



Working Together

Gender-Based Abuse Guidelines (Students)

July 2017

History of Changes

Version	Description of Change	Authored by	Date
1.1	Update of telephone numbers. Change from policy to a guide as this better reflects the content of the document	D Killean	19/06/2015
1.2	Removed all references to the document being a policy	D Killean	22/05/2017

1. Introduction

The College is committed to applying and promoting the principles of equality, diversity and inclusion in all of the services it provides. It promotes a culture where every student is included, whatever their background, abilities, age, race, faith, sexuality or gender. It embraces the benefits and opportunities that come from having a diverse mix of students at the College. It aims to ensure that the College is an environment that is free from discrimination, harassment and victimisation.

This policy is associated closely with the College's Equality, Diversity and Inclusion Policy. It is concerned with promoting an educational culture and environment that is free from unlawful or unfair forms of discrimination, harassment and victimisation on the grounds of a person's gender, sexuality, gender reassignment, marital or civil partnership status, or pregnancy and maternity.

The policy is particularly concerned with ensuring that the College is an environment for students that is free from sexual bullying, sexting, sexual violence, stalking, drug or alcohol assisted rape or sexual assault, sexual harassment, childhood sexual abuse and domestic abuse ("gender based abuse and violence"); and where such behaviour occurs that students know how to, and feel able to seek help.

The College recognises that it is likely that some of its students will be amongst those affected by gender-based abuse for example as a survivor an individual who is currently living with gender-based abuse, or as a perpetrator.

2. Scope

The College recognises its responsibilities in promoting the welfare and safety of all its students. Therefore this policy applies to all students whether they are female, male or transgender; from differing backgrounds, cultures and ethnicity; from different religions or beliefs; whether they are straight, lesbian, gay or bisexual; single, married or in a civil partnership.

3. Key Principles

- 3.1 We are committed to developing a culture in which there is zero tolerance for abuse and which recognises that the responsibility for gender-based abuse lies with the perpetrator. The College has a 'zero tolerance' position on gender-based abuse and is committed to ensuring that any student who is the victim of gender-based abuse has the right to raise the issue with any member of staff in the knowledge that they will receive appropriate support and assistance. This policy also covers the approach we will take where there are concerns that a student may be the perpetrator of gender-based abuse.
- 3.2 The College recognises that gender-based abuse is an issue it must tackle. In the vast majority of cases the victims of gender-based abuse are women and the perpetrators are men. It is a common experience for college and university female students and women aged 16 to 24 are more likely to experience gender based abuse. In the NUS survey of female UK students the majority had experienced sexual harassment, 1 in 7 had experienced serious physical or sexual assault and 5% had been raped. (Hidden Marks, NUS, 2010)
- 3.2 By developing an effective gender-based abuse policy for students and working to reduce the risks and impact related to gender-based abuse, we will create a safer place for study and we will also send out a strong message that gender-based abuse is unacceptable.
- 3.3 The College recognises that gender-based abuse is an equalities issue and will treat it as such to ensure that appropriate action is taken in consultation with the victim.

This guide is part of the College's commitment to equality and inclusiveness, and seeks to benefit the welfare of individual students; improve morale and performance; and enhance the reputation of Borders College as a compassionate provider of education.

4. Definitions

Definition for gender-based abuse

For the purposes of this guide gender-based abuse is an inclusive term including sexual assault, sexual bullying, sexting, drink spiking, stalking, domestic abuse. The College will take action to prevent, respond to and to protect any student who experiences any form of gender-based abuse. The list of types of abuse and their definitions below is not exhaustive, but gives an illustration of, and insight into, the range of abuse that can occur.

4.1 Sexual Assault

Rape is defined in the Sexual Offences (Scotland) Act 2009 as penetration of the vagina, anus or mouth by a penis without consent.

Serious Sexual Assault is defined as forcing or attempting to force someone to have sexual intercourse or forcing/attempting to force someone to take part in other sexual activity when they do not want to.

Less Serious Sexual Assault is defined as indecent exposure; sexually threatening behaviour; touching sexually when it is not wanted.

