Sanction Option for Education
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We have just finished up a particularly difficult case on non-consensual sexual contact (penetration). It was a very close case and as part of the sanctions, my committee is considering dismissal from school for a year and then wanting to add requirements for party to return to school in a year if they choose.

I have two questions:
1. Is an educational sanction appropriate in a sexual assault type case?
2. What kind of educational options would you have as a sanction?

Brett Sokolow: In most cases, an educating sanction is appropriate, but usually not in lieu of other sanctions, just in addition to. All sanctions are educational, by definition. Some are punitive in intent, some are safety-based in effect, and some have the primary goal of educating. The key is not to try to use educating sanctions to achieve the aims of punitive or safety-based sanctions. Also, we need to recognize the limits of what we can do to educate, and not use the sanctioning process as a social experiment. Sanctions need to be effective (remember the IX Commandments slide).

So, if there is a student who clearly has a gap in understanding of what consent is and how it works, we’d want to address educating sanctions about consent as a learning outcome of the sanctioning process. For example, if we have a faculty member in the music department who is watching porn in her office, and then talking about it with students in her class, we are dealing with a person who is invested in some level of anti-social behavior.

Educating on boundaries is much harder than educating someone on consent. Most people know and respect these boundaries already. She’s willing to flout them, despite knowing the behavior is not socially acceptable. These sanctions should motivate more from a punitive place that helps her to feel pain if she transgresses boundaries, rather than trying to teach her to respect boundaries through primarily educating sanctions.

Mandy Hambleton: I believe educational sanctions are always appropriate if the student is going to remain or return as a member of your community. Without context from this case, it is difficult to make a sanction suggestion. I always ask myself the following questions when determining sanctions:

1. What are the core issues in the case? (e.g. lack of respect for boundaries, alcohol, lack of understanding of consent, etc.)
2. What campus or community resources or experiences could provide learning or growth in the core issue area(s)?
3. Is this a first offense or part of a pattern? (I use the term pattern loosely in this context. For example, has this student had multiple harm against persons cases, multiple alcohol-involved cases, etc.)
4. In what ways can the student repair the harm they've caused?
5. How can the student demonstrate that they have learned from this incident?
6. What did the reporting individual express they would like to see in relation to sanctions?