential counselling or support from a Rape Crisis Centre
- help with filing a report with the Gardaí (police) and/or help with making a report to RCSI if the perpetrator is also a member of RCSI



## Help for Students

### Finding support after an unwanted sexual incident

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-This information sheet aims to help any student who has experienced an unwanted sexual incident find support - whether the incident took place in the past or in the present  
-Whichever support option you chose, please know that any information shared will not be shared without permission\*, will be dealt with sensitively and confidentially, and that you remain in control of the decision making process

#### Emergency? Are you at risk?

##### Emergency Response

If you are experiencing serious distress or are involved in a serious incident and need support out of hours, your safest first action is to seek medical assistance or assistance from the emergency services by calling **999** or **112 (Ask for Ambulance &/or Police)**

##### RCSI Emergency Response Number

If you are on a RCSI site, after calling 999, you may wish to contact the RCSI Security Service to help the emergency services reach you quickly and/or to direct you to available support services.

**+ 353 1 4022219**

#### RCSI Support

##### CoMPPAS support

Student welfare officer

**Tel: +353 1 402 8537**

**Email: swo@rcsi.ie**

##### Mercer Medical Centre

**Tel: +353 1 402 2300**

**Email: gpreception@rcsi.ie**

##### Counselling

Phone queries & Appointments:

**Tel: + 353 1 283 9366**

**Email: cpslmerrion@gmail.com**

##### Student Assistance Programme

24hours / 365 days

**Freephone: 1800 995 955**

**Email: eap@vhics.ie**

#### External Support

##### Dublin Rape Crisis Centre

If you want immediate advice to feel safe & supported, this is available by calling the

**Free National 24-hr Helpline: 1800 77 8888**

Confidential listening and support for women and men who have been raped, sexually assaulted, sexually harassed or sexually abused at any time in their lives.

<http://www.drcc.ie/get-help-and-information/>

##### Sexual Assault Treatment Units (SATU)

Sexual Assault Treatment Units (SATU) provide services for individuals, of all genders, who have experienced sexual crimes by addressing their immediate medical, psychological and emotional needs. This service can also perform a forensic examination if required.

A Rape Crisis (RCC) Support Worker will be in attendance to offer you information and emotional support. You can also request to be accompanied by a support worker from the RCC.

See Appendix 1 for Full contact details for SATUs in Ireland

##### Mandatory reporting

**Staff are obliged to contact:**

RCSI Child Protection Officer if:

- The student is under 18 years old
- The disclosure affects another person who is under 18

Or The Student Welfare Office if:

- The student is at risk of harming yourself or others



## 5. Reporting an incident of sexual misconduct

We fully appreciate that it can be difficult to disclose something like this, especially if the other person is known to you. You may be worried about not being believed, that it was your fault, that friends and family will judge you if they find out, or even that your life might be in danger if this becomes known.

Having received support and advice, you may decide to formally disclose the name of the accused and can receive guidance and support on how to submit a complaint. The Student Welfare officers are available to clarify what is happening, help you to consider your options and can direct you to relevant support services. The flow diagram on page 10 may help you to understand the options you have to submit a complaint.

RCSI encourage all students to make a complaint if they have experienced any incident of this nature. If you make a report of sexual misconduct, there is further information provided below that may help you make a decision about what to do next followed by some information on what happens when you report an incident.

