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Transformative justice in English universities: exploring the conditions of possibility

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Abstract

The intersection of the viral #MeToo campaign with recent Black Lives Matter protests produced more mainstream discussions of abolitionist approaches to sexual violence, which include transformative justice. In this paper, we explore the implications of these discussions for universities in England, which have had less attention from abolitionists than institutions in the US (see for example Coker, 2016; Boggs et al, 2019; Méndez 2020) and in which there is increasing demand for bureaucratic and punitive regulation (Phipps, 2024). First, we review transformative and restorative justice projects already implemented in universities and discuss their levels of success. Second, our paper asks: what conditions of possibility are necessary for exploring, let alone implementing, transformative justice in English universities? We approach this question from two angles – assessing processes and relationships, and the adversarial procedural frameworks currently employed to tackle sexual violence – and ask how the connections and trust necessary for meaningful accountability (Kaba, 2021) could be built in the university space. We also ask how such work might avoid being co-opted and made non-performative (Ahmed, 2012) in the interests of preserving the status quo. Our analysis is situated in the colonial history of universities and their contemporary financial and political entanglements, and the neoliberalisation of higher education, especially in England and Wales.

Key words: transformative justice, abolition feminism, sexual violence, universities, restorative justice

Introduction

It is uncontroversial to state that the criminal legal system is ill-equipped to address harm. This system relies on closed, hierarchical, adversarial, gendered, classed, and racialised practices that have led, as Munro (2022) puts it, to a confidence deficit it is unable to address (see also Van Wormer, 2009; Keenan and Zinsstag, 2022). Accountability and substantive change are incompatible with criminal punishment, which incentivises the accused to deny responsibility, and stigmatises and re-traumatises survivors (especially those from marginalised groups). Even where those who perpetrate violence plead guilty, this does not necessarily equate to accepting responsibility as it can reflect the choice to accept a reduced sentence rather than proceeding to trial; it is not meaningful accountability (McElrea, 2013). Although some survivors do demand criminal punishment, survivors also consistently demand remedies the criminal legal system cannot provide: as well as

accountability, they want to be heard and believed, and for sexual violence to be prevented through structural and cultural change (Bazelon and Green, 2020: 328; Battle and Powell, 2024: 538). Ultimately, research shows that survivors want cycles of harm to stop; however, high rates of sexual violence, low conviction rates, and recidivism rates demonstrate that this is far from being realised through criminal punishment (McGlynn, Downes, Westmarland, 2017; Herman, 2023). As a result of the perceived barriers in receiving justice through the criminal legal system (Hahn, C. K., Hahn, A. M., Gaster, Quevillon, 2020), many students and staff who experience sexual violence within university settings or from staff or students outside of the university opt not to report to the police, but instead pursue recourse and support via internal university means (Shannon and Bull, 2024).

Nevertheless, criminal legal approaches continue to dominate, and are on the increase in universities. What Cowan and Munro (2021) call the ‘criminal justice drift’ in the UK mimics what Mimi Kim (2020) calls ‘carceral creep’ in the US. Alongside and sometimes working against prevention initiatives such as consent training and bystander intervention, this ‘drift’ takes the form of legalistic disciplinary frameworks that culminate in expulsions of students and dismissals of staff (Phipps, 2024: 64-5). There have also been suggestions for university-handled lists naming staff and students with upheld sexual misconduct findings, similar to sex offender registries (Dey et al, 2025) and similar to initiatives implemented and demanded in the US (Phipps, 2024: 65). In 2024, the Office for Students, the higher education regulator for England¹, published new regulatory requirements for universities to prevent and address harassment and sexual misconduct, which fit within this disciplinary frame.

It is clear that criminal justice drift in universities benefits universities as institutions. It enables the demonstration of regulatory compliance, and the mitigation of liability, without substantive changes to the institutional structures that create and exacerbate harm (Cantalupo 2014; Cowan and Munro, 2021). Policies, inquiries and procedures can fail to produce the effects they name but stand in for them instead in what Ahmed calls ‘non-performativity’ (2021: 90). This is part of the broader project of institutional polishing, a public relations technology in which initiatives generate a marketable image of the university rather than tackling the inequitable reality (Ahmed, 2021: 34, 143). In the neoliberal context in which English universities operate, prioritising the marketability of the institution often comes at the expense of supporting survivors, whose experiences of violence are framed as a liability to the university’s reputation and subsequently income (Phipps, 2020; Shannon, 2021). Carceral approaches are also harmful. Overzealous enactment of complaint procedures can undermine survivor anonymity and force disclosure (Goldscheid and Liebowitz, 2015). Broader harms occur as a result of securitised ‘safeguarding’, which posits the university as a gated community that violence enters from the ‘outside’: this intensifies surveillance and often feeds racialised tropes around sexual threat (Doyle, 2015; Phipps, 2024). Even if dealt with ‘well’, sexual violence tends to be framed as an individual issue and pulled into adversarial relations. In other words, it is treated as private and interpersonal rather than social and public and, as a result, universities often respond to survivors’ reports or disclosures of sexual violence in ways that are traumatic or harmful in and of themselves (Shannon, 2021; Shannon and Bull, 2024; Smith and Freyd, 2013).

