

Motion on Union Penalties for Sexual Misconduct

Disallow anyone found guilty of sexual misconduct from holding a position of authority in the Union, by default instead of at the discretion of the disciplinary boards.

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Union Notes

1. The institutional culture report about Imperial from 2016 identified one of the barriers for reporting incidents at Imperial was “the fear that nothing will be done” [1]. This barrier was echoed in the student-initiated sexual assault survey conducted recently at Imperial where one of the top three university-related barriers to reporting was that respondents “Don’t think the university will take action against the perpetrator”.
2. From above mentioned institutional culture report: “a number of participants felt that senior management would turn a blind eye to poor behaviour if the individual involved was of value to the College.” [1]
3. “Far and away, most sexual assaults and sexual violence are perpetrated by men, and typically arise within asymmetrical power dynamics, where the perpetrator occupies a more powerful or dominant position in relation to the victim” [2]
4. “Research to date generally indicates that increases in the *certainty* of punishment, as opposed to the *severity* of punishment, are more likely to produce deterrent benefits”. [3] Theoretically, the student disciplinary procedure allows for someone to be found guilty of serious sexual misconduct and not be disciplined at all, as no mandatory minimum sanctions are explicitly stated. [4]
5. ICU’s “Safe space policy” that was renewed on 07/11/2017 states that the Union disciplinary procedure is “for more serious incidents, or repeated incidents”, and that the College disciplinary procedure is for “serious incidents”. This motion will thus only affect those who commit serious or repeated offences of sexual misconduct.
6. Sexual misconduct can vary in severity, and after this mandatory minimum sanction is instated there are still a wide range of additional disciplinary actions that can be taken to reflect severity, including, but not limited to: community service, exclusion, suspension, expulsion, etc.

Union Believes:

1. Any student who joins a society should be able to take for granted that those in a position of authority over them have not previously been found guilty of sexual misconduct.
2. Imposing the mandatory minimum sanction of disallowing someone found guilty of sexual misconduct from holding power will break down a barrier to reporting, will act as a deterrent from committing sexual misconduct, and better protect the students of Imperial from perpetrators reoffending.

3. Sexual misconduct is about power. The power imbalances that can enable sexual misconduct can take different forms: authoritatively (e.g. being in a position of power), physically (e.g. being stronger) and situationally (e.g. exploiting intoxication), etc. Someone who has been found guilty of sexual misconduct by the Union or College (i.e. someone who has exploited a power imbalance to hurt another person) should never be allowed to hold a position of power within the Union or a CSP. Banning someone from holding power after being found guilty of sexual misconduct should thus not be at the discretion of the Union/College Disciplinary Board, but rather a mandatory sanction imposed in all cases where the alleged perpetrator is found guilty.
4. "Fear that nothing will be done" manifests itself mainly in two ways: Firstly, that the case won't be progressed once reported, and, secondly, that if a perpetrator is found guilty, adequate action is not taken. Specifying a mandatory minimum sanction is a step towards eliminating the second of those barriers.

Union Resolves:

1. That no member found guilty of sexual misconduct by the Union, the College, or the police may hold a role at Imperial College Union.

Bibliography

- [1] D. A. Phipps, "A review of Imperial College's institutional culture and its impact on gender equality," Imperial College London, London, 2016.
- [2] L. Yonack, "Sexual Assault Is About Power," 14 November 2017. [Online]. Available: <https://www.psychologytoday.com/us/blog/psychoanalysis-unplugged/201711/sexual-assault-is-about-power>. [Accessed 06 April 2018].
- [3] V. Wright, "Deterrence in Criminal Justice," The sentencing project, Washington D.C., 2010.
- [4] Imperial College London, "Student Disciplinary Procedure," 14 July 2017. [Online]. Available: <https://www.imperial.ac.uk/admin-services/secretariat/college-governance/charters/ordinances/students/>. [Accessed 30 January 2018].
- [5] M. Lewis (DPW), "Imperial College Union Safe space policy," 07 November Renewed 2017. [Online]. Available: <https://www.imperialcollegeunion.org/dbfile/pbf/93>. [Accessed 06 April 2018].