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Aidan Ricciardo

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TEACHING SENSITIVE CONTENT SAFELY

HOW TO APPROACH SEXUAL VIOLENCE IN LEGAL EDUCATION

AIDAN RICCIARDO *

I INTRODUCTION

As teachers of law, no matter what subject we teach, at least some of the content relevant to our subject area is bound to be 'sensitive', complex, and potentially distressing. In some subject areas — eg, Criminal Law — this is obviously the case, but as law inherently involves justice *and* injustice, the reality is that we are all required to teach complex and sensitive content. This can be difficult for teachers and students alike — as put by Heath et al:

Learning about the law can involve bruising encounters with injustice that the law does not always adequately redress. Many students find this distressing... Undoubtedly some teachers find it distressing to have the role of inflicting these new realisations on students, even if they also see understanding these questions as essential.¹

Although teaching sensitive content is unavoidable for law teachers, many of us (unsurprisingly) feel ill-equipped to do so.² It is clear that there is a need for us to collectively reconsider — and develop our skills relating to — how we teach this content.

We must not shy away from teaching sensitive content where it is relevant to our subject area. But the way that we approach this content matters. This article makes these arguments, taking the topic of sexual violence as an example of sensitive content that might be encountered in the law classroom. The following definition of sexual violence is adopted in this article:

Sexual violence is a broad term to describe hurtful acts of physical or emotional harm through the use of power, control, and/or intimidation. Sexual violence includes sexual harassment, sexual assault, sexual exploitation, dating and intimate partner violence, domestic violence, or stalking.³

Part II argues that where it is relevant to an area of law, we have an obligation to teach content which relates to sexual violence. Part III then proposes a number of principles, informed by the literature, which can assist law teachers to cover this content safely.

* Aidan Ricciardo is a Lecturer at the UWA Law School, the University of Western Australia.

¹ Mary Heath et al, 'Learning to Feel Like a Lawyer: Law Teachers, Sessional Teaching and Emotional Labour in Legal Education' (2017) 26(3) *Griffith Law Review* 430, 433.

² Ibid.

³ Macalester College, *Supporting Student Survivors in the Classroom* (Guidance Document, 2021) <<https://titleix.sdsu.edu/resources-for-faculty-and-staff/faculty-guide-for-supporting-survivors.pdf>>.

II WHY WE NEED TO TEACH OUR STUDENTS ABOUT SEXUAL VIOLENCE

It is accepted that in a range of professional degrees, including law, teaching sensitive and confronting content is necessary — not only because it is relevant to the subject area, but also because our students will encounter these situations in their professional lives. As put in an article by a multidisciplinary academic team (including teachers of law, psychology, social work, midwifery and veterinary science):

[Teaching sensitive and confronting] material is necessary for both the specific aims of the courses we teach (that is, in relation to intellectual engagement with the subject material and expected learning outcomes), and to prepare students for situations many will face as professionals.⁴

Sexual violence is relevant to many core areas of legal education and legal practice, including those areas which law schools are required to teach as part of a qualifying law degree. Most obviously, sexual violence is relevant in the teaching and practice of criminal law. Similarly, many of the core cases in evidence law relate to sexual violence, and a body of law has developed in relation to the way that cases relating to sexual violence are tried. Tort law, which demands discussion of consent and bodily autonomy, is also unquestionably linked to sexual violence. Sexual violence is also an inherent part of the teaching and practice of many subject areas which may not be 'required' in a qualifying law degree, but are commonly offered by law schools as optional units. For example, sexual violence arises in employment law (eg, in the context of workplace sexual harassment), family law (eg, in the context of family and intimate partner violence), and in human rights law (eg, where sexual violence is used as a weapon of war).⁵ Engaging with content which relates and responds to sexual violence is a core learning requirement in these areas of study. Having a competent understanding of how laws — and lawyers — do (and should) respond to sexual violence is also essential in the practice of these areas:

It is vital that students are prepared for dealing with such challenging situations in their future professional practice through the inclusion of such subject matters within [course] curricula... [P]rofessional competency requires capacity to address sensitive issues.⁶

Indeed, lawyers (and law graduates who choose not to practice) play a key role in addressing and mitigating social issues, including sexual violence.⁷ Educating our students about these issues — including where the law falls short and leads to injustice — equips them to contribute positively to society and advocate for justice and reform.