Such approaches are consistent with the nature of the university, which is what Audre Lorde (1979) might call the master’s house: universities are key to the capitalist, colonial world-making

¹ Higher education in the four countries of the UK is a devolved policy issue in that each country’s higher education system functions, is funded, and is overseen differently; as a result, while we have cited studies that examine the UK as a whole, our analysis exclusively focuses on England and its particular higher education context.

project (Boggs et al, 2019; Meyerhoff, 2019; Phipps and McDonnell, 2022). Higher education hoards and distributes the high-status credentials that are central to workforce stratification; it inculcates students and staff into marketised and white supremacist ways of knowing and learning. As economic actors, universities are central to flows of dispossession and accumulation: many were built on indigenous and/or enclosed common lands with wealth flowing from transatlantic slavery, and most now have substantial investments in fossil fuels, tobacco companies, and the arms trade (Smart, 2016; Hiltner et al, 2024). UK universities are also deeply embedded in post-9/11 border and counter-terrorism regimes, and are places where student protest is physically, violently repressed (Phipps and McDonnell, 2022: 514-5).

Despite all this, we nevertheless believe it is possible to work towards transformative justice in this setting. This is largely because of the nature of transformative justice itself, which means that the necessary conditions do not have to be created before the work can begin. Indeed, transformative justice practices are part of creating the conditions and building the worlds and university spaces we want to inhabit, ‘a means to connect efforts toward structural change with our everyday cultures and practices’ (Lamble, 2021: 148). Transformative justice does not reside in policy documents, processes and awareness raising campaigns, but in everyday relational interactions and connections. In this paper, we explore the potential for transformative justice practices to escape, evade and challenge carceral logics, non-performativity, and exploitation in English higher education. We set out what transformative justice is, we analyse existing university interventions, and we suggest what it might look like to build transformative justice in English universities.

Defining transformative justice

When used in responding to violence, transformative justice involves addressing and attempting to repair harm, and trying to prevent future harm from occurring by addressing the systems and structures that enable it (Bay Area Transformative Justice Collective (BATJC), 2013; Kuriakose et al, 2017; Mingus, 2019; Russo, 2019). Transformative justice frameworks offer immediate action for those harmed and simultaneously consider how longer-term liberation might be achieved (BATJC, 2013). In contrast to the individual and adversarial criminal legal system, transformative justice is structural and systemic. This is because it is collective: we are all responsible for pushing for change since, as Katz (2006: 149) maintains, ‘it takes a village to rape a woman’.

Transformative justice is not a set practice, but rather an ethos or framework that can be employed when responding to harm. This ethos challenges adherents to understand punishment and revenge as separate from healing and justice (Cheng, 2018). Importantly, the ethos of transformative justice extends to people who have harmed others, who are centred in the process of repairing and undoing harm, instead of being shamed and/or isolated (Creative Interventions, 2012; Russo, 2019; brown, 2020). Transformative justice emerged from the theories and practices of Indigenous communities and Black feminists: since racially marginalised groups have faced extensive violence from the prison-industrial complex (PIC), they have established intra-community means of accountability, healing, and transformation (BATJC, 2013; Gailey, 2015; Imarisha et al, 2017; Mingus, 2019).

The state is therefore decentred in transformative justice frameworks. Instead, there is an emphasis on the need to establish shared values, build relationships and develop skills (such as communication and de-escalation) *within* communities (Mingus, 2019). These community capacities and relations ultimately form the groundwork for undoing systems of oppression and exploitation, both within the community and without (Imarisha et al, 2017; Russo, 2019; Dixon and Piepzna-

Samarasinha, 2020; Méndez, 2020). When collectives take responsibility for harm, they can support individuals to hold themselves accountable, and create the conditions for transformation. It is important to note that many adherents use the terms “transformative justice” and “community accountability” interchangeably (Creative Interventions, 2012; BATJC, 2013).

Transformative justice does not respond to violence by perpetuating further violence, which is how the state responds to violence (BATJC, 2013; Imarisha et al, 2017; Mingus, 2019; Méndez, 2020; Sultan, 2020). This means that a close relationship exists between transformative justice and prison abolition, though this relationship can be understood in varying ways. For instance, Mariame Kaba explains that transformative justice is not ‘the “antidote” to the PIC [prison-industrial complex]’, but is instead focused on building the connections and community necessary to make prisons and policing obsolete (Dixon and Piepzna-Samarasinha, 2020). Mia Mingus situates transformative justice as an abolitionist ideology or framework, while adrienne maree brown considers abolition as just one outcome of transformative justice (Imarisha et al, 2017). However, with regards to sexual violence, scholars and activists alike highlight that although some survivors do see and experience justice and closure in criminal punishment, prisons do not make survivors safer and in fact perpetuate sexual violence (Sultan, 2020).

Transformative justice involves both analysing and attempting to dismantle the systems that facilitate violence: for example, poverty and economic precarity, institutional power relations, and/or inequalities related to categories such as gender, race, class, sexual orientation, and disability. This sets the framework apart from the related non-punitive concept of restorative justice. Restorative justice seeks to repair harm and find accountability at the level of individual relationships, but does not identify and seek to address the conditions that enable harm to occur (Anti-Oppression Resources and Training Alliance [AORTA], n.d.; McMahon et al, 2023). Both restorative and transformative justice, however, stand in contrast to the existing carceral response paradigm employed by English universities when addressing sexual violence.

