

Gender Politics of Higher Education Participation: Developing Holistic “Recognition, Response and Recovery” Programmes for Student Victims of Sexual and Domestic Violence

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Abstract

Higher Education Institutions (HEIs) constitute a unique environment intersecting participants' work-study, social, and (for many) home lives; this intimate setting is an added dynamic in student sexual and domestic violence incidents. Figures from the USA indicate that those of school/college age (16-24 years old) are at the highest risk of being victims and perpetrators of domestic and sexual violence. (Agosin, 2002: 229) Intimate Partner Violence (IPV) is tied to the prevalence of sexual violence and rape - current or former partners are the main culprits, followed by acquaintances or friends. 42% of women and 28% of men have suffered unwanted, non-consensual sexual experiences (UNSEs) in Ireland; strangers were perpetrators in just 1 in 5 incidents suffered by females (McGee et al., 2002: 69, 98). A survey of 1,038 TCD students found that 25% of women and 5% of men suffered UNSEs (Healy, 20 January 2015). The incidence of domestic violence increases with income and level of education; young women (20-24 years) are twice as likely to suffer IPV as older women. (CoE 2002: 23). 1 in 3 Irishwomen have experienced IPV; 41% know a victim among family or friends. (EU FRA, 2014) “Title IX” US law prohibits gender-based discrimination in education programs and Section 485(f) of Title IV mandates student development professionals to design and implement sexual assault policy. This research will examine the feasibility of a nation-wide Title IX-type sexual assault programme through in-depth interviews with key stakeholders, including Presidents, Administrative Staff and Student Services, and Students’ Union leaders, focusing on (1) enabling power dynamics particular to the HE setting (2) knowledge and understanding of HEI staff regarding student body perpetrators and victims (3) accessibility and usefulness of HE resources for student victims, and (4) new measures to recognise, name, and counteract these phenomenon.

Introduction

The state agencies concerned with domestic abuse and sexual violence include parliament, courts, police, health services, and NGOs. All of these sectors have published reports on strategies for combating domestic abuse and sexual violence over many decades. Despite the fact that higher education sector institutions contain the largest collective at-risk populations, universities are remarkably absent from national domestic abuse and sexual violence strategies and the universities themselves are completely silent on the issue. This paper asks why and how this situation has developed, and seeks to explore the politics of the prevalence, impact and recovery aspects of Sexual Assault on College Campuses, specifically: (1) gendered power dynamics particular to the HE setting (2) knowledge and understanding of HEI staff of the problems of domestic abuse and sexual violence (3) accessibility and usefulness of HEI-level resources for student victims, and (4) measures to recognise, name, and counteract these phenomenon. This paper explores aspects (1) and (4) primarily focusing on (a) the Higher Education Campus as a high-risk environment; (b) identifying and redressing the Gendered Culture of Denial and Dismissal of domestic abuse and sexual violence in the HEI environment (c) Innovative [in]formal response, recovery and prevention programmes from a bottom-up perspective. Ireland is the main focus, in a comparative context with the USA, Europe broadly define, and the United Kingdom. In this paper, domestic violence and domestic abuse are used interchangeably to mean any type of abuse (verbal, emotional, physical, sexual) between individuals who are or were in an intimate relationship.

The Higher Education campus as the highest risk environment

The numbers attending Higher Education Institutions are set to increase, for example in Ireland, the HEA estimates demand will increase from nearly 168,000 in 2014 to nearly 193,000 in 2024. Eight-five percent of the student body are aged under 25 (HEA statistics, 2004) whilst cross-national surveys consistently show those of school/college age (16-24 years old) are at the highest risk of being victims and perpetrators of domestic and sexual violence. (Agosin, 2002: 229) In Ireland, *survey evidence indicates that 25% of female and 5% of male members of the student body*

suffered unwanted, non-consensual sexual experiences (UNSEs) whilst at college (Healy, 20 January 2015). In the US, a Northwestern University study published in the *Journal of Adolescent Health* found the lifetime experience of forcible rape was 21.7% among the women in the study, and 25.7% for incapacitated rape. In short, the higher education environment is, in theory and in practice, the most dangerous setting in terms of victimisation through stalking, harassment, domestic abuse and sexual violence. This unpalatable fact rests uneasily with the norm associated with further education being a time of immense intellectual and personal development, along with a flourishing and relatively care-free social life. Fighting to get the darkest side of the university and college experience to be seen as an urgent priority for policy-makers and students alike is therefore very challenging. This goal is one of three main points argued in this paper.

Identifying and redressing the Gendered Culture of Denial and Dismissal in the HEI environment

To date, universities and institutions in the Higher Education sector in Ireland and further afield in the UK and Europe have been broadly unresponsive to this issue. This lack of initiative by HEIs is reflective of the wider paradigm of gender equality policies and domestic and sexual violence legislation at the level of state and government that is, in practice, unfit-for-purpose. In the United States of America, "Title IX" US law prohibits gender-based discrimination in education programs and Section 485(f) of Title IV mandates student development professionals to design and implement sexual assault policy. Yet the mismatch between university response programmes in the context of state-level policy and the lived experience of abuse, assault and harassment of major sectors of the student body exists, and has been highlighted recently through a number of cases that received media attention. The second key point of this paper is **the need to identify and redress the male chauvinist, gendered values embedded in the ethos of the higher education institutional setting**. De facto policies of denial and dismissal of serious sexual assault on campus contribute to the failure to stem the increase in cases and the lack of adequate prevention and response programmes. This phenomenon is reflective of out-of-campus societal context in which police, courts and legislators also fail to respond adequately due to this culture of denial and dismissal.