Providing our students with an adequate education on matters of sexual violence is especially important given that harmful misconceptions about sexual violence, and about victim-survivors

⁴ Mary Heath et al, 'Teaching Sensitive Material: A Multi-Disciplinary Perspective' (2017) 4 *Ergo* 5, 11.

⁵ Paul Kirby, 'How is Rape a Weapon of War? Feminist International Relations, Modes of Critical Explanation and the Study of Wartime Sexual Violence' (2012) 19(4) *European Journal of International Relations* 797.

⁶ Heath et al (n 4) 6.

⁷ See generally Andrea A Curcio, Teresa M Ward and Nisha Dogra, 'Educating Culturally Sensible Lawyers: A Study Of Student Attitudes About The Role Culture Plays In The Lawyering Process' (2012) 16 *University of Western Sydney Law Review* 100.

of sexual violence, are rife in Australia generally and in the legal system specifically.⁸ In their future careers, many of our students will be tasked with counteracting those misconceptions. The following quote by Scriver and Kennedy is written in the context of medical and social sciences education in Ireland, but it could just as readily be said of legal education in Australia:

The sensitive nature of sexual violence, combined with a poor level of knowledge about the topic among the general population in Ireland may lead lecturers to avoid its inclusion in curricula. However, [our] students ... are future doctors, nurses, midwives, social workers, teachers and policy-makers. They are the people who will be tasked with addressing sexual violence and its impact. It is therefore essential that education about sexual violence is given due consideration within [course] curricula.⁹

Just like doctors, nurses and social workers, the professional lives of many law graduates will involve addressing sexual violence and its impact. It follows that in the context of legal education, we would be doing our students — and our society — a disservice if we were to avoid teaching about how the law responds to sexual violence. How, then, can we best go about teaching this content?

III TEN PRINCIPLES FOR TEACHING SEXUAL VIOLENCE SAFELY

There is a small body of research relating to the teaching of sensitive material generally in law.¹⁰ However, there is relatively little research which directly addresses how to teach about sexual violence in law.¹¹ Helpfully though, there are a fair number of articles which focus on teaching sexual violence in higher education generally, and in specific higher education disciplines other than law.¹² This Part draws together research from each of these fields and distils it into ten core principles for teaching about sexual violence safely, and effectively, in law.

Principle 1: Be mindful of classroom power dynamics to avoid re-traumatisation

As a starting point, and from before the semester begins, law teachers who cover content relating to sexual violence need to be aware of the power dynamics inherent in the classroom, including in the teacher-student relationship. The classroom, by its very nature, involves a disparity of power that can lead to re-traumatisation for survivors of sexual violence. As noted by Crumpton:

⁸ See, eg, Jacqueline Horan and Jane Goodman-Delahunty, 'Expert Evidence to Counteract Jury Misconceptions About Consent in Sexual Assault Cases: Failures and Lessons Learned' (2020) 43(2) *UNSW Law Journal* 707; Julia Quilter, 'Getting Consent "Right": Sexual Assault Law Reform in New South Wales' (2020) 46(2) *Australian Feminist Law Journal* 225.

⁹ Stacey Scriver and Kieran M Kennedy, 'Delivering Education About Sexual Violence: Reflections on the Experience of Teaching a Sensitive Topic in the Social and Health Sciences' (2016) 35(2) *Irish Educational Studies* 195, 196.

¹⁰ See, eg, Heath et al (n 1); Heath et al (n 4).

¹¹ See, eg, Wendy Ball and Jacquelien Mackinnon, 'Teaching the Unthinkable: Approaches to Effective/Protected Learning in the Area of Sexual Offences' (1997) 8(1) *Legal Education Review* 99; Mary Heath, 'Encounters With the Volcano: Strategies for Emotional Management in Teaching the Law of Rape' (2005) 39(2) *The Law Teacher* 129.