4.2 Sexual Bullying

Is when sexuality or gender is used as a weapon by perpetrator against the victim – it is more commonly directed at females. It can be carried out to a person's face, behind their back or through the use of technology.

For example:

- Teasing or putting someone down because of:
 - their sex life (e.g. because they haven't had sex or if they've had sex with a number of people)
 - their sexuality (e.g. making fun of someone for being homosexual)
 - their body (e.g. the size of their breasts, bottom or muscles)

- Using words that refer to someone's sexuality in a derogatory way (e.g. saying 'that's gay' to mean that it is not very good)
- Using sexual words to put someone down (like calling someone 'wanker', 'slut' or 'bitch')
- Making threats or jokes about serious and frightening subjects like rape
- Spreading rumours about someone's sexuality and sex life – including graffiti, texts, email and social networking sites
- Touching parts of someone's body that they don't want to be touched
- Putting pressure on someone to act in a sexual way

(Adapted from NSPCC/Womankind Worldwide definition)

4.3 Sexting

Taking indecent images of oneself or others with or without their knowledge or consent, and then sending it on to others via a mobile phone, email or social networking sites is sometimes referred to as 'sexting'.

Once the images leave the originator they are out of their control and may be replicated and distributed via mobile technology and the web. At the very least this can lead to embarrassment for the originator opening them up to ridicule and bullying by others.

Such behaviour is illegal where there has been no consent to the taking of the images and their distribution or it involves images of young people under the age of 18.

4.4 Drink Spiking

Drink spiking is when mind-altering substances, such as drugs or alcohol, are added to a drink without a person knowing. The most common reasons for drink spiking are:

- for amusement
- to be malicious
- to carry out a sexual assault or rape
- to carry out a physical assault
- to carry out a theft

(Adapted from NHS Choices website)

4.5 Stalking

Stalking can lead to rape and murder. But it often starts with ‘petty or trivial’ incidents - for example repeatedly being sent texts or emails, phone calls, being followed, constantly watched or sent unwanted ‘presents’. Many victims don’t realise what’s happening and ignore the problem and hope it goes away, however it can escalate and become more persistent and obsessive.

(Adapted from Network of Surviving Stalking definition)

4.6 Domestic Abuse

Domestic Abuse is best described as the use of physical and/or emotional abuse or violence, including undermining of self-confidence, sexual violence or the threat of violence, by any person, who is or has been in a close relationship with the victim, including abuse of parents or adult children.

Domestic abuse can go beyond actual physical violence. It can also involve emotional abuse, the destruction of a spouse’s, partner’s or dependent’s property, their isolation from friends, family or other potential sources of support, control over access to money, personal items, food, transportation and the telephone, and stalking. It can also include abuse inflicted on, witnessed by or threatened against, children.

- Domestic abuse occurs in all social classes, cultures, and age groups whatever the sexual orientation, mental or physical ability.
- Once it has started it often becomes more frequent and more violent.
- It can severely affect children emotionally and physically.
- Victims are sometimes beaten or harassed by members of their immediate or extended family.
- Domestic abuse is gendered – the majority of perpetrators are men and between 89% of those who experience domestic abuse in the Borders are women, although it does also occur against men in heterosexual relationships, in same sex relationships and against bisexual and transgender people.
- Domestic abuse/abuse is not a ‘one off’ occurrence but is frequent and persistent, aimed at instilling fear into, and compliance from, the victim. On average a victim of domestic abuse/abuse is assaulted 35 times before they report the matter to the police.

5. Guidance and help

5.1 Identification of the problem

Whilst it is for the individual themselves to recognise they are a victim of gender-based abuse, there are signs which may indicate a student may be a victim. These may include:

- The student may confide in their fellow students.
- Students may inform their lecturer/course tutor that a class member is suffering from gender-based abuse.
- There may be obvious effects of physical abuse (it is important not to make assumptions).
- It may come to light as a result of enquiries into a drop in performance in class or assessments or a significant change in the student's behaviour.
- It may reveal itself in poor attendance or presenteeism – where victims prefer to be at College rather than at home.
- Incidents that occur in the College that are “explained away” by the victim

It is essential to understand that any of the above may arise from a range of circumstances of which gender-based abuse may be one. Course tutors and student advisors who have to counsel students in such matters should address the issue positively and sympathetically ensuring that the student is aware that support and assistance can be provided.