Innovative [in]formal response, recovery and prevention programmes

The third focus of this paper is the **informal and formal methods of response to sexual assault cases**. These can exist on many levels. At the state-level in the USA, for example, then President Obama and Vice President Joseph R. Biden Jr. announced the formation of a national culture-shifting awareness campaign on 19th September 2014, involving pledge-taking and campus events called *It's On Us*. *It's On Us* has educated and trained almost 5,000 student leaders to date. At the campus community levels in the USA, examples include large numbers of students gathering to protest sexual assault on college campuses e.g. the #YesAllWomen rally in Seattle on 30th May 2014, and a "National Day of Action to Carry That Weight" on 24th October 2014, organized by a group called "Carry That Weight", during which students carried mattresses on 130 US campuses and several elsewhere (Svokos, 2014). To date, no such initiatives have been undertaken at the state or community level in Ireland or the UK. Emanating mainly from the USA, there is a number of newly emerging informal initiatives that could shift the power balance from the perpetrators to their potential victims and survivors of campus sexual assault. The task at hand in this paper is to identify current and potential schemes.

(a) The Higher Education campus as the highest risk environment for domestic abuse / sexual violence

Higher Education Institutions (HEIs) constitute a unique environment intersecting participants' work-study, social, and (for many) home lives. The majority of people (85%), specifically the third-level student body, working, in a HEI environment are aged under 25 (Higher Education Authority of Ireland, 2017: 2003-2004 statistics). A majority of students participate in extracurricular events and social activities in the evenings as part of the college experience. In this respect, the HEI environment is unique as a locus of full-time workplace *as well as* after-work recreational life. The opportunity to mix with hundreds of new people at an event, through sports clubs or student societies, with many revolving around alcohol and drug use, is an added dynamic in student sexual and domestic violence incidents. Finally, 11% of all students live in student accommodation, with a higher proportion of first year undergraduates availing of this option. Thus, for a large minority of students, the HEI environment is their work place, their social space *and* their home. Responses to Student Victims of Sexual and Domestic Violence need to take account of these unique characteristics of their lives, and to recognise these bespoke dynamics in order to enable Recovery.

I remember on my first day of class as a college student in 1990, in a Politics lecture to over 500 students, the professor's opening words were to ask each of us to look at the person sitting to our right, and declared, "one of you

will not be here next year" to illustrate the rates of failure and drop-out, and presumably, to scare some of us into doing a bit of work during the forthcoming semester. Yet no university inauguration address to a large group of first year students has said, "look at the person sitting two people away from you - s/he will likely be sexually assaulted or raped by a fellow student before this degree programme is finished." That latter statement is equally as true for female students and 1 in 20 males as the former statement, and reflects a much more dangerous, life-altering - if not near-death - experience of college life. Generations of women, in particular, have been left unprepared and defenceless against attacks of predators among university staff and students. Only in recent years has this situation merited attention from media, forcing governmental, police and judicial authorities to address the myriad of issues involved.

The prevalence of sexual coercion and violence against women is seen through survey data in the USA, Europe and Ireland. In terms of US studies, a 2002 study of a nationally representative sample of women found 1 in 3 women were victims of sexual coercion by a husband or intimate partner in their lifetime. (Basile, 2002) A 1995-1996 survey of 16,000 participants conducted in all 50 states found 1 in 4 women (and 7.6% of men) are raped or physically assaulted by a current or former spouse, cohabiting partner or dating partner at some time in their life (Tjaden & Thoennes, 2000). In the US each year, intimate partners batter between 2-4 million women of all ages, races and classes.

European figures on sexual and domestic violence reflect the situation in Ireland and the USA. The Council of Europe concluded that 25% of women suffered domestic violence and between 6% and 10% of women suffered violence in a given year. (2002: 46) Young women (20-24 years) are twice as likely to suffer violence as older women. (Council of Europe, 2002: 23) Based on available prevalence studies, the Council of Europe estimates that 20-25% of women reported rape or attempted rape. Their husbands or partners were usually the culprits and, where rape occurred in the context of a settled relationship, it was very likely to be a recurrent experience. Thus, rape is intimately tied to Domestic Abuse/Violence or Intimate Partner Violence (IPV).

The 2002 Sexual Abuse and Violence in Ireland (Savi) study found that 42% of women and 28% of men reported having experienced sexual abuse or assault in their lifetime, with ten per cent of women and three per cent of men experiencing penetrative abuse, pointing to evidence that the extent of victimisation in Ireland for sexual offences is remarkably high. In an analysis of 173 rape case files received by the Irish Central Criminal Court between 2002 and 2005, nearly three-quarters of complainants reported being raped by someone with whom they had had a prior relationship of some description. (Leahy, 2014: 21) Of one hundred survivors of rape committed since 2002, interviewed as part of a Project "Rape and Justice in Ireland" (2009), over 40 per cent of those who made a report to the police seriously considered withdrawing their complaint, mainly because of a poor reaction from the police. The same issues pertain to domestic abuse rates in Ireland: levels of reporting of domestic violence crime are low, despite the fact that a 1999 Eurobarometer survey found that Irish people "think that domestic violence against women is most widespread" (EC, 1999: 6), giving a collective score of 3.28 out of 4 (On a four-point scale, the European average is 3.04 for this question). 30% said they knew of a woman who has been a victim of some form of domestic violence in their neighbourhood/ immediate area, compared to the EC15 average of 18.3% (EC, 1999: 108).

It must also be noted that Ireland is one of the most 'youthful' nations in the EU with more than 24 % of young people; and Ireland had the highest rate of female youth suicides, and the second highest rate of male youth suicides in the EU between 2009 and 2011 (Brennan, 28 October 2015) and recalling the survey evidence that 25% of female and 5% of male members of the student body suffered unwanted, non-consensual sexual experiences (UNSEs) whilst at college (Healy, 20 January 2015), taken together, these are compelling statistics to consider for young people's welfare, mental health and physical safety whilst pursuing further education. "These data make clear that prevention programs for both men and women in both high school and college are necessary. Programs may need to address trauma-related concerns for previously victimized women." (Carey et al. 2015: 680)

(b) Identifying and redressing the Gendered Culture of Denial and Dismissal in the HEI environment

At the international level, Geraldine Moane outlines the systematic nature of violence against women, and the fact that even if a woman has not directly experienced violence, she will experience problems because of violence against women (2011: 44) and more generally because of the system of patriarchy that supports gendered forms of

oppression and violence and its many forms and manifestations (Moane, 2011: 39-55). Culture is evidently slower to change than laws in Western societies.