¹² See, eg, Corrine C Bertram and M Sue Crowley, 'Teaching about Sexual Violence in Higher Education: Moving from Concern to Conscious Resistance' (2012) 33(1) *Frontiers: A Journal of Women Studies* 63.

For students who have experienced the abusive exercise of power that characterizes sexual assault, heightened anxiety in a context that is already organized around power disparity can be a trigger. It often invokes recall of an incident(s) when power was used to abuse. It can trigger a chain reaction of sorts, in which the fears from former abuse are projected onto the disparate power structure that exists in the classroom.¹³

An awareness of the potential for harm, including by way of re-traumatisation, needs to underscore the entire approach to teaching about sexual violence. This is especially important given that we know from sector-wide surveys that there are almost certainly survivors of sexual abuse in every classroom.¹⁴ For these students, the resurgence of traumatic memories in an educational setting can blur the lines between past abuse and the present power-charged classroom environment. As Crumpton continues:

When triggered, they may feel that "it" (the powerlessness, loss of control, and violence) is happening again. There is indeed a difference between the power disparity in the classroom and the abuse of power in sexual assault, but the resurgence of traumatic memories often makes that distinction less clear. The result is a highly charged environment wherein some are unable to distinguish the difference between the expected discomfort and the individual sense of threat that emerges...¹⁵

The traumatic response elicited by classroom dynamics can be profound, causing some students to experience significant distress. This highlights the necessity for educators to develop a teaching approach and create a classroom atmosphere that acknowledges and mitigates these triggers.

Principle 2: Prepare students from the start of the course

When the teaching period begins, the work to prepare students for the upcoming sensitive content begins on day-one. Letting students know from the outset of the course that content relating to sexual violence will be covered provides students with an opportunity to prepare themselves for that content. It also provides us as teachers with an opportunity to learn from students about how we can best support them when we ultimately encounter that content. As explained by Bedera:

Professors can... begin centering survivors and preparing students for discussions of sexual violence on the first day of classes... I begin all courses that include material on sexual violence the same way. I tell students explicitly that we will cover controversial and sensitive topics, including the kinds of violence that many students may have experienced first-hand. At that point, I... position myself as a learner. I ask students what they need to feel comfortable when having tough conversations in class...¹⁶

Bedera's approach helps to establish a safe, supportive learning environment from the very outset of the course — this approach not only sets clear expectations but also opens a dialogue

¹³ Stephanie M Crumpton, 'Trigger Warnings, Covenants of Presence, and More: Cultivating Safe Space for Theological Discussions About Sexual Trauma' (2017) 20(1) *Teaching Theology and Religion* 137, 138.

¹⁴ Wendy Heywood et al, *National Student Safety Survey: Report on the Prevalence of Sexual Harassment and Sexual Assault Among University Students in 2021* (National Report, Social Research Centre, 2022) 1–6.

¹⁵ Crumpton (n 17) 138.

¹⁶ Nicole Bedera, 'Beyond Trigger Warnings: A Survivor-Centered Approach to Teaching on Sexual Violence and Avoiding Institutional Betrayal' (2021) 49(3) *Teaching Sociology* 267, 270.

about how to handle these discussions with care and sensitivity. Further, by addressing the potential emotional impact of the material from the start, educators can help normalise the range of responses students may have. Bedera tells her classes that 'even students who have no personal ties to trauma sometimes tear up', noting that this can help 'survivors feel like having an emotional response won't be akin to disclosing their survivor identity'.¹⁷ This pre-emptive acknowledgment can reduce the pressure on survivors of sexual violence, enabling them to participate without the fear of being singled out or inadvertently revealing their personal experiences.