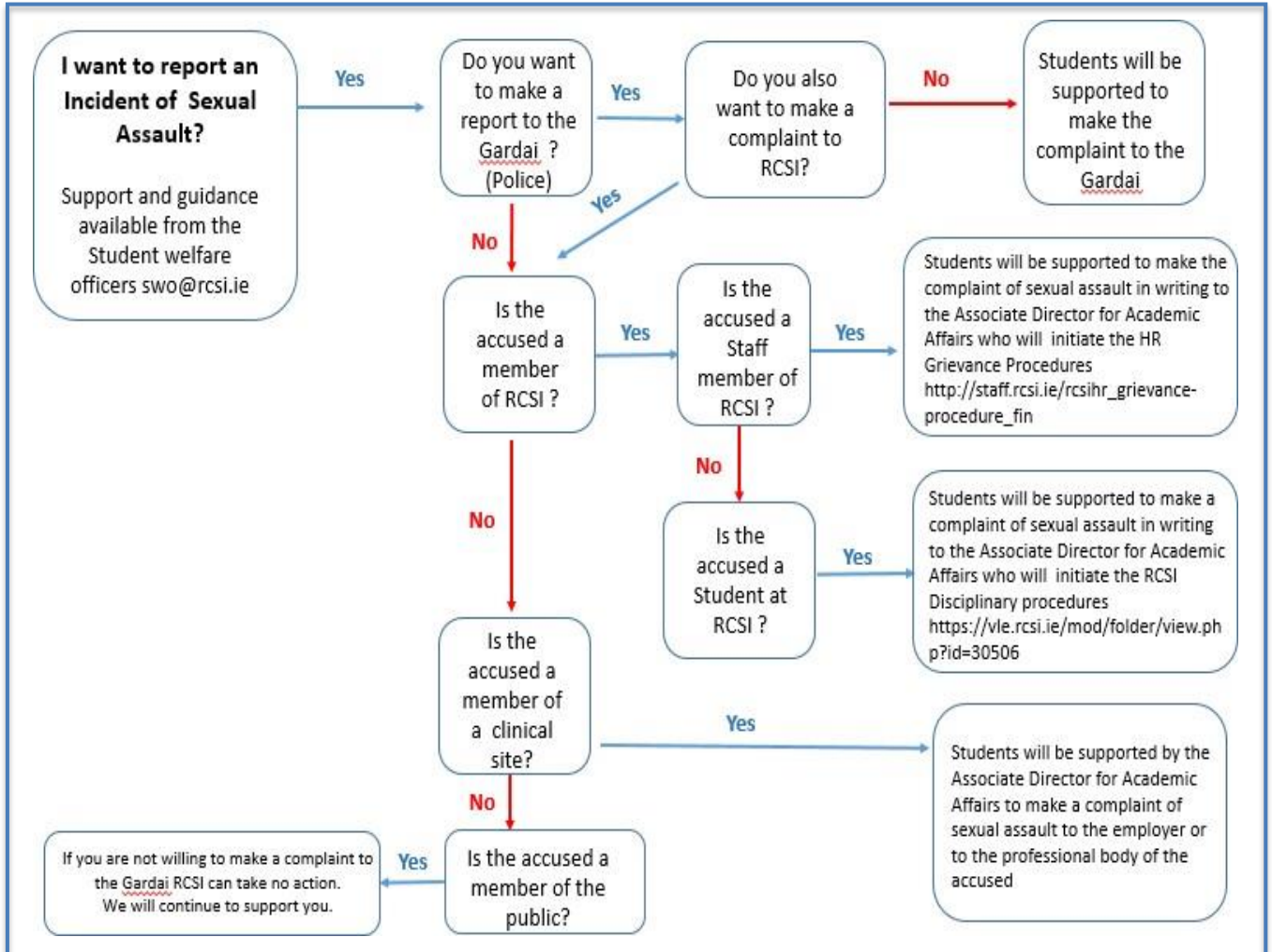
### 5.1 Disclosure and Confidentiality

All students that come forward with a complaint will be treated sensitively, supportively and confidentially, in accordance with policies and procedures.

RCSI have a responsibility to the wider student community, patients and the general population to investigate, and may initiate procedures under the Disciplinary Regulations

In the case where an alleged crime has been committed, RCSI would always encourage you to report the crime to the Gardaí (Police).

## 5.2 Making a Report/ Complaint:



### 5.2.1 What will happen if I make a formal complaint to the Gardaí?

- The Gardaí will take relevant information and statements and, with your consent, arrange for a medical and forensic examination to take place at one of the nation-wide Sexual Assault Treatment Units (SATU). The following booklet produced by the Dublin Rape Crisis Centre gives detailed information about what this process may involve. Please click [here](#).
- You also have the option of being accompanied by, or supported by a volunteer from the Rape Crisis Centre.