The College respects students' right to privacy. Whilst the College strongly encourages victims of gender-based abuse to disclose for the safety of themselves and all those in the College, it does not force them to share this information if they do not want to.

5.2 Confidentiality and right to privacy

Students who disclose gender-based abuse can be assured that the information they provide is confidential and will not be shared with other members of staff without their permission.

Where sexual abuse occurring in a same sex relationship is disclosed, due regard will be paid to the double disclosure of confidential information particularly where the individual recipient of abuse may not be out at College.

There are, however, some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults or where the College needs to act to protect the safety of other students.

In circumstances where the College has to breach confidentiality it will seek specialist advice before doing so from, for example, the Domestic Abuse Advocacy Support Service (DAAS) and/or Scottish Borders Rape Crisis Centre (SBRCC). If it decides to proceed in breaching confidentiality after having taken advice, it will discuss with the student why it is doing so and it will seek the student's agreement where possible.

As far as possible, information will only be shared on a need-to-know basis.

All records concerning gender-based abuse will be kept strictly confidential. No local records will be kept of absences related to gender-based abuse and there will be no adverse impact on the attendance records of victims of gender-based abuse. Bursary/EMA payments will be maintained.

Improper disclosure of information i.e. breaches of confidentiality by any member of staff or other students involved will be taken seriously and may be subject to disciplinary action.

5.3 Support for individuals

The College recognises that developing a life free from abuse is a process not an event and the College will provide ongoing support for students who disclose abuse.

The College will respond sympathetically, confidentially and effectively to any student who discloses that they are experiencing gender-based abuse.

Where gender-based abuse has been reported course tutors and student advisors will treat unplanned absences and temporary poor timekeeping sympathetically.

Student Advisors or Course Tutors may offer students experiencing gender-based abuse a broad range of support. This may include, but is not limited to:

- Authorised absence for relevant appointments, including with support agencies, solicitors, to rearrange housing or childcare, and for court appointments.
- Temporary or permanent changes to timetable and attendance patterns.
- Changes to classes, for example to avoid potential contact with an abuser
- Access to counselling/support services in College time
- An advance of bursary.
- Advice on help and on courses developed to support female survivors of domestic abuse, for example The Freedom Programme (www.freedomprogrammeco.uk) or assertiveness training

College staff will respect the right of students to make their own decision on the course of action at every stage and will avoid being judgemental. It must be recognised that the student may need some time to decide what to do and may try many different options during this process.

Other existing provisions will also be signposted to students as a means of help.

5.4 Organisational planning

All students will be made aware of this guide through a range of methods including induction, class representatives, Student Association, leaflets and posters.

The College will ensure that personal details of students, such as addresses, and telephone numbers are not divulged unless legally required to do so.

5.5 Disclosure of abuse

Students experiencing gender-based abuse may choose to disclose, report to or seek support from course tutors, college managers, fellow students or members of the student association. College staff will not counsel victims and would recommend that fellow students and student representatives do not try to do so. The College will offer information through its student advisors or students association and will offer referral on to other reputable organisations that are able to provide specialist support and/or counselling.

The College will respond empathetically, confidentially and effectively to any student who discloses that they are suffering from gender-based abuse.

Welfare Advisors within the student advice team are trained in gender-based abuse issues and provide an additional confidential contact for students. They are also there to provide guidance for course tutors, other staff and students who are approached by students who are being abused.

5.6 Training

The College is committed to ensuring all course tutors, managers and student advisors are aware of gender-based abuse and its implications in the College. Information, briefings or awareness raising sessions will ensure that all course tutors, managers and student advisors are able to:

- identify if a student is experiencing difficulties because of gender-based abuse
- respond to disclosure in a sensitive and non-judgemental manner
- provide initial support – be clear about available College support including in-house specialist staff
- discuss how the organisation can contribute to safety planning.
- ensure that staff have access to up to date information regarding local and national support services.
- signpost to other organisations and sources of support.
- provide clarity of role regarding manager, staff and colleagues in relation to the implementation of this guide.