Gender discrimination in HEIs can be seen across three levels of analysis: (1) the macro-level of societal structures of gendered beliefs and practices because one cannot understand the status of female academics in Ireland divorced from the status of women generally in society; (2) the meso-level of progression and promotion of female scholars compared with males in the aggregate student/staff body using a range of criteria, and (3) the micro-level of female academics' lived experiences on the job, including internal interactions with students, colleagues, academic hierarchy, and external interactions with media, policy-makers, civil society NGOs, etc. (Devine, 2016)

Macro-level of societal structures of gendered beliefs and practices

As in many societies, gender discrimination in Ireland is a set of beliefs and practices that have developed in more recent times. Before colonization, Ireland had an ancient Irish legal system of Brehon Law that was preserved in the *Senchus Mor*. This law originated in the judgements of the Pagan Brehons, prior to the Christian era, was revised by St. Patrick on the conversion of the Irish to Christianity, and recognised throughout the greater part of Ireland until the reign of King James, covering a period of 1500 years. (Hancock, 1986: xlx) It only became infused with gendered ethnocentrism and authoritarianism with the influence of Rome.

In ancient Ireland, women were chieftains, chieftains of equal grade to men (Hancock 1865: 121); women had possessions and property (ibid. 151) and the true rights of women were defended (ibid. 151); their defence was the reason for war; and there inherent equality between genders of the same rank (ibid., 167, 301) equality regarding sexual relations e.g. obligations of husbands (ibid. 181) not to "neglect co-habitation i.e. not going to her in her bed" were enforced (ibid. 181). Violence against women was punished, including "disgraceful violence that brings on premature labour" (ibid. 182) and domestic violence and marital rape was regarded as the most heinous crime - "thy wife, i.e. an injury the most in tolerable, by striking or violating, a blot on thy honor" that was punished AND regarded as condemnation of these offenders' character (ibid. 235). Not just women, but animals were also protected, with punishments for attacks such as "maiming thy chained dog" (ibid. 235).

On-lookers, those who stand by and do nothing to prevent crimes, are punished for not saving someone from violence, and for not prohibiting killing (ibid. 243). Brehon Law has been written into six volumes and throughout these tomes, there is evident parity of esteem for women, seen as equal citizens of these societies. These norms and laws are devoid in 'modern' Ireland today.

At the state level, Article 41.2 of the Irish Constitution specifically refers to the role of women in the domestic, private sphere. It designates a sphere and role of "life within the home" solely to women and commits the state to ensure women do not engage in labour to the "neglect of their duties in the home". This paternalistic status of women infused the secondary education system in Ireland for decades and has resulted in generations of third level female students making gendered choices in terms of subjects of degree programmes and careers. Women tend to outperform men in secondary school and third level education in Ireland: the CSO's *Men and Women in Ireland* survey reports higher proportions of girls achieved A or B grades than boys across twelve higher level Leaving Certificate subjects, with one exception (engineering). (CSO, 2011: 41) and a higher proportion of women have a third level education in Ireland than men (CSO, 2011: 44) There are more women going to university and graduating from university, yet it is men who ascend the ranks of academia. The patriarchal knowledge-paradigm and establishment within academia e.g. from Aristotle's claims that women were in an unnatural state of irrationality and therefore had to be controlled by rational man; Rousseau advocated the equal education of the genders, but the purpose of female education was to support the male; to the current adversarial methodology of critique as a means for knowledge production, neither encouraged feminist challenges to their power, nor facilitated their publication. (Cullen, 1987: 143-149) According to European Commission SHE figures (statistics on women in science) from 2009, Ireland has the second highest glass ceiling index¹ in the EU for women in higher education (European Commission, 2009: 70).

¹ The Glass Ceiling Index (GCI) better illustrates the difficulties women have in gaining access to the highest hierarchical levels. This index measures the relative chance for women, as compared with men, of reaching a top position. The GCI compares the proportion of women in grade A positions (equivalent to Full Professors in most countries) to the proportion of women in academia (grade A, B, and C), indicating the opportunity, or lack of it, for women to move up the hierarchical ladder in their profession. The GCI can range from 0 to infinity. A GCI of 1 indicates that there is no difference between women and men being promoted. A score of less than 1 means that women are over-

Women academics suffer sexual harassment in the workplace (including everyday practices of unwanted sexual jokes, comments on her appearance, and other verbal harassments²) and particularly gendered forms of bullying and micro-aggressions - additional traumas not suffered by men, and problems that are not taken as seriously by authorities and are under-reported as a result. Laura Bates' Everyday Sexism Project had received stories from thousands of students and women working at universities who have experienced sexual harassment, assault and rape on campus and "have been dismissed, disbelieved and gone unsupported by peers and universities in the aftermath." She said, "It is a scandal that many universities still have no clear policies in place for tackling sexual violence, or supporting survivors and fully dealing with cases when they arise." (Gray, 21 October 2016).

Over time, inequity based on gender can create a level of trauma, and at the very least, a high level of constant stress that is similar (yet in a much less severe and life-threatening way) to trauma experienced over generations by populations that are historically marginalized. (Holling et al. (in Gutierrez y Muhs) 2012: 257) "Public health evidence suggests that chronic stress - like the pressure of being continually misperceived or belittled or having to fight off microaggressions - can result in higher levels of hypertension, cardio vascular disease and coronary heart disease." (Harris and Gonzalez, 2012: 7) Structural disempowerment, discouragement, devaluation, dismissal and disregard all take an additional psychic and physical toll on women in a career that is characterised by overwork.

