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toward common ground

Turning the Tide: Rethinking Sanctions for Sexual Misconduct

By Joan Tabachnick and Jay Wilgus

Introduction

Most of us who work on or near a college campus are moved by the possibilities of human potential, the privilege of working with young people as they explore their future, and the gift of witnessing someone expand their ideas of what is possible. To support student development, we encourage students to author their own unique journey and create individualized support systems that work for them.

When looking at common approaches to student sexual misconduct, however, we observe campuses taking a different approach. Rather than individualizing sanctions to promote student growth and development while reducing the risk of recurrence, campuses typically focus on compliance, containing the potential fallout of a high-profile case, and aligning sanctions with past cases to maintain consistency. In doing so, they miss an essential opportunity to help survivors heal from the trauma, hold a student accountable for their actions, and support students who cause harm to grow and change in a meaningful way. Campuses also miss an opportunity to engage the larger community and examine who else needs to be involved, who has been affected, and – most importantly – what else may need to change. By rethinking their approach to accountability and making a small investment in sanctions linked to effective interventions, campuses can shift their approach to align more closely with their institutional values, educational priorities, and commitment to community safety and well-being.

What Does Accountability Look Like?

First, consider what we have heard from survivors over the years. They want to be believed, they want to feel safe, they want accountability, and they want to ensure that no one else is harmed by the individual who harmed them. One approach is to simply remove the student who caused harm from campus. But most students are not suspended or expelled and, if they are, they may eventually return or simply move to another campus. In these cases, the institution has done nothing to address the underlying risks, needs, or protective factors of specific students, which – if addressed – could prevent recurrence, support ongoing learning, and protect communities beyond the campus gates.

Second, consider how much is spent on a single investigation of sexual misconduct ($10,000-$40,000 per case, according to one estimate) as well as the staff time and the toll on the victim/survivor. But once a finding is made, very little attention or effort is spent on protecting the student harmed or helping the student who caused harm to change. In fact, once there is a finding of responsibility (or non-responsibility), many campuses consider their work complete. To us, this is a mistake and a missed opportunity summarized eloquently by a colleague who recently said, "A finding is just the end of an investigative process. It's not the end of institutional responsibility."[1] If there is a finding, and the student is suspended, campuses can consider what students need to learn before they return to campus. If they are expelled, campuses can consider what resources could be offered to help them transition safely to a different campus or another community. And if there is no finding of responsibility, students may still need to learn from what transpired and change their behavior to ensure they are not accused again. Despite the need for follow-through and the options available, campuses rarely invest in educational or therapeutic interventions which could reduce the risk of recurrence for a student who has engaged in, or been accused of, sexual misconduct on campus.

[1] Special thanks to Rachel Roth Sawatzky, Ed.D for succinctly articulating this key message.

A Better Path Forward

We believe that sexual assault and sexual misconduct can be prevented. We believe that survivors need a more robust responses from their campuses. We also believe that most students who cause harm can change – and the research backs this up.

The opportunity that most campuses are missing is the safety benefit of investing in services for students on their campus who have engaged in sexual misconduct. Research shows that most adolescents and young adults who engage in some form of sexual misconduct can learn to change their behaviors and live safely in their communities. Campuses that are currently offering these services to students have documented an increasing number of students coming forward voluntarily for help. These may be students who have crossed a line and want to learn from that mistake, who never learned about consent or had any conversations about healthy relationships, or who are neurodivergent and are still learning acceptable social norms on campus or in romantic relationships. Research-informed interventions can help. For example, a student named Jamie who participated in a program we support said:

> *"The STARRSA program[2] was not just a requirement, it was a turning point. It gave me the language, the frameworks, and the reflection I never had in high school or college. The program had me face the harm that I caused, held me accountable for my actions and helped me understand what behaviors I needed to change. It opened a door that I didn't know existed. And from that door, I walked into a new kind of education, one I'll be committed to for life."*

Without an investment in these students, without an investment in services, students are left dangling unsupported at the tail end of a compliance driven process that fails to address student needs post-finding. Being expelled or suspended, does not – as a standalone intervention – make our communities safer. It simply means a student may not enroll in classes at that particular institution for a period of time or indefinitely. It also means the institution misses an opportunity to more meaningfully hold the student accountable for their actions and help them learn and grow from it, as envisioned by the core mission of most educational institutions.

Although we're certainly biased given our work, we believe every campus ought to consider the effectiveness of their commonly-applied sanctions and how those sanctions align with their institutional values and goals. We also urge every campus to reconsider the resources they are offering to students who caused harm and whether their fulfilling the wish so commonly articulated by survivors to prevent the recurrence of harmful behavior. An effective intervention is one that is individualized for each student and which considers their unique risks, needs, and protective factors in inviting them to reflect on their past behaviors, change their behavior going forward, and learn what it means to live safely in their community. Although effective interventions may not be free, a small economic investment in training or support, can help offset the safety costs to the community and the future student who is protected from misconduct. It can also address the moral and ethical cost of ignoring students who need support or pushing them to other institutions or communities who may not be aware of their past behavior or the support required moving forward. Moreover, it can build a broader range of options and support for student survivors while also addressing the concerns of students like Jamie who are working on themselves to ensure that no one is harmed by their behavior in the future. Ultimately, that is an outcome worth supporting.

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[2] STARRSA is the only research-informed intervention program we're aware of that is specifically designed to address problematic sexual behavior among college students and which includes an individualized assessment component. Rather than a one-size-fits all approach, the STARRSA programs utilize integrated assessment features that allow providers to tailor educational or treatment-related interventions to meet the specific risks and needs of each student. For more information about the program, *see* www.klancystreet.com/starrsa.

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