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*A Social Justice Approach  
to Bystander Intervention*

## Rethinking Violence Prevention Programming

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### Introduction

Bystander intervention, a commonly used prevention and intervention strategy for interpersonal violence, teaches individuals how to recognize and intervene in potentially harmful situations. Bystander approaches frame violence as a community issue, in which everyone has a role to play in creating safe and welcoming environments. Individuals can intervene before, during, or after a situation involving harm or violence (McMahon & Banyard, 2012). This approach has proliferated in institutions of higher education (IHE) across the country and is currently mandated by the federal Campus Sexual Violence Elimination (Campus SaVE) Act. There is a growing body of evidence demonstrating the positive impact of bystander programs (see Kettrey & Marx, 2019) including a reduction in victimization and perpetration (Coker et al., 2016).

However, bystander intervention programs have been critiqued for having a limited focus on interpersonal violence without attending to other forms of harm and oppression,

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## Reforming the Role of the Convening Authority in the Military Justice System

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### Introduction

According to the 2014 RAND Military Workplace Study, approximately 1% of men and 5% of women in active-duty military service had experienced sexual assault within the previous year, representing approximately 20,300 incidents of assault.<sup>1</sup> Approximately 90% of those assaults either took place within a military setting or were perpetrated by a fellow service member, meaning over 18,000 cases should have fallen under the jurisdiction of the Uniform Code of Military Justice (UCMJ).<sup>2</sup> In line with the underreporting of sexual assault among the civilian population, sexual assault in the military is very underreported. In fiscal year 2020, 6,290 reports of sexual assault were recorded by the Department of Defense (DoD), 5,640 of which were unrestricted<sup>3</sup> and investigated. The UCMJ only has jurisdiction over service members, so of those, only 3,358 cases were processed through the military justice system, representing approximately 18% of the total estimated number of service members who experience sexual assault annually.<sup>4</sup>

The differences in legal procedure in the military justice system may potentially create barriers to reporting for victims of assault when the alleged perpetrator is a service member. Command influence over the entirety of the legal process is a hallmark

of the UCMJ, with the commander of the accused being tasked with several judicial and prosecutorial roles under their power as the convening authority.<sup>5</sup> The relegation of this role to the command of the accused has been criticized for years.<sup>6</sup> The most recent calls for reform have gained significant traction in the push for legislative action, especially following high profile cases such as the sexual harassment and murder of Army Specialist Vanessa Guillén in 2020.<sup>7</sup>

A lack of understanding of the differences between the civilian and military systems, as well as concerns over the curtailment of commands' tools to maintain good order and discipline, have been barriers toward reform.<sup>8</sup> This article is intended to establish a foundation of information regarding the differences between the military justice system and the civilian system that contextualize the recent calls for reform and the controversies surrounding those efforts, focusing primarily on the role of the convening authority within the legal process, a focal point in the discussions for reform. Analyses of official DoD data are included to illustrate how bias may manifest, namely in the form of inter-branch differences in case outcomes. It concludes with a discussion of proposed legislative reforms and their potential impact on the military

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such as racism, homophobia, genderism, and ableism (Palacios & Aguilar, 2017). In addition, students with minoritized identities may experience unique barriers to intervening as bystanders. For example, systemic and structural racism may prevent students of color from reporting their victimization or accessing campus services. For students with minoritized gender, racial, ethnic, sexual, and other identities, interpersonal violence may be compounded by systems and structures of oppression that normalize and legitimize the interpersonal, communal, and political systems that privilege majority groups (*i.e.*, those who are white, cisgender, male, able-bodied, heterosexual, and wealthy) (Pease et al., 2020). Students may be impacted by historical and contemporary

There were several key findings from the study. First, participants identified many experiences of harm in addition to interpersonal violence that require intervention (such as various forms of racism, homophobia, transphobia, and microaggressions) yet they noted that these are often not addressed in prevention programs. Second, participants emphasized that the steps recommended in traditional models of bystander intervention — such as identifying situations as harmful, taking responsibility, and engaging in prosocial action — may not be feasible, depending upon a person’s community and position of power in society (Bang et al., 2016), yet this is not often addressed in student programs. Third, students indicated that for bystander intervention to be successful, students must feel supported in their environment; therefore, they suggested changes at the

### **Bystander Intervention: A Social Justice Approach**

Oppression can be considered one root cause of violence. As such, we must work from an anti-oppression and social justice framework to prevent and respond to it. By using a social justice approach, bystander intervention can move away from “one-size-fits-all” programming and acknowledge how different barriers and facilitators to intervening exist based on bystanders’ privileged and marginalized identities, as well as their unique experiences of trauma and oppression. Students with minoritized identities are not well-represented in bystander intervention literature and are often not explicitly included in campus discussions around interpersonal violence (Harris & Linder, 2017). However, it is necessary to account for the role of power and privilege in instances of violence, harm, and oppression, as these dynamics influence whether minoritized individuals feel safe intervening and whether those with more dominant identities would recognize and be willing to interrupt harm on their behalf.