The question is, what is being done about this discrimination against female academics? At the state level, nothing, reflected in the fact that a dedicated gender equality unit of the Department of Education closed over a decade ago. At the university level, nothing, other than the compilation of monitoring reports in some institutions, with some universities scrambling to promote a particular cohort of status quo females in order to avoid sanctions of continued bad press and possible action on research funding access from the EU level. One university's so-called "Gender Task Force" is deemed ineffective by trade unions as it is management-appointed and not independent, and it can only 'consider' and 'advise' measures towards 'effective gender equality'. (NUIG, 2015: 8) Even the so called "Gender Action Plans" mooted in sub-disciplines only expect an increase in female *applications* for promotion and funding, not in the numbers of women actually promoted or funded. (TCD, 2013: 27) At the individual level, many women fear taking their employers to court.

Since 1994, the UK's 'Zellick' guidelines advised universities not to investigate allegations of sexual violence or implement disciplinary procedures unless the victim has reported the crime to the police. This may be changed in the future given that the 2016 UUK taskforce report is now suggesting universities in the UK adopt a hands-on, zero-tolerance policy when dealing with incidents. Dr Christine Garcia, an expert at the National Center for Campus Public Safety explains that universities can best prevent such incidents by educating their students and staff about sexual violence, healthy relationships and consent, although she admitted that this training needs to begin at primary school and continue throughout higher education. (Bothwell, 2016) Given Ireland's University hierarchies' male chauvinist attitudes to female lecturers and students are widespread, and thus far, very slow to change, the same cohort will continue to ignore the problem of sexual violence on campuses in Ireland.

In the USA, where universities have a legal obligation to address sexual harassment, including abuse and violence, the same mores are evident in a widespread failure to adequately respond to cases. In one case, third-year Harvard Law student Kamilah Willingham reported to the Harvard Office of Sexual Assault and Responses on January 16, 2011, that she and her friend were sexually assaulted during the early morning hours of January 15, 2011 by fellow Harvard Law student Brandon Winston. Harvard Law Administrative Board conducted a hearing on Willingham's complaint against Winston, upheld her complaint and on September 21, 2011, imposed a sanction of dismissal on Winston. The Harvard Law faculty full professors undertook a review and voted to overturn the findings and decisions of the Independent Fact Finder, the Administrative Board, and the Hearing Officer and re-instated the student.

represented at grade A level and a GCI score of more than 1 points towards a Glass Ceiling Effect. (European Commission, 2009: 70) Ireland's index is 3.8 (European Commission, 2009: 80)

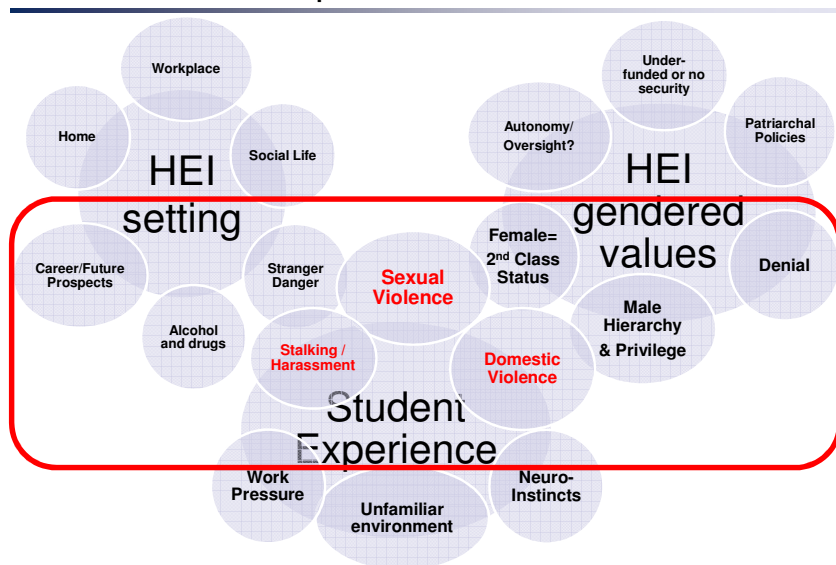
² examples of microaggressions directed at lone female academics in a group of male colleagues include "I wish that *some* people were never born" (a senior professor responding to a female's stated reason for being vegetarian, specifically so that no animals are bred for killing) , "do you have sex with penguins?" (another random microaggression thrown at a female lecturer by a senior lecturer discussing a gay bull and gay animals with his colleagues); "you will die of cancer before I will because you haven't had children" (no explanation necessary!); "he didn't get you anything because he hates you" (a senior lecturer responding to a female colleague who doesn't drink coffee being omitted from a coffee round), and finally, "tough bitch" (a senior lecturer had raised a story about a male student being reported for plagiarism, and falsely accused a female colleague of being the lecturer in the case) [note: "If a woman speaks up first at meetings, she risks being disliked or even—let's be blunt—being labelled a bitch" (Kay and Shipman, 2014)].

In another case, on December 2012, Erica Kinsman, a Florida State University student, reported to the Florida State Police and the Tallahassee Police Department that she was raped several hours earlier by an unknown man after drinking at Potbelly's, a popular local bar (see her story: <http://www.thespreadit.com/fsu-winston-accuser-69110/>). The Tallahassee police closed the case 66 days after Kinsman reported her rape, without interviewing Jameis Winston, who she later identified as her attacker after she recognized him in class, and crucial witnesses (one of whom videotaped part of the sexual encounter) or getting DNA or phone records from Winston. The investigative officer, Detective Angulo, had worked for the Seminole Boosters, the fundraising arm for FSU athletics (Winston was the FSU football team's starting quarterback at the time of the assault). The FSU hearing officer found Winston not responsible for raping Kinsman, despite the fact that through his own admission during the hearing, Winston had violated FSU's student policy requiring verbal consent of sexual encounters. Kinsman filed a civil suit against Winston which is on-going, and in 2016, the university paid \$950,000 to settle a lawsuit brought by Kinsman alleging a violation of Title IX by FSU in handling her complaint, without admitting liability.