We define transformative justice in this paper as an abolitionist ethos and framework that seeks to address harm—specifically, sexual violence—in ways that: (a) do not cause more harm; (b) do not rely on punitive state or institutional practices (e.g. university student discipline investigations, university Human Resources investigations); (c) centre the person harmed and what they need in order to heal; (d) involve the person who has enacted harm; and (e) seek to identify, address and transform the conditions that cause sexual violence in universities.

Existing university interventions

Transformative justice projects within universities globally remain relatively scarce. Restorative justice projects appear more frequently, perhaps due to the more specific focus on repairing particular relationships (while transformative justice takes a more ambitious approach to tackling oppressive systems at their root). Not all these restorative justice projects, however, focus on sexual violence. Most initiatives are situated in New Zealand and the United States, with several also appearing in Canada, Australia, and India. In this section, to highlight the potential of alternative justice projects, we discuss a transformative justice project in a US university before introducing a restorative justice project in an English university; we then examine restorative justice projects in universities transnationally.

One of the only university projects that uses the phrase ‘transformative justice’ in its title is the University TJ Project at Michigan State University (MSU). This initiative emerged following the 2018 conviction of USA Gymnastics coach Larry Nassar, who was based at MSU, for sexually

assaulting minors in his care. The project was developed by a collective of leaders, deans, and student/staff groups to explore the possibilities of survivor-centred and trauma-informed responses to sexual violence (Méndez, 2020). A notable feature of the University TJ Project is its commitment to changing harmful behaviour even if this behaviour does not meet the threshold for violating Title IX, the federal framework dictating how US educational institutions must respond to sexual harassment (for further discussion of Title IX see Shannon, 2021).

The University TJ project takes all incidents of sexual violence seriously, and seeks to respond in compassionate ways that do not rely upon the punitive, policy- and liability-driven framework of Title IX. It also reckons with the coloniality of gender (Lugones, 2008) and how this interpellates marginalised and racialised groups as sexual aggressors: this raises questions about the response to racialised and marginalised survivors, and the definition of racialised men and other groups (trans women for example) as sexual threats. The project also examines how power is intersectionally structured beyond sexual violence response processes, for instance in tenure and promotion processes for academic faculty, historical tensions within the institution, and policies that contribute to toxic work environments. Méndez (2020: 98) asserts that, together, these elements aim to ‘build toward the prevention of harm in the future’.

At the time of writing this paper, we are not aware of any equivalent transformative justice initiatives in universities outside the US. In England, we note a pilot restorative justice project aimed at responding to hate incidents on campus, ‘Restore Respect’ led by Kayali and Walters (2021). While hate incidents can differ from sexual violence, and while restorative justice differs from transformative justice, this project is a useful comparator. During the one-year project, a total of 107 staff members across two universities attended training on restorative methods, with an additional 11 staff members also attending an intensive three-day training to become restorative practitioners (Kayali and Walters, 2021). These trained staff became the first point of contact for students opting to pursue restorative means of addressing hate crime, in a voluntary process separate from disciplinary apparatuses (Kayali and Walters, 2021). Restore Respect received positive responses from staff facilitators and student participants; students believed the informality of the process would encourage more students to come forward, while staff thought the programme minimised chances for revictimisation, unlike the quasi-legal student disciplinary approach (Kayali and Walters, 2021).

Universities in New Zealand, the US, and Canada have implemented restorative justice programmes in response to sexual violence. In New Zealand, Victoria University of Wellington has become a restorative university, using such processes in both a reactive way (in response to misconduct or incidents of harm) and in a proactive way (‘to build community, enhance belonging and mutual responsibility, and identify shared community norms’) in community-building and conflict resolution settings (Pointer and Giles-Mitson, 2020: 29). This institution also implemented sustained restorative dialogue in response to sexually harmful behaviour: facilitators used four restorative circle sessions, and student participants opted for a fifth session because they found it productive (Pointer and Giles-Mitson, 2020).

Many student participants felt that the process of restorative dialogue in a circle format was more beneficial even than the content of the circle itself (such as sexual norms on campus and how to shift them, or how to make things right following sexually harmful behaviour) (Pointer and Giles-Mitson, 2020). Male members of the circle also found it impactful to hear survivor accounts, and said that this experience changed their behaviour (Pointer and Giles-Mitson, 2020). Significantly, Pointer and Giles-Mitson (2020) highlight that the university’s commitment to restorative practices

before engaging in this dialogue ensured that there was already institutional will to pursue this particular course of action.

The US has produced a significant amount of literature and small-scale restorative justice interventions in response to sexually harmful behaviour. These interventions include those led by David Karp through the Campus PRISM project (Promoting Restorative Initiatives for Sexual Misconduct on College Campuses) (Karp et al, 2016; Cardoza, 2018; Karp, 2019). In a recent study with 10 US restorative justice practitioners responding to campus sexual misconduct, McMahon and colleagues (2023) found that many practitioners reported significant levels of success. The College of New Jersey has implemented an alternative resolution process that is non-punitive, does not follow a traditional Title IX approach, and draws on restorative principles (Mangan, 2018). Another US university employed a restorative method called a Circle of Support and Accountability to reintegrate a student who had violated a sexual misconduct policy and was suspended from campus as a result (McMahon et al, 2019). Circles of Support and Accountability involve between four and six community members who help someone that has engaged in sexual harm take accountability for their actions, change their behaviour, and reintegrate into their community (usually following a prison sentence); an ‘outer’ circle consisting of professionals further supports the volunteers as they support the person who engaged in sexual harm (McMahon et al, 2019).