5.7 Safety planning

The College will prioritise the safety of students if they make it known that they are experiencing gender-based abuse.

When a student discloses gender-based abuse, the College will encourage the student to contact a specialist support agency and provide details of local services.

The College will work with the student and a specialist agency (with the student's consent) to identify what actions can be taken to increase their personal safety as well as address any risks there may be to colleagues, taking into account the duty of care for all students.

5.8 Perpetrators of gender-based abuse

Gender-based abuse carried out by students will not be tolerated under any circumstances nor will it be treated as a purely private matter. The College recognises that it has a role in encouraging and supporting students to address violent and abusive behaviour of all kinds.

If a student approaches the College about their abusive behaviour, the College will provide information about the services and support available to them, and will encourage the perpetrator to seek support and help from an appropriate source.

An individual cautioned or convicted of a criminal offence may be subject to the College's Student Disciplinary Policy and Procedures. The College also reserves the right to consider the use of this guide should a student's activities outside of College have an impact on their studies and/or be considered to bring the organisation into disrepute. In some circumstances it may be deemed inappropriate for the individual to continue at College due to a caution or conviction.

The College views the use of violence and abusive behaviour by a student, wherever this occurs, as a breach of the College's Student Disciplinary Policy.

Students are expected at all times to present high standards of personal integrity and conduct that will not reflect adversely on the College and its reputation.

These procedures can be applicable in cases where a student has:

- behaved in a way that has harmed or threatened his/her partner.
- possibly committed a criminal offence against his/her partner.
- had an allegation of gender-based abuse made against him/her.
- presented concerns about their behaviour within an intimate relationship.

The College is committed to ensuring that:

- allegations will be dealt with fairly and in a way that provides support for the person who is the subject of the allegation or disclosure.
- all students will receive guidance and support.
- confidentiality will be maintained and information restricted only to those who have a need-to-know.
- investigations will be thorough and independent.
- all cases will be dealt with quickly avoiding unnecessary delays.

NOTE: This procedure is intended to be safety focussed and supportive rather than punitive.

The alleged perpetrator will be:

- treated fairly and honestly.
- helped to understand the concerns expressed and processes involved.
- kept informed of the progress and outcome of any investigation and the implications for any disciplinary process.
- advised to seek support from outwith the College.

There are four potential strands in the consideration of an allegation:

- referral to the police if there is a possible criminal offence
- disciplinary action by the College
- providing specialist, safety-focused counselling
- identifying risk

If a student is found to be assisting an abuser in perpetrating the abuse, then they will be seen as having committed a disciplinary offence.

If it becomes evident that a student has made a malicious allegation that another student is perpetrating abuse then this will be treated as a serious disciplinary offence and action will be taken.

5.9 If the victim and the perpetrator both study at the College

In cases where both the victim and the perpetrator of gender-based abuse study at the College, the College will take appropriate action.

In addition to considering disciplinary action against the student who is perpetrating the abuse, action may need to be taken to ensure that the victim and perpetrator do not come into contact.

However, it is also recognised that in certain circumstances, those experiencing and perpetrating gender-based abuse in a relationship may choose to seek solutions jointly, and in such situations appropriate support should be given.

5.10 Role of other students

The College encourages all students to report if they suspect a fellow student is experiencing or perpetrating abuse. Students should speak to their course tutor about their concerns in confidence. In dealing with a disclosure from a student, course tutors should ensure that the person with concerns is made aware of the existence of this guide.

6. Useful Resources

Borders College Student Welfare Advisors provide a friendly and confidential service where you are able to talk over your problems or concerns in private and they can help you get the appropriate help and support you need.

You can arrange to see an Advisor by emailing studentwelfare@borderscollege.ac.uk or by calling into the Advice Centre and requesting an appointment.

Borders College Students Association can provide independent support for students who are experiencing difficulties and will be able to put you in contact with specialist support and advice. They are also in a position to work with students to form peer support groups and to host awareness raising events.

The Students Association Handbook will provide you with further information and various contacts for external services.