Another case that made headlines around the world through an astonishing, brave and vividly articulate Open Letter (<http://www.documentcloud.org/documents/2852615-Stanford-Victim-Letter-Impact-Statement-From.html>) written by the victim of sexual assault by Stanford student and swimming athlete Brock Turner and published on-line, after he was given a lenient, short sentence upon conviction on three charges of felony sexual assault in 2015. The letter has been read over 11 million times. As a result of the backlash in the wake of his sentencing, Judge Aaron Persky, himself a former Stanford student athlete, has asked not to hear any more criminal cases, and has been re-assigned to the Civil Division of the California Court system.

I argue that the continued failure of university authorities in responding appropriately to sexual crimes on campus is a direct consequence of the gendered values and chauvinism of the higher education sector. This in turn is embedded in and reflective of societal attitudes, which have been questioned recently in the context of the proposed new provisions of a Domestic Violence Bill: "Why then do we have an inherent tolerance to sustained attacks on human beings just because the violence occurs behind closed doors or because the violence is inflicted by a perpetrator who is known to the victim. What does that say about us as a society? What does that say about us as legislators." (Rose Conway-Walsh, 1 March 2017) Figure 1 below illustrates the 'perfect storm' overlap between (1) the HEI setting as a unique locus for sexual predators among new cohorts of young people living away from home for the first time who are further vulnerable given the norm of alcohol and drug use, (2) wider societal and local university norms treating women as second class citizens and in ignoring or denying (3) the epidemic of stalking, sexual harassment, domestic abuse and sexual violence experienced by students during their university years, pave the way for continued abuse.

**Overlap of HEI Setting, HEI gendered values and the Student Experience:
Prevalence and Response to Sexual and Domestic Violence**



Given the response to combating sexual violence will not come from the top, coupled with the lack of adequate legislation, policing and justice systems to criminalise, prosecute and deter acts of domestic abuse, sexual harassment and sexual violence, the only immediate avenue for change would be through the employment of a bottom-up approach. The strength in resistance comes from the experiences of individual women who find that patriarchal stereotypes are damaging to their development as human beings (Cullen, 1987: 150). An opportunity to engage in solidarity creates a renewed sense of hope - moving from sustaining oneself/surviving in the academy to decolonizing the academy/thriving. (Holling et al., 2012: 257, 255, 256) The third and final part of the paper examines individual-level and student community-level resistance activities to date.

(c) Innovative informal response, recovery and prevention programmes

In the USA, many colleges are launching *bystander intervention programs* to teach people how to intervene and stop assaults from happening. More colleges are adopting *affirmative consent standards* to demonstrate that a person hasn't necessarily consented to sexual activity just because they haven't screamed "no." California was the first state in the USA to legislate for mandatory affirmative consent programmes in August 2014, which led to the state's ten higher education institutions adopting "only yes means yes" policies for incoming students and in judging rape cases.

In 2015, the UK government asked Universities UK to set up and lead a task force to develop a code of practice to help tackle violence against women on campuses. The UUK taskforce report published in October 2016 contained a bespoke bystander intervention programme called *The Intervention Initiative* designed specifically for the prevention of sexual and domestic violence in English university settings. It is available to all English HEIs and comprises eight hours of facilitated learning, delivered by trained facilitators using a wide variety of pedagogical techniques, in a small group environment in order to change the attitudes, beliefs, behaviours, social and cultural norms and peer group relationships which allow sexual and domestic violence to take place and to be normalised. It proposed a number of recommended actions for universities and Universities UK, including (1) for senior leadership, (2) adopting an institution-wide approach, (3) encouraging positive behaviours, (4) working with the students' union and having (5) effective governance, (6) data collection and (7) staff training and (8) facilitating the sharing of good practice across the university sector. This is the first tranche of work, with more developments and initiatives expected in the future.

In the USA, Title IX is used to ensure colleges and universities are tackling sexual misconduct, along with activists' efforts to change the conversation around how acts of sexual misconduct are identified, responded to and ultimately prevented. Article 12 (k) of Ireland's *Universities Act 1997* states that one of the objects of a university shall include 'to promote gender balance and equality of opportunity among students and employees of the university'. This could be used as a legal basis to pursue the introduction of anti-violence programmes in Irish HEIs, similar to the approach in the UK-based End Violence Against Women Coalition (EVAW)'s legal briefing published in January 2015 that focused on universities' obligations under the public sector equality duty (PSED) of the Equality Act 2010 and the Human Rights Act 1998.

In 2011, the U.S. Department of Education's Office for Civil Rights issued a "Dear Colleague" letter. It clarified that sexual violence is a subset of sexual harassment, which in an education setting falls under Title IX of the Education Amendments. The OCR threatened to investigate schools thought to be insufficiently zealous with sexual assault cases, and if it found a school had violated Title IX, the OCR might rescind federal funding. (Kutner, 2015) Institutions must address campus sexual violence in the wake of the Campus Sexual Violence Elimination Act ("Campus SaVE Act") signed off by President Obama on March 7, 2013 at the same time as the reauthorization of the Violence against Women Act. A primary focus of the Campus SaVE Act is intimate partner violence.

The Hunting Ground is an Oscar-nominated documentary about the perceived failure of US college administrations to deal with the increasing incidence of sexual assault on college campuses released in February 2015. The filmmakers (producer Amy Ziering and writer/director Kirby Dick reached out to the presidents of the universities mentioned in the documentary: two university presidents were interviewed for the film, and thirty-five college or university presidents declined to speak or did not respond. The documentary film reflects the experiences of a number of students who went public about their sexual assault reporting experiences to university authorities in the USA. It makes a number of important interventions in the discourse, including alcohol being used as a weapon by serial predators, and illustrates the failure of university decision-makers to take action against predators including

those found guilty. It also indicates that those most agitated and pressed into action as a result of the epidemic of sexual violence in universities are the students themselves - indicating that further research needs to be conducted amongst students for ideas to identify, report and if necessary use peer pressure to informally sanction those found guilty.