Our research found that one of the most far-reaching restorative justice processes for sexually harmful behaviour occurred at Dalhousie University Dentistry School in Canada in 2014. Twelve of 13 male dentistry students who had made sexually harmful comments (including hints at and jokes about committing sexual assault) on a Facebook page agreed to participate in the intervention (Mcmurtrie, 2015). This approach was not without its challenges, as some feminist students saw restorative justice as a “soft” option and protested against it (Del Gobbo, 2022). The restorative justice process itself was also demanding: facilitators interviewed over 60 people to learn about the environment of the dental school, and the 12 men spent 150 hours per person in individual and group meetings over the course of five months, during which time they were suspended from the dentistry clinic and attended their classes at a different campus (Mcmurtrie, 2015). However, by the end of the process, participants had agreed upon a 72-page report detailing what people had learned and what they still wanted to achieve (Mcmurtrie, 2015).

We do not have scope in this article to detail every transformative and restorative justice approach to sexual violence in universities. However, the above examples highlight that these approaches are used transnationally, and with some level of success.

Building transformative justice in English universities

Our paper asks: what conditions of possibility are necessary for exploring, let alone implementing, transformative justice in English universities?² We approach this question from two angles – assessing processes and relationships, and the adversarial procedural frameworks currently employed to tackle sexual violence – and asking how the connections and trust necessary for meaningful accountability (Kaba, 2021) could be built in the university space. We think critically about what resources - of many forms - might be required. We also ask how such work might avoid being co-

² With this is our focus, we are not exploring the detailed practicalities of transformative justice practices, and questions such as whether transformative justice takes a different shape when responding to different types of harms, or how transformative justice might work when other processes (such as disciplinary processes or criminal legal processes) are underway. These issues would be for another paper. Here, we emphasise that transformative justice is an ethos; see further the below section 'Relationships and allies (Or: it's not just about a process)'.

opted and made non-performative (Ahmed, 2012) in the interests of preserving the status quo, especially given the nature of the university as a colonial, capitalist institution.

Transformative justice in practice

What could transformative justice look like in the university context? This approach does not focus on punishment, but on transforming relationships: these transformed relationships are the groundwork for undoing systems of exploitation and oppression (Imarisha et al, 2017; Russo, 2019; Dixon and Piepzna-Samarasinha, 2020; Méndez, 2020). Practitioners often use transformative justice interchangeably with community accountability, denoting projects that are collective and community-based. According to Creative Interventions (2012), community accountability is also action-oriented, holistic, coordinated, centred around those most impacted by violence, supportive of complex pathways to transformation, and facilitated. Importantly, this approach *involves* those who have caused harm instead of isolating or shaming them, or harming them in kind; it also aims to offer immediate support to those who have been harmed, while simultaneously working towards longer-term liberation (Creative Interventions, 2012; BATJC, 2013; Russo, 2019; brown, 2020).

As we stated earlier, transformative justice is not a standard process, practice or set of practices. Rather, it is an ethos or framework to employ when responding to harm. This means that transformative justice and community accountability interventions can take many different forms. These include: learning about transformative justice and community accountability; accountability circles for individuals and communities; conflict mediation; community intervention in violent incidents; and safety planning for survivors and those at risk of harm (BATJC, 2013). Importantly for the institutional or organisational context, transformative justice prioritises the needs of the survivor and the community rather than focusing on compliance and liability, which tends to be the focus of existing projects around sexual violence (Méndez, 2020: 87).

The Creative Interventions toolkit (2012), often seen as the most important resource on transformative justice, states that community accountability might explore options that allow survivors or victims to co-exist with those doing harm. This seems especially important and useful in workplace and educational contexts, in which some level of co-existence may be necessary in order for educational, pedagogical or administrative goals to be achieved. This approach also then situates the person or people doing the harm as potential allies in ending violence, through connection with what is important and meaningful (educational or organisational goals, healthy workplaces and communities) rather than through shame and force.

Creative Interventions sets out three areas of intervention: (1) supporting survivors/victims in the immediate term with their emotional and/or physical health, safety and other needs and wants; (2) accountability for the person or people causing harm (defined as recognising, taking responsibility and ending the harm, whether or not it is intended); and (3) accountability for the community (taking responsibility for how the community or group has enabled the harm to occur). Interventions can also have four phases: (1) getting started (information-gathering); (2) preparation (mapping allies and barriers, setting goals); (3) taking action (following through on a deliberate set of steps); and (4) following up (checking in, reviewing actions). These are processes and activities that many in universities and other organisations will already be familiar with.

In terms of ‘taking action’, Creative Interventions provides many examples of steps that can be taken. These range from offering support to a survivor or victim, to holding a meeting or series of meetings with the person doing harm, to holding a community meeting about harm that has occurred and developing a set of steps to address it. Mariame Kaba has also noted that not every incidence of

harm requires a full process to address it: sometimes an apology email or informal conversation will suffice (cited in Dixon and Piepzna-Samarasinha, 2020). It is not difficult to see that some of this work is already taking place in universities: however, this is usually on an ad-hoc basis and is dependent on the time, energy and thought of a few individuals as opposed to embedded within the institution.