### 5.2.2 What will happen if I make a formal complaint to the College?

Students who make a complaint of sexual misconduct to the College should make the complaint in writing to the Associate Director for Academic Affairs who will initiate the Disciplinary Procedures. Please click [here](#).

If the complaint is against a staff member, this will be forwarded to Human Resources (HR) and will be fully investigated under the RCSI Grievance procedures. Please click [here](#).

### **5.2.3 What happens if I do not want to make a formal complaint to the College and I am reluctant to name the accused?**

- If you are not willing to make a complaint and you have not disclosed the identity of the other person then RCSI may not be in a position to take any steps to investigate your complaint.
- We will continue to provide support you.

### **5.2.4 What happens if I do not want to make a formal complaint to the College but I name the Respondent to a staff member of the College?**

- In the interest of student, patient and public safety, the staff member will be obliged to submit a report to the Associate Director for Academic Affairs detailing the information.
- Upon receipt of this report the Associate Director, will determine the appropriate response of RCSI.

## **5.3 Support for the Accused**

This may be a distressing time for all parties involved in an allegation of sexual misconduct. RCSI is committed to ensuring the natural justice rights of the accused.

Under the Irish Constitution, a person against whom an accusation is made, is entitled to fair procedures and natural justice. Therefore, an accused person is entitled to the following:

- The right to be advised of the case against them and to know the identity of their accuser;
- The opportunity to be heard in their own defense, which may include a right to representation;

RCSI will act in accordance with these rights to ensure they are protected, to include

1. That where a complaint is held to be genuinely made there will be no negative consequences for the complainant even where the complaint is not upheld
2. Any victimisation of a person for making a complaint or providing evidence will be treated as an offence and subject to discipline.

A person against whom an accusation is made can access support at RCSI :

#### **CoMPPAS support**

Student welfare officer

Tel: +353 1 402 8537

Email: [swo@rcsi.ie](mailto:swo@rcsi.ie)

#### **Counselling**

Phone queries & Appointments:

Email: [cpslmerrion@gmail.com](mailto:cpslmerrion@gmail.com)

Tel: + 353 1 283 9366

**Student Assistance programme**

Freephone: 1800 995 955

Email: [eap@vhics.ie](mailto:eap@vhics.ie)

**6. Policy Review Procedures**

This policy shall be subject to continuous assessment and evaluation, and shall be reviewed at least once every three years.

**7. Appendices:**

Appendix 1: Contact details Sexual Assault Treatment units (SATUs)

Appendix 2: Context and Legislation

## Appendix 1: Sexual Assault Treatment units

Sexual Assault Treatment Units (SATU) provide services for individuals, of all genders, who have experienced sexual crimes by addressing their immediate medical, psychological and emotional needs. This service can also perform a forensic examination to gather physical evidence of the assault/rape that can be used in a legal process if a person decides to report this crime to the Gardaí (Police).

In Dublin the SATU is located in the Rotunda Hospital in the Early Pregnancy Unit building in the back car park. This is a self-contained unit with a private waiting room, office, forensic examination room, bathroom and kitchen. It is a separate private facility accessed only by the SATU staff. There is no signage around the main hospital to ensure privacy and confidentiality. Their website provides information on your options if you decide to attend <https://www.hse.ie/eng/services/list/5/sexhealth/satu/#Dublin%20SATU>. A Rape Crisis Support Worker will be in attendance at the SATU to offer you information and emotional support.

