

Westminster College TIX Sanctions

Considerations for Issuing a
Sanction

Objectives (a backdrop before sanctioning)

- ▶ Understand the tension that exists in sexual misconduct hearings
- ▶ Understand the shared values and goals present in the process
- ▶ Understand problematic sexual behavior as a framework to analyze sexual misconduct on campus
- ▶ Understand the prevalence and potential causes of sexual misconduct
- ▶ Understand the considerations that need to be analyzed when issuing a sanction
- ▶ Understand the available sanctions

The TENSION that exists in any hearing

Societal / Cultural Beliefs that surround these harms:

- ▶ Women may not be believed
- ▶ Men may be falsely accused

- ▶ This highlights the tension that the Complainant is to be BELIEVED to be telling the truth while at the same time, the Respondent is to be considered and treated as if INNOCENT.

Shared Values & Goals Exercise

- ▶ What are some shared values of the complainant and the respondent?

Shared Values / Goals (Begin with the End in Mind)

- ▶ Fairness
- ▶ Safety
- ▶ Equity
- ▶ Accountability
- ▶ Justice
- ▶ Growth
- ▶ Healing
- ▶ Deterrence

Having a Comprehensive Vision / Approach

- ▶ When reintegrating a student-respondent is a potential goal...
 - ▶ How are both parties and the community best served?

- ▶ Problematic Sexual Behavior
 - ▶ Risk Factors
 - ▶ Protective Measures

Will the sanction successfully address the above?

Problematic Sexual Behavior...

Who's in the box & how are they affected?

- ▶ Boxes filled with PEOPLE: Complainant, Respondent, & Community
 - ▶ Student has risk factors but not engaged in them
 - ▶ Student has risk factors, has acted on them, BUT there is no report
 - ▶ Student has risk factors, has acted on them, there is a report
 - ▶ Student is found responsible for the act / actions
 - ▶ Student is found NOT responsible for the act / actions
 - ▶ Student is found responsible for the act / actions & reintegrated into the college

Continuum of Sexual Behavior

- ▶ Healthy/Helpful/Appropriate/Respectful/Safe
 - ▶ Playful/Teasing/Flirting
 - ▶ Mutually Inappropriate
 - ▶ Harmful/Bullying
 - ▶ Harassment
 - ▶ Violent/Illegal

Cordelia Anderson, 2001

PREVELANCE OF SEXUAL MISCONDUCT...

- ▶ Responding to various studies that inquired about the full continuum of problematic sexual behavior (not just rape and sexual assault),
 - ▶ between 20 and 47 %
 - ▶ of male college students
 - ▶ reported engaging in sexual misconduct.

Key Points:

- ▶ Not all behaviors are the same
- ▶ NOT ALL PEOPLE who abuse are the same
 - ▶ Understanding the offender and his/her/their reasons does NOT lessen the degree of harm done

Offender Population Characteristics

- ▶ Have a broad diversity of sexual interests and arousal patterns
- ▶ Engage in a wide range of sexually abusive behaviors
- ▶ Exist within all social identity groups
- ▶ Have various levels of understanding (cognitive and developmental)
- ▶ Live in environments that encourage and/or deter perpetration

No Single Cause... Contributing Factors

- ▶ Negative or adverse conditions in early development
- ▶ Cognitive distortions, which often parallel rape myths and diminish internal feelings of shame
- ▶ Repeated exposure to sexually aggressive pornography and violence
- ▶ Hostility toward women and increased acceptance of physical violence toward women
- ▶ Problems with self-regulation and impulse control
- ▶ Short term relationships and negative attitudes toward women

David Finklehood Model / Theory

- ▶ 4 Conditions must be met before someone will offend:
 - ▶ Motivation to sexually abuse
 - ▶ Overcoming internal inhibitions
 - ▶ Overcoming external inhibitions
 - ▶ Overcoming victim's resistance

Mental Framework: Incidents don't happen in isolation.

They happen in community:

- ▶ Harmed Party
- ▶ Responsible Party
- ▶ Affected Community

Responsible Party Considerations when issuing a sanction

- ▶ Acceptance (or absence) of responsibility
- ▶ Role of shame
- ▶ Voicing the harm
- ▶ Addressing causes

Westminster College Possible Sanctions

▶ Student Sanctions:

- ▶ Written Warning
- ▶ Fine
- ▶ Required psychological evaluation & follow-up counseling
- ▶ Substance abuse evaluation & follow-up education & counseling
- ▶ Loss of campus privileges
- ▶ Loss of employment and/or opportunities for employment
- ▶ Organizational sanctions: deactivation, loss of recognition, loss of some or all privileges for a specified period of time
- ▶ Financial restitution
- ▶ Probation
- ▶ Withholding records or degree
- ▶ Revocation of admission and/or degree
- ▶ Suspension
- ▶ Expulsion

Westminster College Possible Sanctions

▶ Employee Sanctions

- ▶ Verbal or Written Warning
- ▶ Performance Improvement/Management Process
- ▶ Required counseling
- ▶ Required training or education
- ▶ Probation
- ▶ Loss of annual pay increase
- ▶ Loss of oversight or supervisory responsibility
- ▶ Demotion
- ▶ Suspension with pay
- ▶ Suspension without pay
- ▶ Termination

Factors in Determining Sanctions

- ▶ Respondent's prior discipline history.
- ▶ Institutional history of sanctions for similar incidents.
- ▶ The nature of the incident, including violence.
- ▶ The impact of the conduct on the complainant.
- ▶ The impact of the conduct on the college community.
- ▶ Whether the respondent accepted responsibility.
- ▶ Whether the respondent is likely to re-engage in the conduct.
- ▶ The college's responsibility to eliminate TIX sexual harassment, prevent its recurrence, remedy its effects, and maintain an environment free from TIX sexual harassment.