Crucially, although transformative justice/community accountability is a facilitated process, this does not denote a need for training or for external expertise. Although some have cited a need for trained facilitators to carry out TJ work (Koss and Chisholm, 2020; McMahan et al, 2023), Creative Interventions (2012: section 1, 5) notes that the facilitator role can be shared or can rotate and does not need to be taken by someone who is an expert on violence intervention. It merely needs to be someone ‘who can be clear-headed, act within the values and guidelines of the group, and who has some distance from the center of violence to be clear of the chaos and confusion that is often a part of a violent situation’. This also means that community accountability is an iterative and capacity-building process, bringing intervention and prevention skills and knowledge to communities rather than relying on ‘experts’ (and, in the case of higher education, these are often highly-paid consultants). Importantly, processes can also fail (and this means there is some risk involved), but this is all part of the learning process (Dixon and Piepzna-Samarasinha, 2020).

Resourcing transformative justice

In implementing any new practices within universities, resourcing must be a consideration. As with any new project, universities may have to: spend time (e.g., billable hours, workload allocation); acquire or allocate funding to hire additional staff; provide training for new and existing staff; and, develop new infrastructure (e.g., offices, communication pathways and processes, support structures). Several studies around the world have examined how universities have resourced restorative justice programmes, both in response to sexual violence and more broadly to foster community accountability. We might draw similar conclusions about the resource requirements for implementing transformative justice practices in English universities.

A study with early adopters of restorative justice for sexual violence in US universities revealed that many institutions began this work with their existing resources; they did not receive additional funding or staff allocation (McMahan et al., 2023). This study reveals that resources and formal training are not always required when implementing restorative or transformative justice work, and restorative justice work can be successful without significant monetary investment. Instead of additional training, external consultants, or other material resources, what appears to be the most valuable resource for beginning transformative justice work is time: Creative Interventions (2012) challenges the idea that we need to rely upon trained professionals to address harm and instead asserts we are all capable of responding to harm, as long as we have the time and space for careful thought and empathy. Beginning with our existing resources and preserving time for this work may be a way forward for English universities looking to respond to harm in transformative ways (Creative Interventions, 2012).

Other studies show that it is often useful to start small, and gradually scale up. For instance, Victoria University of Wellington in New Zealand, in becoming a Restorative University that uses restorative justice proactively for community building and in response to harm, began implementing restorative justice practices and ethos in student residence halls before cascading these out to the university as a whole (Pointer, 2019). Such an approach—beginning small and gradually scaling up—may be helpful for English universities. What a small scale project offers is the means to develop the

necessary skills and capacities for eventual larger scale implementation. Time is once again the critical resource here as capacity building is not a quick process but, when given, may lead to a higher chance of success for transformative work at a larger scale.

In England specifically, Kayali and Walters (2021) assert that universities need support from within the institution as well as infrastructure in order for restorative justice programmes to succeed. Drawing on data from their pilot study of implementing a restorative justice programme in response to hate incidents at two universities, they argue that substantively implementing restorative justice in English universities would require institutional will, supportive leadership, properly embedded processes, and clear communication infrastructure. This list of necessary conditions for success resonates with our analysis.

Beyond tangible resources, Burke (2021) argues that organisational readiness must be present when universities implement restorative justice practices. Organisational readiness encompasses change commitment (i.e., stakeholders' motivation to enact change) and change efficacy (i.e., institutional capability of implementation) (Weiner, 2009). Without the institutional will and ability to make change, having access to additional financial and material resources will not result in the long-term cultural shifts required for transformative justice to flourish in universities. As part of cultural change, universities must also create the groundwork for students and staff to embrace transformative justice. Such a process takes time and widespread education, but may not guarantee everyone within the university agrees with transformative responses to sexual violence. For instance, how do we respond to people who engaged in harm that refuse to take accountability for their actions? How do we respond to people who have been harmed that want to punish the person(s) who harmed them? These are enduring questions for transformative justice practitioners and supporters, but we maintain that they do not undercut the necessity of pursuing community-based solutions to harm that do not exacerbate harm and that transform the conditions that enabled harm to occur in the first instance.

It is also useful to consider where universities may be wasting resources that might be redeployed to support more transformative work. For instance, in her analysis of Michigan State University's response to the case against Larry Nassar, Méndez (2020) highlights the excessive amount of money the university spent in attempting to limit its liability. This included \$20 million in legal fees, paid in order to determine whether the university or its insurance company should cover the first round of settlements for survivors, and to defend previous administrators who knew of the abuse (Méndez, 2020). Méndez also reminds us that expenditure may be in kind, stating:

Transformative justice asks us to consider the exorbitant amount of resources spent not just in actual monies but also in the thousands of billable hours that have been racked up in pursuit of delimiting liability as opposed to providing resources for survivors and addressing the conditions that enabled the harm in the first place (2020: 94).

It is important to think about how universities in England might potentially repeat the same mistakes. Indeed, and although the culture in England is at present less litigious, England's neoliberal higher education sector does cause universities to prioritise protecting their reputations over supporting survivors of sexual violence. This can take the form of institutional airbrushing or polishing, by which universities effectively erase evidence of sexual violence cases in order to remain marketable and thus protect current and future income (Phipps, 2020). Universities may also protect 'valuable' members (e.g., grant awardees, high-profile and/or prolific members of staff) in order to continue benefiting from the material, financial, and/or prestige benefits said person affords

(Phipps, 2020; Shannon, 2021). Although in England, there are not the same direct financial investments made in legal fees and insurance as in the US, these efforts to safeguard the university are nevertheless financially driven.