Starting this preparation on the first day not only reassures students that their emotional responses are valid but also establishes a classroom culture of empathy and respect. By positioning themselves as learners alongside their students, educators demonstrate a commitment to creating a safe and inclusive space for learning. This proactive approach fosters trust and encourages open communication, which are vital components for effectively navigating the complexities of teaching about sexual violence.¹⁸

Principle 3: Be careful and consistent with the language you use

Being careful and consistent with the language we use to describe acts of sexual violence is crucial to creating a safe and effective learning environment. The words we choose can either reinforce harmful stereotypes and stigmas or help dismantle them. Using precise and accurate terms such as 'rape' instead of 'sex' (in the case of a non-consensual act of penetration) and 'abuse' or 'sexual assault' instead of 'sexual encounter' (in the case of other non-consensual touching of a sexual nature) ensures that the gravity of these acts is appropriately conveyed and that victim-survivors are not further stigmatised or blamed for their abuser's wrongdoing.¹⁹

Language shapes perception, and the way sexual violence is discussed in the classroom can have a profound impact on students' understanding of these issues.²⁰ When educators use terms that downplay the severity of sexual violence, it can inadvertently perpetuate the misconception that the victim is partially responsible or that the violence is less serious. Conversely, using clear and specific terminology underscores the non-consensual and violent nature of these acts, leaving little doubt that we as teachers condemn, and recognise the severity of, sexual violence. This approach not only helps to validate the experiences of survivors but also sets a standard for professional and respectful discourse that students can carry into their future careers in law. By modelling precise and respectful language, we as law teachers contribute to a broader cultural shift in this space.

¹⁷ Ibid 272.

¹⁸ Heath (n 11) 139–40.

¹⁹ Constance Grady, 'The Complicated, Inadequate Language of Sexual Violence', Vox (online, 30 Nov 2017) <<https://www.vox.com/culture/2017/11/30/16644394/language-sexual-violence>>.

²⁰ See generally Elizabeth R Brown, Jennifer K Wesely and Curtis E Phills, 'De-stigmatizing Survivors: Chapter De-stigmatizing Survivors Intervening by Changing the Composition of Campus Alerts about Sexual Assault' in Alicia H Nordstrom and Wind Goodfriend (eds), *Innovative Stigma and Discrimination Reduction Programs Across the World* (Routledge, 2010) ch 6; Emma Gretgrix and Clare Farmer, 'Heteronormative Assumptions and Expectations of Sexual Violence: Language and Inclusivity Within Sexual Violence Policy in Australian Universities' (2023) 20 *Sexuality Research and Social Policy* 735.

Principle 4: Where content isn't optional, forewarn to allow students to prepare

Forewarning, in the context of education, refers to the practice of informing students in advance that specific sensitive or potentially distressing content will be covered in class. The purpose of forewarning is to allow students to mentally and emotionally prepare for the material, helping them to manage their reactions and engage with the content more effectively.²¹

Forewarnings might sometimes — rather unhelpfully — be called 'trigger warnings',²² and it is a common misconception that the purpose of such warnings is simply to allow students who might be triggered to choose not to engage with the content.²³ But, as established in Part II, often in a law course content relating to sexual violence *is* essential and the reality is that students do not have a choice about whether or not they engage with this content: we need to teach students this content and they need to be able to demonstrate an understanding of it.

In fact, forewarning is especially important in the context of content which is not optional. Providing this advance notice allows students to prepare themselves psychologically and emotionally for the material, giving them an opportunity to organise any support they might need and put themselves in the right frame of mind to learn. Scriver and Kennedy emphasise the importance of this approach:

While forewarning for the purpose of optional non-attendance is... not clearly supported by research..., efforts should be made to provide students with as much information as possible in advance of the teaching sessions so that they know what to expect. Forewarning, rather than acting as advice to 'stay away' for vulnerable students, can act as a means to empower students to deal with their emotional reactions by allowing them to situate their response within a deeper conceptual understanding of that issue. Ensuring students understand the purpose of learning about sexual violence is thus an essential part of forewarning.²⁴

This approach helps students contextualise their responses and understand the importance of learning about sexual violence within the broader framework of their legal education. As educators, it is important to communicate not only the content but also the significance of engaging with these challenging topics. As Scriver and Kennedy suggest, explaining the relevance of the material can be done with statements like: 'I appreciate that this may be something that you find difficult to think about, but it is important for you to be aware of this issue because ...'.²⁵

Forewarning students about sensitive content and providing them with the rationale for its inclusion in the curriculum enables students to engage more fully with the material and develop a deeper understanding of the legal and social complexities surrounding sexual violence.

