

Rape Crisis Scotland submission of 10 August 2023

PE2022/B: Introduce national safeguarding guidance on how higher education institutions should handle cases of sexual misconduct

Thank you for the opportunity to submit evidence in relation to this petition.

Rape Crisis Scotland would strongly support appropriate action to strengthen measures to ensure the safety of students affected by sexual violence. We are aware of instances where current measures have been insufficient, and where systems calibrated to balance rights of different parties have failed to uphold survivors' right to safety and access to education.

We are involved in the Equally Safe in Colleges and Universities Core Leadership group, and the review of collection and use of data it is carrying out will be necessary to inform sector-wide guidance. We agree that sector-wide guidance would be helpful in ensuring this issue is treated as a priority, and that measures taken are more consistent and more effective. Providing clarity on relevant legal considerations is likely to be of particular value. The petition's call for specific measures in relation to those convicted of a sexual offence, or awaiting trial for a serious sexual offence, is compelling. In addition, we believe the guidance should address misconduct which may not have been reported to the police and should support institutions to assess risk and identify appropriate measures in relation to a range of forms of sexual and gender-based violence.

In addition, we would advocate that the guidance:

- takes into account all the ways that students engage in higher education including life on campus and in halls of residence, and the ways that those perpetrating violence may come into contact with survivors/those who have reported sexual misconduct.
- ensures that survivors are involved in discussions in relation to risk and safety measures, and that processes and those carrying them out are trauma-informed and centre survivors' safety.
- provides for a clear and transparent process so that survivors understand what to expect, the options available to them and

potential duration of any process. This should take into account different stages of any criminal justice or internal process, and different potential outcomes.

- takes into account the different needs within Scotland's diverse student population and acts to reduce barriers to reporting and accessing safety and support.