England also currently faces unique financial and legislative constraints that could impact resourcing. The Office for Students, the higher education regulator for England, announced that English universities must have a response for harassment and sexual misconduct in place by August 2025 as a condition of registration (Office for Students, 2024). English universities are also facing a significant financial crisis: by the end of this year, nearly three quarters of English universities are projected to face severe deficits as a result of a funding model reliant on international student fees (Jeffreys and Rhodes, 2024; Habib and Hastings, 2025).

In a time of several financial constraint, we are unlikely to see English universities offering additional resources—beyond what is required for conditions of registration—for sexual violence response, transformative or otherwise. Yet as we have discussed, it is not financial or material resources that dictate the success or even the feasibility of transformative responses to violence. If universities are able—and willing—to allocate time for reflection, planning, and care, they have a unique opportunity at this moment to create responses to sexual violence that do not replicate carceral and colonial logics, and instead centre community, justice, healing, and change.

Building community to build accountability

Community accountability does not presume the existence of community. Instead, advocates argue that people need to intentionally cultivate and build their communities. This is not a time-limited process but one that is ongoing; it is not a static process but one that is discursive and iterative (Russo, 2019). One of the key questions in relation to universities is whether such complex and demanding processes of community-building might be possible within the higher education space.

One of the most significant barriers to realising more transformative approaches to sexual violence in higher education has to do with the status, formation, and endurance of engaged communities capable of acting as sites of accountability and restoration. Transformative justice requires that accountability be located within a community that one is responsible to (and for), and which can provide real safety.

Austerity measures, themselves rooted in carceral logics, have for the last four decades led to: (1) higher student fees; (2) cuts to programs, including clubs, organisations, and societies; (3) the rise of commuter universities, which often function as transactional sites of training rather than learning; and, (4) a more transactional relationship between students, faculty and institutions of higher education. The rise of the students-university relationship as one of contract and economic exchange (i.e. training for money) has been written about extensively (see for example Birchmier et al, 2012; Myers 2017; DeRosa 2023; Featherstone 2023). Birchmier et al (2012: 7) argue pointedly that: ‘Austerity politics have disciplined the university, starved its funding, and transformed education from a social good to private goods purchased by student-consumers, whose tuition and fees, in addition to corporate and private capital, have become essential to institutional budgets’.

Neoliberalisation and austerity have also led to students having to work multiple jobs in order to pay fees, support themselves, and sometimes even support their families. This delimits the building of community and subsequently community accountability that might produce shared principles and prevention of sexual violence. Austerity also forestalls forms of solidarity that universities find politically problematic (e.g. support for Palestine) by undercutting and depoliticising student engagement.

Furthermore, we must not take the idea of ‘community’ for granted: processes of community-building do not necessarily guarantee a benign or positive result. Smith (2023) argues that some communities can be toxic, homophobic, and misogynistic, which means that transformative justice initiatives could potentially default to a conservative positionality (i.e. restoring an undesirable past). When thinking about building community, it is also important to account for the changing demographics of the student body, especially in the context of internationalisation at the graduate level (Forbes-Mewett and McCulloch, 2016). Cultural differences and divergent social norms around consent and LGBTQIA+ issues can act as barriers to shared understandings of sexuality and consent, making it difficult to co-create structures of community accountability (Sikka 2021; 2025).

A final issue related to community has to do with how students are positioned—by the university, lawmakers, and the press—in ways that infantilise them and undermine their status as knowers (McNabb, 2014). Facilitating spaces for exploration, academic freedom, and autonomy is a central responsibility of the university. However, persistent infantilisation undermines the epistemic and hermeneutic capacities of students, making it difficult for them to form communities that are accountable and capable of holding members to account (Fricker, 2007). As Cefai points out, failure to extend this capacity to students not only undermines the possibility of community formation, but also works to bolster neoliberal, state-centric, and carceral forms of justice (Cefai, 2023).

In thinking about building community in universities, we should also remember that the university is not a coherent entity but an assemblage of different elements: it can be a site of struggle between different modes of study and world-making (Meyerhoff, 2019); a house underneath which the rebellion is being fermented; and a site at which education can be used for social change. Ferguson (2012: 8-18, 231) argues that as a laboratory for the production of truth the university is both an agent of imperial power, and an agent of disruption and opposition, especially in the inter-disciplines. This is an appeal to what Harney and Moten (2004: 104) call the undercommons:

maroon³ communities of composition teachers, mentorless graduate students, adjunct Marxist historians, out or queer management professors, state college ethnic studies departments, closed-down film programs, visa-expired Yemeni student newspaper editors, historically black college sociologists, and feminist engineers.

For Harney and Moten (2004: 101, 105), this community is ‘always at war, always in hiding’, and must ‘sneak into the university and steal what [it] can.’ The undercommons may be shrinking in the context of increased workloads, surveillance and monitoring regimes for academics (Gill, 2010), and growing instrumentality amongst students (Danvers, 2018). However, its continued power is attested by the fact that inter-disciplines such as gender and critical race studies – and individuals within them - are the focus of the right-wing culture wars proliferating across the world (Chatterjee and Maira, 2014).