This approach not only prepares students for the content but also underscores the importance of their learning journey, reinforcing the necessity of confronting and understanding sexual violence as future legal professionals.

²¹ Katie Cebula, 'Student Experiences of Learning About Potentially Emotionally Sensitive Topics: Trigger Warnings Are Not the Whole Story' (2022) 46(8) *Journal of Further and Higher Education* 1120, 1121–2.

²² This implies that the only purpose of the warning is to assist students who might be triggered by the content. The term 'forewarning' is more appropriate because these warnings serve other purposes and can be helpful for all students, as discussed at length in this section.

²³ Cebula et al (n 21) 1121–2.

²⁴ Scriver and Kennedy (n 9) 200.

²⁵ Ibid.

Principle 5: Where content is optional, forewarn and ensure students can leave

Despite the discussion in the previous section, sometimes content will be optional. Perhaps more often, whilst students are required to engage with particular content, they might have the option of engaging with it in a manner other than in face-to-face classes. Forewarning still plays a critical role in these instances, ensuring that students are fully informed about their options and can make choices that best suit their needs. When learning about particular content is optional, or where doing so face-to-face is optional, law teachers need to make sure that their forewarning is accompanied by an adequate opportunity to leave the classroom.

For example, if students are given the option to 'opt out' of a class or discussion, it is essential that attendance and participation policies reflect and support this option. For example, students need to be reassured that they can opt out without fear of penalty.²⁶ In practice, small adjustments can help make these options more accessible. For example, taking short breaks before difficult activities or discussions can give students the chance to step out without drawing attention to themselves. As suggested in a resource for educators:

Take a 2-3 minute break before difficult activities or discussions, and urge students to stretch, get a drink, or use the restroom before regrouping as a class. This practice allows survivors to step out without drawing attention to themselves or feeling forced to publicly identify themselves as a potential survivor.²⁷

This approach provides a discreet way for students to make the choices that suit their needs without feeling exposed or singled out.

Indeed, educators should seriously consider whether students really need to be present in a face-to-face class when learning about sexual violence content. This may well be necessary — eg, where discussion is required. But in many instances, it will be appropriate to offer alternative ways to engage with the content. For instance, providing an online recording of the live lecture as an alternative to in-person attendance allows students to engage with the material at their own pace and in a setting where they feel most comfortable. This flexibility can make a significant difference for students who may find encountering the content in-person very distressing.²⁸

Principle 6: Compile course materials carefully, centring survivor voices

When compiling course materials for law classes that include content on sexual violence, it is important to carefully select readings and sources that centre survivor voices and take the impact of sexual violence seriously. The choices educators make in curating these materials send a strong message to students about the importance and gravity of the topic. As emphasised by Bedera, 'When selecting course materials (eg, readings, films) on sexual violence, it is essential that they take seriously the impact of sexual trauma on survivors.'²⁹ Including sources that trivialise or misrepresent sexual violence can lead students to mistakenly believe that such perspectives are acceptable or are tacitly endorsed by the law teacher.

²⁶ Macalester College (n 3).

²⁷ Ibid.

²⁸ Heath et al (n 4) 8, 10.

²⁹ Bedera (n 16) 270.