Scottish Borders Council – Local Services and advice are available such as the Domestic Abuse Advisory Support (DAAS) Service **Tel:** 01835 825024. Further information is available from the SBC website.

http://www.scotborders.gov.uk/info/1400/domestic_abuse

NUS Hidden Marks – This is a useful website set up in response to a national survey of female students' experience of sexual abuse. It gives factual information and advice on seeking help.

<http://hiddenmarks.org.uk/2010/>

Thinkuknow – This website has a useful selection of resources about staying safe online for both young people and teachers

http://www.thinkuknow.co.uk/11_16/control/

Stalking – Useful information advice and guidance are available from the Network for Surviving Stalking

<http://www.nss.org.uk/>

Drink Spiking – useful information and advice is available from NHS Choices

<http://www.nhs.uk/conditions/Drink-spiking/Pages/Introduction.aspx>

LGBT – Advice and information on lesbian, gay, bisexual and transgender issues

<http://www.lgbtyouth.org.uk/>

7. Useful emergency contact numbers

Local advice and support

In the event of an Emergency, call the police on 999

Domestic Abuse Advisory Support (DAAS) Service	01835 825024
Borderline	0800 027 4466
Border Women's Aid	01835 863514
Child Protection Unit	01896 662762
LetSBsafe2 Children1st	01750 22892
Domestic Abuse Liaison Officer	01896 662713
Police	101 (non-emergency) 999 (emergency)
The Samaritans	01750 20000
SBC social care and health	0300 100 1800 (option 4)
Scottish Borders Rape Crisis Centre Helpline	0800 054 2445
Scottish Borders Rape Crisis Centre	01896 661070
Social Work out-of-hours	01896 752111
Victim Support	01896 751212

National advice and support

ChildLine	0800 1111
MALE advice Helpline	0808 801 0327
RESPECT Helpline	0808 802 4040
National Domestic Abuse Helpline	0800 010302
NHS 24	111
Rape Crisis Scotland Helpline (6pm to midnight)	08088 01 03 02
Victim Support Scotland	0345 60 39 213
MASH (Men As Survivors Helpline)	0117 90 77 100

LGBT Helplines:

Edinburgh - Wed 12.30 pm-7 pm only - **0131 556 4049**

Strathclyde - every night 7-10 pm - **0141 847 0447**

London - daily 10 am-11 pm - **020 7837 7324**

All staff who deal with the helplines identify as LGBT.

www.broken-rainbow.org.uk for victims of LGBT domestic abuse - 0300 999 5428

A full list of up-to-date telephone numbers is available at:

http://www.scotborders.gov.uk/info/1400/domestic_abuse/425/find_a_service_to_help_you/2

8. Responsibilities

- 8.1 The SMT is responsible for overseeing compliance with the principles of this guide.
- 8.2 The Head of Student Services is responsible for the implementation of this guide.
- 8.3 Academic Managers are responsible for ensuring compliance with this guide.

9. Related Documents

- 9.1 Student Disciplinary Policy and Procedure
- 9.2 Equality, Diversity and Inclusiveness Policy
- 9.3 Social Media Policy

10. Review

This guide will be reviewed every three years or more regularly if required.

Rapid Impact Assessment

(Rapid impact assessment tool)

What Impacts may there be from this proposal on any group's ability to use the College services?

Policy: Gender-Based Abuse Policy and Guide (Students)

Positive Impacts (Groups affected)	Negative Impacts (Groups affected)
<p>This policy is implemented equally for all students. The positive impact it may have is to ensure that all students are treated equally regardless of any protected characteristic.</p> <p>It will help to improve protection for any vulnerable individual in abusive relationships of which the vast majority are women.</p>	<p>None</p>
Actions taken to alleviate any negative Impacts:	
<p>No negative impacts</p>	
Recommendations:	
<p>Updated policy to be adopted</p>	

From the outcome of the rapid equality impact assessment, have negative impacts been identified for any protected characteristic or any other potentially disadvantaged group?

No

Has a full Equalities Impact Assessment been recommended?

Yes

No

Reason for recommendation:

No negative impacts

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