Smith draws on Mariame Kaba (2021), Laura Harjo (2019), and Ruth Wilson Gilmore (2022) to put forward an approach to transformative justice that would jump between scales (local and the global), build on futurities, imaginaries, and collective power, and, in doing so, construct ‘social systems in which there is transparency, horizontality and collectivity [such that], it becomes increasingly difficult to abuse’ (Smith, 2023: 14). It is these kinds of formations that higher education is uniquely situated to create – ones that are care-centred and sensitive to student needs due to the community engagement associated with student life. Thick organisations and relations of this kind requires building community solidarity which demands investments of time, space, and material support. For English university students, opportunities for engagement and community

³ Here maroon is meant to refer to the historical creation of communities by people who had escaped enslavement.

investment have been undercut by the fracturing of university spaces, resources, and infrastructures through neoliberal austerity.

For this to be addressed, what is needed is the intentional and long-term cultivation of a shared sexual ethic based on intersectional and feminist norms – ones that refrain from homogenising and othering international students (or operating on a deficit model) while also attending to their needs on a granular level (Hutcheson, 2020). Cultivating sites of co-creation, community development, culturally sensitive support mechanisms, and forms of belonging that are ‘constructed by students’ mutual practise, participation, identifications, and memberships...to influence students’ feelings of acceptance, security, and sense of stake in their communities’ offer ways forward (Ghosh, 2021: 103). We reiterate that universities are uniquely situated to engage in this work: the university remains a place of fruitful experimentation for transformative justice not just because of the nature of transformative justice itself—which, as mentioned earlier, does not require pre-existing necessary conditions before we can begin doing the work—but also because students and staff are already working together on innovation broadly, organising for political reasons between and amongst each other, and in some cases questioning the status quo, to which carceral and colonial logics belong. Though this stance may appear in tension with our analysis as we have detailed the numerous harms that English universities engage in, these critiques are in fact a necessary first step, as transformative justice requires us to understand “the conditions that enable harmful behavior to continue” (Méndez, 2020: 91) in order to ultimately transform and eradicate them.

Relationships and allies (Or: it’s not just about a process)

We have emphasised that transformative justice is an ethos and a commitment to transforming relationships and the conditions for harm. It cannot be reduced to a process. However, much of the UK-based literature on sexual violence on campus is about creating and implementing the right processes for prevention and response, such as behavioural codes of conduct, reporting mechanisms, and response procedures (Cowan and Munro, 2021: 310). Not only do these processes tend to be punitive, but issues which have not been foreseen are invisibilised and exacerbated, such as racism *within* said processes (McMahon, et al: 2019). Transformative justice, then, needs to be connected to wider issues in higher education in England. This will help to build allyship and cross-struggle resistance to address the conditions which perpetuate sexual violence as well as other harms.⁴

We cannot go into the many different issues in HE and inter-connected challenges here. However, we provide three examples below to underscore our point. First, more work needs to be done to jointly mobilise against sexual violence and precarious and exploitative labour relations in higher education. The ways that sexual violence in higher education is enabled and concealed by hierarchical and increasingly precarious labour relations is well recognised (UCU 2021; Viaene, Laranjeiro and Tom 2023; Godden-Rasul and Serisier, 2024; Phipps, 2024). It is also the case that initiatives to tackle sexual violence can exacerbate precarity and reliance on the institution: there is a circuit at work here (Phipps, 2024).

In England, at the time of writing, many universities are going through rounds of severance and redundancies to address a financial crisis resulting from the marketisation of higher education and an unsustainable funding model reliant on international student fees (Brackley, Leaver and Yates, 2024). The impact of redundancies and the foreseeably higher workloads to follow for those who remain employed, as well as increasingly precarious employment, will disproportionately affect

⁴ On building connections between social struggles, especially transnationally, see Davis, 2016.

those who are already marginalised, such as by gender, race, class, or ability (Blell, Liu and Verma, 2023: 357-8). This has significant potential to exacerbate the incidence of sexual violence.

Hierarchies in institutions may intensify, especially those which protect scholars considered to have financial 'value' (Phipps, 2020); there may also be increased fear of repercussions of using complaints processes due to job insecurity in individual institutions and in the sector. Understood in this context, universities' sexual violence policies are exposed as 'institutional polishing' (Ahmed (2012: 34, 143), which presents them as if they address gender, racial and other inequalities while participating in exploitative working practices.

As well as enabling sexual violence, such conditions might limit prevention and response. There may be less time, energy and resources for community building and supporting survivors. This will leave survivors dependent on institutional processes that are punitive and can be harmful in other ways, especially to marginalised groups (Phipps, 2024). However, at the same time, recognising the connections between working conditions and sexual violence means there is a greater number of people invested in making change. There are many potential allies who do not focus on sexual violence as such but are active in resisting increasing employment security and challenging the system of marketized higher education. In the context of England and Wales, the recognised connections between employment conditions in the sector and sexual violence (UCU, 2021) need to be reiterated and emphasised to build solidarity and organise resistance for transformative change. While – as we note earlier – austerity can forestall forms of solidarity, it could also act as a catalyst for bringing together what can sometimes be seen as separate struggles.