Setting sources which are created or influenced by survivors of sexual violence ensures that the experiences and insights of survivors are treated as valuable and important. Bedera notes that 'a survivor-centered approach views survivors as what they truly are — experts on sexual violence whose experiences, views, and ideas are instructive in creating transformative courses.'³⁰ By foregrounding survivor narratives, educators not only validate the lived experiences of survivors but also provide students with a more nuanced understanding of sexual violence. Indeed, as an example, it is widely acknowledged that sexual offence complainants themselves are amongst those who are best placed to advise on how criminal trial processes might be made less traumatic for sexual offence complainants like them.³¹

However, there may be instances where including problematic sources is unavoidable due to their relevance or importance in the field. In such cases, it is crucial to provide context and guidance to students. When including a potentially problematic source, educators should explain in advance (either in class or on the reading list) why the source is problematic and encourage students to critically assess its treatment of sexual violence. Additionally, clearly stating the precise reason for including the source can help students appreciate its educational value while remaining critical of its shortcomings.

Course materials should also inform students of the support services and resources available to them if they feel distressed.³² Providing this information ensures that students know where to turn for help, reinforces the message that their wellbeing is a priority, and also makes it clear that the teacher is not their counsellor: they should obtain professional assistance if necessary.³³

Principle 7: Consider in advance how to respond to problematic comments

Whenever sexual violence is being discussed in the classroom, there is a very real risk that students (or, indeed, teachers) will make comments which are potentially harmful. Law teachers should make it clear from the outset that while discussion is welcome, comments that perpetuate harm or support violence will not be tolerated.³⁴ If potentially harmful comments are made, it is very important for teachers to know when and how to jump in and respond to these rogue contributions. Ignoring or mishandling these comments can reinforce harmful attitudes and contribute to an environment that is unsafe for survivors. Although many potentially harmful comments will be borne of ignorance, in some cases these comments might be actively antagonistic. Indeed, as Bedera points out:

Although professors rarely like to think about it, it is extremely likely that you have perpetrators of gender-based violence taking your classes as well. After all, studies indicate that as many as 11 percent of college men commit a rape before graduation. There are also a multitude of other reasons that students may hold rape-supportive attitudes, such as having a close friend who was

³⁰ Ibid 275.

³¹ See, eg, Australian Senate Legal and Constitutional Affairs References Committee, *Current and Proposed Sexual Consent Laws in Australia* (Final Report, September 2023) 37–62, 104.

³² Scriver and Kennedy (n 9) 200.

³³ Heath et al (n 4) 10–11.

³⁴ Cebula et al (n 21) 1128.

accused of sexual assault or simply growing up in a culture that normalizes, excuses, and condones men's acts of violence.³⁵

This reality underscores the necessity for teachers to be vigilant and proactive in addressing problematic comments. Teachers should anticipate potential challenges and think ahead about how to effectively intervene. Preparing in advance allows educators to confidently and swiftly address harmful comments when they arise, maintaining a respectful and supportive classroom environment.³⁶

When responding to potentially harmful comments, it is important to address the issue directly and clearly. Instructors should focus on correcting misinformation, reinforcing respectful discourse, and reiterating the principles of empathy and support for survivors. For example, if a student makes a comment that implicitly blames a victim, the instructor might start by saying, 'I know that you might not have meant to imply what you just did, but I just want to address that comment because it's important to understand that victim-blaming is harmful and incorrect....'

A failure to directly address harmful comments 'can make an instructor appear to endorse those views.'³⁷ By planning their responses, teachers can avoid being caught off guard and can handle these situations with authority and sensitivity.

Principle 8: Be mindful of your own boundaries in dealing with student trauma

Teaching about sexual violence can lead to instances where students disclose their own traumatic experiences or seek emotional support from their teachers.³⁸ In this regard, we must be mindful of our own roles and boundaries when dealing with student trauma. While it is important to create a supportive and empathetic classroom environment, educators need to recognise the limits of their professional responsibilities. The role of a teacher is distinct from the role of a counsellor,³⁹ and attempting to take on such a role can lead to burnout and ethical challenges. As Bedera states, 'To prevent burnout and ensure that students are treated ethically, it is also key that instructors set their own boundaries about how they would like to engage with [trauma].'⁴⁰ Establishing clear boundaries helps protect both the teacher's wellbeing and the integrity of the support offered to students.

