

Being Deliberate

Deciding Sanctions in Cases of Gender-based Misconduct at Institutions of Higher Education



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Who are we?



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Learning Outcomes



- 1 Develop the sanctioning philosophy for your school
- 2 Learn the appropriate factors to consider when assigning sanctioning
- 3 Identify the areas that should not be considered when assigning sanctions
- 4 Understand ways to make the sanctioning process more transparent and equitable



If this resonates, you're not alone

In a 2014 survey led by the University of Michigan,

384 university administrators at various IHEs reported that less than "10% of sanctioning decisions were informed by a written sanctioning guide developed for student sexual misconduct matters"

Menti

Who does your sanctioning
on your campus?

What We Do vs. What We Say We Do

- Blurring lines between finding and sanction
- Emphasis on what we've done in the past
- Focus on what we think the result should be

REFLECTION

If there were NO resource limitations, how would you WANT to sanction harm or policy violations?

Menti: If you could describe your sanctioning process in one word, what would it be?



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Draft: Sanctioning Philosophy

Not every case will result in the same sanction, though each outcome should be the product of the same process.

Developing your process

- Why are we sanctioning?
- What is it designed to accomplish?
- How it intends to do so?

Potential Sanctioning Goals



- Protect Complainant's safety
- Protect campus safety
- Behavior change for Respondent
- Punitive
- Protect Complainant's access to education
- Deter the Respondent
- Deter the community
- Repair the harm to the Complainant
- Repair the harm to the community
- Successful reintegration back into the campus community

Types of Sanctions



- 1 Restrictive (Ex: Housing Ban)
- 2 Exclusionary/Separation (Ex: Suspension, Dismissal)
- 3 Deterrent/Warning (Ex: Reprimand, Probation)
- 4 Educational
- 5 Interventions Outside of the University

Discussion Breakout

Questions to consider:

- 1 What is the goal of the sanctioning process at your institution?
- 2 Do the sanctions meet that goal?



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Discussion

Question to consider:

- What factors do you consider when assigning a sanction?



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Sanctioning Considerations



- Nature of the violation
- Campus safety
- Complainant considerations
- Respondent considerations

Respondent Considerations

- Did the respondent accept any responsibility for their behavior?
- What was the respondent's understanding of their behavior?
- What is necessary to prevent the recurrence of their behavior?
- What areas of growth are available?
- Previous behavior/policy violations

Complainant Considerations

- Safety needs
- Impact of the incident (harm)
- Desired outcome

Tools Needed for Assigning Sanctions



1 Nature of the violation

- With a philosophy that addresses:
 - Why are we sanctioning?
 - What is it designed to accomplish?
 - How it intends to do so?

2 List of possible sanctions (consistent with university policy for Clery purposes), including a description of each

Resources:

Being Deliberate:

A Guide for Deciding Sanctions in Cases of Gender-based Misconduct at Institutions of Higher Education



Institutions of higher education (IHEs) must have a resolution process to address incidents of gender-based misconduct, including sexual assault, stalking, and dating and domestic violence. Within a resolution process, there are typically three general areas of action once a complaint has been filed: gathering information, exploring the information, and evaluating the information. This guide focuses on one aspect of the evaluative portion of the resolution process addressing issues of student misconduct, specifically related to sanctioning.

The guide is not a substitute for training a decision-making body (DMB) on its role and responsibilities. Instead it is intended to serve as a supplement. The DMB should receive

<https://victimrights.org/resource-library/>