In response to the university's sexual assault procedures and rejection in 2013 of her complaint of alleged rape by Paul Nungesser in August 2012, along with similar complaints from at least two other students, Columbia student Emma Sulkowicz made a video promising to drag her mattress around with her on campus - until the accused left campus or the school kicked him out - for the rest of her college programme up to and including her graduation on 19 May 2015. The video was a performance piece "Carry That Weight" forming part of her final year dissertation. Sulkowicz said campus officials never took her seriously after she suffered in silence for eight months before making a report of the August 2012 alleged attack. On the evening of the first day of classes of her sophomore year, Ms. Sulkowicz said, she was slapped, choked and anally raped in her dorm room by a fellow student with whom she had had consensual sex twice before, according to the police report. Following Sulkowicz's report, on 24th April 2014, 23 students filed a federal complaint against Columbia and Barnard College, alleging violations of Title IX, the complaint alleged that the institutions discourage students from reporting sexual assault, that alleged perpetrators are not removed from campus, and that sanctions are too lenient. In May 2014, Sulkowicz had an abortive attempt to file a report with the police due to the extreme distress involved, although she secretly recorded it on her cellphone. Sulkowicz went on to co-found a campus anti-sexual-violence organization called *No Red Tape*. At graduation, many of Nungesser's classmates stuck red tape to their caps in support of the campaign.

Sulkowicz shed light on the attitudes and values of the hierarchy within the university, highlighting the fact that officials have failed to deter or adequately punish such assaults (Smith 2014). Her case involved a typical rape situation in that she had known (and had sexual relations with) Paul Nungesser in the past, reflected in the statistic that 9 in 10 victims of campus rape and sexual assault knew their assailant. This underlines the need to understand the fact that rape is most commonplace within a domestic abuse/intimate partner violence (IPV) context.

In response, on April 23, 2015, Nungesser filed a sexual discrimination federal lawsuit against Columbia, its trustees and president, and Jon Kessler, an art professor who supervised Sulkowicz's dissertation project, claiming "The Mattress Project subjected Paul to verbal aggression, intimidation and hostility based on his gender". In March 2017, a federal district court judge dismissed Paul Nungesser's lawsuit with prejudice. Justin Dillon, a lawyer in a firm that settled an accused male-Title IX case against George Washington University, appeared to articulate the old 'negative consent' ethos of those pursuing the so-called 'reverse-Title IX' suits, claiming victims should be asked by Universities "...but did you ever say no? And were you really so drunk that you didn't know what you were doing?" (Kutner, 10 December 2015) It is worth quoting Maya Angelou at this point:

We must call the ravaging act of rape, the bloody, heart-stopping, bone-crushing act of violence, which it is. The threat makes some female and male victims unable to open their front doors, unable to venture into the streets in which they grew up, unable to trust other human beings, and even themselves. Let us call it a violent, unredeemable sexual act" (2008: 49)

Research published in the journal *Violence Against Women* says that only 2 to 10 percent of campus sexual assault accusations are false with the best estimate being 5.9% based on a survey of 136 campus assaults (the 8% figure reported by the FBI in its 1997 Uniform Crime Reports includes both unfounded and false reports). (Lisak et al. 2010: 1330)

Ireland

The Safe Ireland report *Lawlessness in the Home* shows that the legal system at every level is failing those who are living with violence and abuse (O'Halloran, Irish Times, 30 March 2015). There is a lack of adequate legislation at the national level in relation to both domestic abuse and sexual assault. Women's Aid requested the government "amend the Non-Fatal Offences Against the Person Act so as to include as aggravating circumstances of relevant offences...such as those that were committed repeatedly, where the offence resulted in severe physical or psychological harm for the victim, and previous convictions for offences". (O'Halloran, *Irish Times* 30 March 2015) Currently, the definition of abuse is not reflective of the practice of domestic violence, for example, the law lacks a civil and criminal law definition of domestic violence which includes coercive control, which is at the heart of the

phenomenon. The recently proposed 2017 Bill does not address this gap. The explanation for this failure is said to be due to the advice given by the Director of Public Prosecutions that it would be too difficult to prove the offence beyond a reasonable doubt in a criminal court due to the complexities of defining what is domestic abuse and what is ordinary assault. Thus, there is still no criminal law deterrence for perpetrators of domestic abuse and sexual violence.

The police in Ireland are noted for trivialising and under-reporting domestic violence - in 2016, the Garda Síochána recorded just 6,000 domestic violence incidents compared with 29,000 recorded by the police in Northern Ireland over the same time period, which has less than half the population of Ireland. National research found that only 29% of women experiencing severe abuse report it to the Gardaí (Irish police), and many victims who do report do not stay with the legal process. Only 7% of domestic violence incidents recorded by the Irish police in 2003 resulted in a conviction. Women's Aid Director Ms Margaret Martin highlighted European Union research that found Ireland had the highest rate of all EU countries for not meeting women's needs when they sought assistance after the most serious incident of violence by a partner. (Gartland, 2014)

The Director of Public Prosecutions (DPP) in Ireland fails to prosecute a majority of rape cases because "the complainant's accounts of events may be less clear... making it less likely that the complainant would make a good witness" (Mac Cormaic, 18 October 2014) which amounts to using the traumas suffered by the individual and their effects on that individual, as well as the methods used by perpetrators, as grounds for not pursuing justice for victims. This approach is common among police investigators as well as state prosecutors, who used what they call "general "credibility" evidence, for example, a delayed report; an apparent inconsistency in the victim's statement...to discount a rape victim's report (e.g., Kelly, Lovett, & Regan, 2005; Lea, Lanvers, & Shaw, 2003)" (quoted by Lisak et al. 2010: 1320). There is solid research evidence that long-standing rape myths and stereotypes influence how rape victims are perceived and how cases are classified by police (Lisak et al. 2010: 1321), who conflate "unfounded" cases (a victim reports an incident that, while truthfully recounted, does not meet, in the eyes of investigators, the legal definition of a sexual assault) with false (deliberately fabricated) reports. In the United States, there is a growing awareness of the need to use "trauma-informed" approaches that take into account the way that a victim's brain and body changes after an attack so investigative strategies can be altered in order to get accurate information without retraumatizing the person. Christine Garcia, an expert at the National Center for Campus Public Safety, explains:

"An investigator might say: 'Tell me what happened in a linear fashion. You went out at such and such a time, and then what happened?'" she said. "Someone who has been through a traumatic event such as sexual assault doesn't have that linear memory...The part of the brain that does the linear recall is kind of offline when a traumatic event is happening." (Bothwell, 2016)

In terms of sexual violence, Ireland has held the lowest conviction rate for rape among countries providing data (especially notable is a rate of 1-2 per cent from 1993-2000), for a crime that is known to be significantly underreported, i.e. the 2002 Savi study reported figures of 6% overall reporting sexual assault experienced as adults to the police, and overall figures for those reporting child sexual abuse to the police as adults was 8% (SAVI, xxxvii). The police dismiss and underreport domestic violence complaints, amid a culture of gender discrimination and abuse.

The police attitude to sexual assault and rape is also under scrutiny, as reflected in the audio recording captured unknowingly on a camcorder taken from Jerrie Ann Sullivan in which a sergeant and four gardaí joked about threatening to rape the women they had arrested (and later released without charge) at a protest, with no action taken after an 'independent' investigation by the police Ombudsman in 2012. More recently in April 2017, Dublin Inquirer journalist and blogger Ms. Dara Quigley took her own life days after a police officer, alleged to have used his phone to record CCTV footage of her detention under the Mental Health Act after she was found running in distress and naked on a street, shared the footage on What's App, which was then posted on Facebook, and subsequently went viral with over 123,000 views in 24 hours. The same police Ombudsman Commission will undertake an investigation into the alleged behaviour of the police but the point of this latest tragic controversy is clear: as her family put it, "We also deserve a Garda force that respects and upholds the rights of the most vulnerable in society".

Given there is no criminal legal deterrent for domestic violence and the courts system does not have specific and specialised Domestic Violence Courts which is standard across the UK (including Northern Ireland) it is not surprising

that there are no such laws, authorities or programmes to tackle the problem of sexual violence on campuses in Ireland. The Council of Europe resolution on the prevention of domestic violence called upon Education Authorities in member-states to take action on the problem. (2002: 30) There is a lack of joined-up governance and inter-agency co-operation in the prevention of domestic abuse and sexual violence, and response to victims in terms of support, justice-seeking and recovery that stands in the way of a comprehensive programme at the level of universities. Table 1 compares Ireland with the USA, and the UK on a number of legal, policy, resources, and activities dimensions with respect to domestic abuse and sexual violence.

Ultimately third party enforcement is the only way to engender change in institutions' culture, climate, policies and procedures, personnel, resources, and underlying institutional values to achieve gender equality. The Higher Education Authority should appoint a specialised, trained, resourced Title IX team to each institution to act as a third party oversight body. Each HEI should have a dedicated Trauma and Recovery Centre to provide the full spectrum of resources required to address the issues and cases. Along those lines, this final part of the paper seeks to explore the potential of Peer to Peer support in designated secure Respite and Recovery spaces.

The Unit and Services

Ideally students could be offered an on-campus or near-campus site depending on the likelihood of a survivor encountering her/his assailant and the impact this would have on accessing the space and services. This designated and purpose-built Trauma and Recovery Centre houses different departments covering the different stages survivors are involved in. The Services could include (1) pre-term sexual consent workshops for incoming students held off-site to the Centre but raising awareness of the Centre for students; (2) reporting processes that are "trauma-informed" in how they deal with reports of sexual assault, e.g. with links to dedicated domestic abuse and sexual violence police, the local rape crisis centre, and health centre personnel who are rostered for call-outs, or access to the Callisto system to allow a victim to report electronically with informal support if requested by the victim; (3) legal advice centre to advise, support, and enable victims to navigate and survive the judicial process, should they enter it; (4) personal counselling and support services provided by specifically-trained experienced sexual trauma counselling experts; (5) respite services that allow survivors to mentor and support each other on the road towards recovery, and so on.

The Participants

The dedicated Support Staff include the aforementioned liaison police, trauma counsellors, legal advisors, local Women's Aid/Rape Crisis centre aides, as well as administrative support staff including IT support experts in on-line stalking and harassment, with involvement from Students' Union representatives, Programme Directors, or Class Representatives where necessary. The respite services participants could be drawn from a number of sources, such as (1) a scheme in which student volunteers are vetted and trained in listening techniques in a semester-long diploma in counselling course; (2) administrative and political support through Students' Union Welfare Officers and staff (3) a voluntary internship for final year or newly qualified Nursing or Psychology Students trained in trauma response; (4) survivors themselves who are advanced in their recovery and wish to help themselves and others based on their own experiences.

The Programmes

The programme could contain formal and informal activities. The space could contain sensory and visual aids to encourage the re-connection with the physical body from a ball pit to a jacuzzi or massage therapy room. It would have an "R&R" space where survivors can gather to have a coffee together to discuss and confide in each other, or a silent reading space with appropriate library resources for learning and reflection, or an entertainment section for organised movie nights to art or dance classes to kick-start and allow a safer return to a level of socialising normality. Another section could function as talk therapy and counselling rooms, as well as spaces for reporting crimes in camera and if necessary, for preliminary informal dealings with authorities or court case preparation, etc. Each section would have key codes to get through secure, locked doors and run to a schedule, providing a safe, predictable and regulated environment for survivors. Access to the areas would be granted to members of the facility on a case-by case and stage-by-stage basis. This ensures that newly victimised members do not encounter have to deal with an encounter with a lively social event whilst attending the centre to report the crime or seek advice on post-trauma safety options.