The complexity of managing disclosures of trauma can be overwhelming for educators, who may not feel equipped to handle such situations. Bedera acknowledges this concern: 'professors report that they do not feel skilled enough to manage the intricacies of sexual assault disclosure. That is perfectly okay — professors are academics, not counselors.'⁴¹ Similarly, Scriver and Kennedy note that 'we do not feel comfortable, nor would we advocate for other teachers, to take on the role of counsellor to students.'⁴² Recognising this distinction is crucial. Law teachers should focus on

³⁵ Bedera (n 16) 272.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Heath (n 11) 144–5. This burden is likely to fall disproportionately on female academics — see generally Rebecca Hayes, Tara N Richards and Kathryn A Branch, 'But I'm Not a Counselor: The Nature of Role Strain Experienced by Female Professors When a Student Discloses Sexual Assault and Intimate Partner Violence' (2010) 2(3) *Enhancing Learning in the Social Sciences* 1756.

³⁹ Heath et al (n 4) 10–11.

⁴⁰ Bedera (n 16) 274.

⁴¹ Ibid.

⁴² Scriver and Kennedy (n 9) 205.

their primary role as facilitators of learning and guides through the academic content, rather than attempting to provide therapeutic support.

To navigate these challenges effectively, teachers should plan in advance how to respond when students disclose traumatic experiences and appear to require further support. Heath et al advise that in these instances, teachers should refer students to university counselling services and other appropriate supports.⁴³ Similarly, Bedera advises that

a professor who does not feel equipped to do crisis intervention may tell a student, 'I do not feel fully qualified or prepared to give you everything you deserve, but I would love to support you in the ways I can, like listening to you and helping connect you to the resources you need.'⁴⁴

Heath advises that simply listening is powerful:

Many sexual assault services suggest that people who have experienced rape will find it useful to be listened to in a non-judgemental, supportive and validating way... If in doubt, I listen. I acknowledge the student's courage in speaking with me. I clearly communicate that I believe the student and will keep their confidence. And, of course, I refer them to appropriate services.⁴⁵

Maintaining professional boundaries also helps prevent emotional exhaustion and burnout for educators.⁴⁶ Teaching about sexual violence and other traumatic subjects can be emotionally taxing, and without clear boundaries, instructors may find themselves overwhelmed by the weight of their students' disclosures. By setting and adhering to boundaries, teachers can sustain their capacity to provide high-quality education and support to their students over the long term.

Principle 9: Demand institutional support when you teach about sexual violence

As noted in the previous section, teaching about sexual violence presents risks to the teacher's own wellbeing. Scriver and Kennedy note that

Lecturers who repeatedly teach sensitive topics may also suffer vicarious trauma... Lecturers may experience vicarious trauma through their engagement with materials in researching and preparing sessions ... [or] following a disclosure from a student which can result in feelings of guilt, sadness, or anger.⁴⁷

Educators who teach about sexual violence must demand appropriate institutional support to manage the unique challenges and emotional burdens associated with this work. Universities have a responsibility to provide this support, in recognition of the increased demands placed on faculty who cover such sensitive topics. Keene and Jordan highlight the need for administrative recognition of these challenges:

Faculty staff involved in administering academic workloads should recognize and take into account the increased workloads arising from pastoral care work done by academic staff teaching courses which include sexual violence.⁴⁸

⁴³ Heath et al (n 4) 10.

⁴⁴ Bedera (n 16) 274.

⁴⁵ Heath (n 11) 144.

⁴⁶ Bedera (n 16) 274; Scriver and Kennedy (n 9) 206; Heath et al (n 4) 6.

⁴⁷ Scriver and Kennedy (n 9) 206.

⁴⁸ Samantha Keene and Jan Jordan, 'Teaching About Sexual Violence in Digital Learning Environments' (2021) 35(1) *Women's Studies Journal* 66, 69–70.