There are a number of SATUs around Ireland, if you are not close to Dublin, or you would prefer not to go to the Rotunda, contact details of which can be found below:

Location	Address	Email address	Telephone number	Out of hours phone
<b>Dublin</b> Rotunda Hospital	Parnell Square Dublin 1	satu@rotunda.ie	01 8171736	01 8171700 & ask for SATU
<b>Mullingar</b> Midland Regional Hospital	Mullingar, Co Westmeath	satu.mrhm@hse.ie	044 9394239 086 0409952	044 9340221 & ask for nursing admin to be bleeped.
<b>Waterford</b> University Hospital, Waterford	Dunmore Road, Co Waterford	wrh.satu@hse.ie	051 842157	051 848000 & ask for nurse manager on duty.
<b>Galway</b> Hazelwood House	Parkmore Road, Co Galway	satugalway.hsewest@hse.ie	091 765751 087 6338118	091 757631 & ask for nurse manager on duty for Merlin Park Hospital
<b>Cork</b> South Infirmary Victoria University Hospital	Old Blackrock Road, Co Cork	satu@sivuh.ie	021 4926297	021 4926100 & ask for nurse manager on duty for hospital.
<b>Donegal</b> Letterkenny General Hospital	NOWDOC Premises Oldtown, Letterkenny, Co Donegal	Satu.letterkenny@hse.ie	074 9104436 087 0681964	074 9125888 & ask for nurse manager on duty in the emergency dept

## Appendix 2: Context and Legislation

This policy has been developed in the context of several Irish laws, where sexual violence is covered under Criminal Acts such as: Criminal Law (Rape) Act 1981; Criminal Law (Rape) Amendment Act 1990; Criminal Evidence Act 1992; Criminal Justice Act 1993; Sex Offenders Act 2001; Criminal Justice Act 2006; and Criminal Law (Sexual Offences) Act 2017, The Child Care Act 1991, Children First Act 2015 (Please below for a list of links to the legislation referred to in this policy). The most recent legislation dealing with sexual violence, the Criminal Law (Sexual Offences) Act 2017, provides a statutory definition of consent in Ireland.

This policy has also been developed in the context of the Employment Equality Acts 1998-2015 and Equal Status Act 2000-2015 that prohibit direct and indirect discrimination, sexual harassment, harassment and victimisation in relation to nine equality grounds, including gender and sexual orientation.

This policy complements other RCSI student policies: RCSI Code of Conduct for Undergraduate and Postgraduate Students, Student Dignity and Respect Policy, RCSI Student Disciplinary Regulations (<https://vle.rcsi.ie/mod/folder/view.php?id=30506>)

### 1. Links to the Irish Legislation cited in this Policy

Criminal Law (Rape) Act 1981

<http://www.irishstatutebook.ie/eli/1981/act/10/enacted/en/html>

Criminal Law (Rape) Amendment Act 1990

<http://www.irishstatutebook.ie/eli/1990/act/32/enacted/en/html>

Criminal Evidence Act 1992

<http://www.irishstatutebook.ie/eli/1992/act/12/enacted/en/html>

Criminal Justice Act 1993

<http://www.irishstatutebook.ie/eli/1993/act/6/enacted/en/html>

Sex Offenders Act 2001

<http://www.irishstatutebook.ie/eli/2001/act/18/enacted/en/html>

Criminal Justice Act 2006

<http://www.irishstatutebook.ie/eli/2006/act/26/enacted/en/print>

Criminal Law (Sexual Offences) Act 2017

<http://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html>

Equality Acts 1998-2015

<https://www.ihrec.ie/guides-and-tools/human-rights-and-equality-for-employers/what-does-the-law-say/eea-summary/>

Equal Status Act 2000-2015

<https://www.ihrec.ie/guides-and-tools/human-rights-and-equality-in-the-provision-of-good-and-services/what-does-the-law-say/equal-status-acts/>

Protected Disclosure Act, 2014

<http://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/html>

Freedom of Information Act, 2014

<http://www.irishstatutebook.ie/eli/2014/act/30/enacted/en/html>

The General Data Protection Regulation (GDPR) ([Regulation \(EU\) 2016/679](#))

Data Protection Act 2018 (<http://www.irishstatutebook.ie/eli/2018/act/7/enacted/en/html>)

Children First Act, 2015 (<https://www.dcy.gov.ie/docs/EN/Children-First-Legislation/2758.htm>)

Child Care Act 1991 (<https://www.dcy.gov.ie/docs/EN/Review-of-the-Child-Care-Act-1991/4500.htm>)





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