



The practice of transcript notation for students who have caused sexual harm on Virginia's college campuses

We have made significant progress in the past thirty years, but justice for victims of sexual assault is still elusive. Statistics show that of the cases reported to police, few are prosecuted and adjudicated and even fewer result in convictions. A consistent, coordinated, and trauma-informed response to sexual assault along with a pattern of offender accountability can turn this around.

Based on more than 30 years of work with students, campuses, community advocates and national leaders dedicated to building an effective response to sexual assault, the Action Alliance believes to effectively and meaningfully address sexual assault, on and off campus, will require individual and systemic changes in how we think about sexual violence; how we treat victims and hold offenders accountable; and how we approach prevention on and off campus.

While sexual assault should be taken seriously by all communities, including campus communities, the Action Alliance is not in support of barring students from higher education for life as a result of the outcome of a campus disciplinary process. The Action Alliance has reservations about policies that require a notation on the transcript of students who have been suspended or permanently dismissed from the institution for a violation of the institution's code, rules, or set of standards governing the conduct of students. While Virginia has not formally evaluated these policies since their passage during the 2015 General Assembly Session, campus advocates have offered insights into how this practice operates in their campus communities. The Action Alliance spoke with a 1 Title IX coordinator and 3 campus-based advocates in Virginia who shared concerns and considerations regarding the implementation of transcript notation in their campus communities.

Concerns and considerations shared by Virginia-based campus advocates:

- The practice of **transcript notation is often enough to dissuade a student from participating in an investigation** because they “don’t want to ruin the other student’s life”. Sexual violence is a violation of personal autonomy and control over one’s body. Supporting a victim’s decisions is a critical element of a trauma-informed response and

is a key component of creating an environment where victims will be more likely to report.

- This practice creates an additional administrative burden and Title IX coordinators shared concerns regarding the privacy and confidentiality of students involved.
- **There is no research to demonstrate that this practice prevents perpetration or reduces recidivism.**
- When a transcript notation is made, it is more likely that the respondent who has been permanently severed from a university, will attend a community college where Title IX and advocacy offices are more often under resourced. The question of whether we are sending respondents/perpetrators to community colleges was addressed.
- **Without a formal appeal process for transcript notations, this practice creates a liability for campuses** and may encourage respondents and their families to sue the university.
- For those who are voluntarily separated from the University during an investigation, a notation is made on their transcript, regardless of whether there were findings of misconduct or investigative conclusions made.
- The requirement for a transcript **notation has the potential to turn disciplinary proceedings into fully litigated trials.**
- For some campuses, if a student is suspended but completes the required measures in order to return to the university in good standing – i.e. counseling, time away, etc. – the notation will be removed. However, if a student decides to leave after being suspended or during an ongoing investigation, the notation will stay. Campus advocates in Virginia have not reported hearing complaints or concerns about this quasi-restorative process from survivors, however, for those respondents who are permanently severed from the university, this process does not occur.

The Action Alliance, along with campus advocates in the field, believe that meaningfully addressing sexual violence, on and off campus, requires individual and systemic changes in how we think about harm; how we treat victims, support their healing, seek offender accountability, and how we approach prevention on and off campus. **Right now, there is no evidence to support the notion that the practice of transcript notation for those who commit sexual harm/misconduct on campus prevents violence from happening in the first place, reduces recidivism, or centers the needs and healing of those students who have experienced harm.**

Campuses should offer a range of responses that balance serious consideration of student needs, the school's responsibility to provide a safe and healthy learning environment, and the safety of the community at large. Given the broad continuum of acts of sexual violence and the wide range of survivor responses, **campuses should be prepared to offer a range of responses that are swift, proportional, and consistent** as part of their protocol. **However, the most effective form of victim services is an investment in the primary prevention of sexual and intimate partner violence, or a focus on preventing perpetration before it can ever occur.**