Secondly, and relatedly, there is a need to connect work addressing sexual violence on campus with other campus-based protests and political actions, particularly those which rally against the university's colonial and capitalist underpinnings. The most recent examples of this in Britain are the student protests demanding that universities divest from and break ties with organisations complicit in Israel's genocide against Palestinians in Gaza.⁵ Turner (2022: 9) sees these protests as part of the wider material struggles against coloniality, reckoning with universities' role in reproducing colonial systems of power and racial capitalism. Indeed, universities are deeply embedded in state capitalist exploitation and violence, including post-9/11 border and counter-terrorism regimes through which academics become police via technologies such as attendance registers and risk assessments (Dear, 2018). These conditions are also critical to the hierarchical gender and other relations which are a cause and consequence of sexual violence, and which frame dominant – largely carceral – responses to sexual violence on campus (Méndez, 2020: 85-6). Working to expose and resist these conditions, then, is inherently connected to transformative justice for sexual violence in universities.

Universities have not allowed challenges to their roles in systems of domination to go without consequence. There is a long history of universities using disciplinary mechanisms, campus security and local police to prevent and disperse student protests with force and violence (Chatterjee and Maira, 2014: 2-3, Barker-Singh and Santa Cruz, 2025). Our third point, then, is about connecting with challenges to university supported violence and punitive processes, including but not limited to the context of student protest.

Using mixed methods which included a national survey of UK-based students, Joseph-Salisbury et al (2023) highlight the harms of the increasing securitisation of UK university campuses and its connection to institutional racism. Significantly, they point to the gender-based violence

⁵ A map of the student encampments in the UK and worldwide can be found at: <https://www.palestineiseverywhere.com/>

inflicted by campus security, inadequate responses by campus security and police to gender-based violence, and that only a minority of students (29.3% of women, and 22.6% of trans, non-binary or 'other' gender identifying students) felt that campus security keeps students safe (Joseph-Salisbury et al, 2023: ch. 4). This report has provided vital knowledge and evidence of students' experiences of campus security and policing, and reflects long-standing student and staff activism and resistance. Among the well-known campaigns against police on university campuses, and laws and policies which demand university staff police students and colleagues, are 'Cops off Campus' (Ismail and Fairbairn, 2013) and 'students not suspects',⁶ along with 'educators not informants' which challenges the 'prevent duty' under section 26, Counter Terrorism and Security Act 2015 (UCU, 2015).

In other words, it is not enough to performatively highlight and challenge the carceral logics which characterise higher education responses to sexual violence (Cowan and Munro, 2021). The carceral logics, securitisation and policing on university campuses must be resisted more broadly as part of feminist abolitionist work to transform relationships. Doing so is to create the conditions of possibility for properly preventing and addressing sexual violence. Transformative justice, as we have been emphasising, is not about pinning down the right process to respond to sexual violence. It is an ethos, an everyday practice, and commitment to building connections across intersecting struggles for freedom.

Conclusion

In closing, we want to reiterate that transformative justice work already exists in universities around the world. Though many more universities employ restorative justice as opposed to transformative justice, there are some interventions that English institutions can draw on should they choose to pursue non-punitive, non-carceral, community accountability responses to sexual violence. In England, we can look to the 'Restore Respect' project carried out by Kayali and Walters in which they piloted restorative justice methods to respond to hate incidents on campuses. Staff facilitators and student participants alike responded positively to the intervention, with students focusing on the benefits of the process's informality and staff focusing on the process's potential to minimise revictimisation (Kayali and Walters, 2021).

Beyond England, we can look to the University TJ Project at Michigan State University in the United States. This project is explicitly transformative in its approach to responding to sexual violence: it draws links to the broader conditions that enable and perpetuate sexual violence within university contexts, such as settler-colonialism, the colonality of gender, and external demands for increasing the punitive power of the state when responding to sexual violence (Méndez, 2020). Restorative justice projects, on the other hand, do not address these conditions that enable harm in the first place; their focus is on repairing relationships and fostering accountability at the level of individuals, not structures. Due to its ability to locate and undo the structures that lead to harm, as well as provide immediate justice for those harmed, we have explored the conditions of possibility for transformative justice specifically within English universities to address sexual violence.

As we have already argued, we are unlikely to see English universities offering additional financial resources for sexual violence response, beyond what is required for compliance. However, it is not necessarily financial resources that are the most crucial here. Time is required to build the

⁶ See the national campaign organised by the National Union of Students (NUS), the NUS Black Students' Campaign, Federation of Student Islamic Students (FOSIS), the University and College Union (UCU) and Defend the Right to Protest (DtRtP) <https://studentsnotsuspectsdotcom.wordpress.com/about-2/>

capacity to respond to sexual violence in a more transformative way; the commitment to do this work is also required from both staff and university managers. Transformative justice, as we envision it, would not require a substantial commitment of resources or specialised training but time and energy which, while in short supply, is possible to nurture and support if the will is there – which we believe it is.

Nevertheless, we do need to build community, relationships and allies of different kinds. In the current moment, students especially are increasingly mobilised to engage in political action and push for institutional change. Examples include the encampments in support of Gaza, student backing of strike action, and continuing calls to interrogate and challenge the pedagogical status quo (e.g. around decolonisation, trans rights, and anti-racism). With this in mind, we maintain that this current conjuncture is equipped to support moves towards abolitionist practices aimed at challenging the roots of GBV in higher education. We also believe that developing staff-student solidarity, both within the classroom and without, is crucial to this work. *We* are the university, and we can achieve transformative justice together.

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