Conclusions

Like many societies, Ireland did not always treat women as second class citizens in their own land, community and family, as the Senchus Mor shows. Tragically for victims and wider society, there is a regime of official state silence and inaction in relation to domestic abuse and sexual assault of women. There is no criminal law deterrent for domestic violence perpetrators, because Irish law does not recognise the abusive behaviours underpinning the threat of physical violence. The Court system continually fails victims attempting to have barring and safety orders enforced. This regime of official state silence and inaction is compounded by the gendered attitudes and inaction of the university sector in which 1 in 4 females and 1 in 20 males will suffer sexual assault during their time as a student. There is no national university task force to investigate the problem, there is no sector-wide research to provide information on the extent of the problem, and any piloting of programmes is done on an ad-hoc basis through individual lecturer or student initiatives. In short, it is clear that a top-down response to domestic abuse and sexual assault will be absent or completely inadequate in the medium to long-term. Therefore a bottom-up approach is required.

Students' Unions across Irish HEIs have created a number of campaigns and schemes, for example, University of Dublin, Trinity College was said to be considering mandatory Sexual Consent courses for first years living in halls of residence in January 2016, the first university in Ireland to do so, and followed up with the first consent workshops in October 2016 for 400 incoming first year student participants. Other Student Unions have created hashtag campaigns and posters on sexual consent.

What is required is (1) national legislation that is effective in criminalising all aspects of domestic abuse and sexual violence; (2) a dedicated domestic and sexual violence courts system expert and adequately resourced to process cases; (3) university-level policies to respond appropriately to case outcomes in relation to perpetrators' registration and campus access that are enforceable and overseen by third parties; (4) effective national public and local student awareness and information campaigns challenging rape culture norms, in order to create a culture of abhorrence towards predatory behaviour, paralleling the development of the same young generations' horror at the idea of drink-driving. It is likely that the only way to achieve these goals is through a bottom-up student-driven approach.

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Table 1:						
Actor	USA	UK / England	UK / Scotland	UK / Wales	UK / NI	Ireland
Law	Federal Law Violence Against Women Act of 1994 (VAWA)	Domestic Violence, Crime and Victims Act 2004 (DVCVA) + Section 76 of the Serious Crime Act 2015 criminalises coercive control - aim to consolidate into one act - <i>Domestic Violence and Abuse Act (2017)</i>	The Abusive Behaviour and Sexual Harm (Scotland) Act 2016 and Domestic Abuse (Scotland) Bill (intr'd 2017)	Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015	There is no statutory offence of domestic violence. Family Homes and Domestic Violence (NI) Order 1998; The Protection from Harassment (NI) Order 1997	There is no statutory offence of domestic violence. The Domestic Violence Act, 1996 only tries to provide victims with an effective remedy against future acts of domestic violence through civil order (Law Reform Commission, 2013: 4); Domestic Violence (Amendment) Act, 2002; proposed Domestic Violence Bill 2017 aims to consolidate DV law into one act but does not recognise abuse; Criminal Law (Sexual Offences) Bill 2015
Gov't Policy	Office on Violence Against Women - Dept of Justice.	Violence Against Women and Girls (VAWG) Strategy 2016	Equally Safe (2014) national strategy for preventing and eradicating violence against women and girls, updated 2016	National Strategy and appointment of a Ministerial Adviser who will have a role in advising Welsh Ministers	Stopping <i>Domestic and Sexual Violence</i> and Abuse in <i>Northern Ireland</i> Strategy 2016	National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021; The National Office for the Prevention of Domestic, Sexual and Gender-based Violence, known as Cosc, established in June 2007
Police		2014, the Domestic Violence Disclosure Scheme (Claire's Law) a disclosure scheme of an individual's history of abuse offences			PSNI "dedicated Domestic Abuse Teams"	The Garda Síochána Domestic Violence and Sexual Assault Investigation Unit's primary concern in these cases is the protection and welfare of any child or children
Courts		Specialist Domestic Violence Courts (SDVCs)	Most courts running specialist domestic abuse courts, or cluster cases. New 'statutory domestic abuse aggravator' for sentencing	Specialist Domestic Violence Court (SDVC) programme running since 2005	Specialist Domestic Violence Court (SDVC) programme	None
Universities			CHANGING THE CULTURE Report of Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students 2016	CHANGING THE CULTURE Report of the Universities UK Taskforce 2016; Guidance on how to handle student misconduct/criminal offence	CHANGING THE CULTURE Report of the Universities UK Taskforce 2016; Guidance on how to handle student misconduct/criminal offence	None
NGOs		End Violence Against Women Coalition	End Violence Against Women Coalition	End Violence Against Women Coalition	End Violence Against Women Coalition; Women's Aid; The Rowan; Nexus NI	Women's Aid, the Rape Crisis Network Ireland and SAFE Ireland, National Women's Council of Ireland - ESHTe project: running the It Stops Now campaign, developing and piloting a toolkit for HEIs & SUs
Students	bystander intervention programs; affirmative consent standards	Bystander intervention programs - The Intervention Initiative; National Union of Students (NUS) zero tolerance to sexual harassment campaign; pilot consent workshops; NUS 2010 Hidden Marks report	UUK Intervention Initiative; National Union of Students (NUS) zero tolerance to sexual harassment campaign; pilot consent workshops	UUK Intervention Initiative; National Union of Students (NUS) zero tolerance to sexual harassment campaign; pilot consent workshops	UUK Intervention Initiative; National Union of Students (NUS) zero tolerance to sexual harassment campaign; Stand Together Survey 2016 QUB; NI Women's Aid Student Survey	TCD Students' Union "16 Days of Action" campaign; UCD's #NotAskingForIt campaign; TCD's consent workshops in freshers week 2016-2017 (400 participants); UCC's student-led campaign "Know Offence"; USI's 2013 "Say Something" research; UCC pilot Bystander Intervention Programme 1st year law students; NUIG Rape Crisis Network Ireland study "Young People, Alcohol, and Sex: What's Consent Got to Do With It?"
'Europe'						
Council of Europe [Istanbul] Convention on preventing and combating violence against women and domestic violence European Commission-funded Ending <i>Sexual Harassment</i> in Third Level Education (ESHTe) October 2016 – March 2019						