Acknowledging the additional pastoral care responsibilities in formal workload allocations is essential for preventing burnout and ensuring that educators can continue to provide high-quality teaching and support to their students. Universities must also prioritise the wellbeing of their staff by implementing measures that address these challenges. Educators must be provided with access to counselling services, peer support groups, as well as relevant professional development. In particular, creating a supportive community among faculty where they can share experiences and strategies can help mitigate the isolating effects of vicarious trauma.⁴⁹

Principle 10: Reflect, reflect, reflect!

Finally, educators who teach about sexual violence and other sensitive material must engage in a constant process of reflective practice. No teacher can be expected to get everything right the first time (or, perhaps, any time), and what worked one year might not work as well the next. Through reflection, educators can identify what worked well and what didn't, allowing them to make informed adjustments and improve their approach over time. The literature on learning and teaching in law consistently notes the importance of reflective practice for effective education.⁵⁰

By regularly considering the impact of their teaching methods and content choices, educators can better understand how their students are engaging with the material and what additional support may be needed.⁵¹ This process involves not only self-assessment but also seeking feedback from students and colleagues to gain diverse perspectives on the effectiveness of the academic's approach to teaching about sexual violence.⁵²

Incorporating reflective practice into teaching routines can lead to significant improvements in how sensitive topics are addressed in the classroom. For instance, after a challenging discussion on sexual violence, a teacher might reflect on the students' reactions, the classroom dynamics, and their own feelings during the session. This reflection can reveal areas for improvement, such as adjusting the way certain topics are introduced, modifying discussion guidelines, or finding new ways to support students who may be struggling with the material.

Importantly, reflective practice fosters a growth mindset, encouraging educators to view challenges as opportunities for development rather than as setbacks.⁵³ This mindset is particularly important when teaching sensitive subjects, where (as discussed in the previous sections) there is great potential for emotional and intellectual strain. By embracing continuous improvement, law teachers can become more resilient and adaptable, better equipping themselves to handle the complexities of teaching about sexual violence.

⁴⁹ Heath et al (n 4) 10, 12.

⁵⁰ See, eg, Timothy Casey, 'Reflective Practice in Legal Education: The Stages of Reflection' (2014) 20 *Clinical Law Review* 317.

⁵¹ Sue Clegg, 'Knowing Through Reflective Practice in Higher Education' (2000) 8 *Educational Action Research* 451, 466.

⁵² See, eg, Maureen Bell, 'Supported Reflective Practice: A Programme of Peer Observation and Feedback for Academic Teaching Development' (2001) 6(1) *International Journal for Academic Development* 29, 32–5; Joseph Lamb, 'How do Teachers Reflect on Their Practice? A Study into How Feedback Influences Teachers' Reflective Practice' (2017) 4(4) *The Student Teacher Perspectives Journal* 94, 101.

⁵³ See generally Diane LaFrance and Lori Rakes, 'Teacher Identity, Growth Mindset, and Agency: Changing the Trajectory of Teacher Retention' in Maria Peterson-Ahmad and Vicki L Luther (eds), *Collaborative Approaches to Recruiting, Preparing, and Retaining Teachers for the Field* (IGI Global, 2022) 119; Laura F Poe et al, 'Promoting Positive Student Outcomes: The Use of Reflection and Planning Activities with a GrowthMindset Focus and SMART Goals' (2021) 19(4) *Information Systems Education Journal* 13.

IV CONCLUSION

As law teachers, we are required to teach our students about sensitive material. For some of us, that sensitive material will include content relating to sexual violence. It is important that we do not shy away from our responsibility to teach this content where it is relevant — covering this material helps to prepare law graduates to address these issues with the right knowledge and sensitivity in their professional lives. But teaching this content can be challenging, and the way we go about it matters. The ten core principles proposed in this article provide a basic grounding for law teachers who teach about sexual violence. These principles can assist educators to foster safe learning environments where students can learn to navigate the complex legal and social dimensions of sexual violence. Although teaching about sexual violence and other sensitive content will never be easy, adopting a careful, consistent and reflective approach can make 'getting it right' a little easier.