Interpersonal violence, whether witnessed or directly experienced, impact people differently based on their social identities and unique experiences of trauma, violence, and oppression. Researchers found that the prevalence of sexual assault on campus was significantly higher for sexual and gender minority (SGM) individuals than heterosexual students (*e.g.*, Krebs et al., 2016), especially bisexual women (Seabrook et al., 2018). Some studies have even suggested that campus climate data may be underestimating the sexual victimization of the general student body, especially that of SGM individuals and students of minoritized ethnic and racial groups (de Heer & Jones, 2017). In addition to experiencing higher rates of victimization, belonging to a minoritized social group is also associated with reduced likelihood of reporting violence and/or seeking services (Sabina & Ho, 2014). Individuals with intersecting minoritized identities face compounded stigma, discrimination, and microaggressions and thus experience higher levels of minority stress and even higher risk of victimization (Meyer, 2003; Lorenzetti et al., 2017). Social identities and their influence on victimization must therefore be embedded into bystander intervention training for it to feel relevant to all students.

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### ***Systemic and structural racism may prevent students of color from reporting their victimization or accessing campus services.***

racial trauma, microaggressions on campus and in the larger community, and having their experiences dismissed because they did not fit into societal expectations of what a “legitimate” victim of interpersonal violence looks like. Without centering groups of students who suffer the most because of systemic and structural oppression, bystander research and intervention efforts will fail to identify effective solutions to end campus interpersonal violence (Klein et al., 2021).

To better understand student perspectives on bystander intervention, researchers at the Center for Research on Ending Violence at the Rutgers School of Social Work conducted a study in 2018-2019 that collected ideas from students minoritized by racism, genderism, and/or homophobia through the use of concept mapping, a mixed-methods, multi-stage research process in which individuals contribute to all three stages (brainstorming sessions, sorting and rating of brainstormed statements, and visual mapping and interpretation of the results) (O’Campo et al., 2017; Trochim, 1989). The sample included a total of 101 students with a least one identity marginalized by racism, genderism, transphobia, and/or heterosexism.

classroom, campus, and institutional levels to better demonstrate the university’s commitment to protecting the rights of students with minoritized identities. Thus, there is a need for bystander programs to expand how they incorporate issues of identity, power, and the larger climate (for more information on the study, see McMahon et al., 2020).

The findings from this study indicate a need for bystander intervention efforts to widen their focus beyond interpersonal violence to address other forms of harm, such as microaggressions, that exacerbate and compound harmful experiences faced by minoritized students. This requires employing an intersectional social justice lens to bystander intervention programming. At this time, most bystander intervention programs do not explore or incorporate a power-conscious framework, which makes it less likely that students from minoritized groups will have a positive response to them (Bang & Wuthrich, 2016; Linder, 2018). Using a social justice approach is an important way to create and modify bystander intervention education programs. Below, we review the literature on social justice approaches to bystander intervention and provide a series of recommendations for current campus programs.

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Social positioning and individual experiences impact how students respond to potentially harmful incidents on behalf of their peers, including risks and barriers to intervening. Although bystander intervention training has been widely implemented in colleges and universities, the consequences of intervening have only recently been explored in the research (Krauss et al., 2021; Hoxmeier & McMahon, 2021; Moschella & Banyard, 2020). Negative consequences of intervention can include verbal threats or harassment, physical harm, or facing disciplinary action (e.g., if a bystander was under the influence of illicit substances at the time of intervention), among others (Krauss et al., 2021). Intervention can also result in negative reactions from the identified offender, victim, and other bystanders (Moschella & Banyard, 2020). Bystanders who witness and intervene during harmful situations have the potential to experience vicarious traumatization, which will likely differ based on bystanders' own trauma histories, their relationships to the potential victims and offenders in a given situation, and overall responses to the intervention (Witte et al., 2017). The nature of responses by victims, other bystanders, and those who committed harm also influence bystanders' likelihood to intervene in future risky situations (Moschella & Banyard, 2018). The impacts of intervention also differ based on parties' social identities.

According to the findings of Dickter et al. (2012), individuals targeted with prejudice tend to be perceived negatively by those they confront, while nontargets confronting racist or heterosexist comments are viewed more positively than those who do not take any action. In fact, countering microaggressions, prejudicial comments, or hate speech can lead to a reduction in the prejudice level of the aggressor and make them less likely to express prejudice in the future (Dickter et al., 2012). Czopp & Monteith (2003) found that interventions by minoritized individuals were more likely to be interpreted as an "overreaction" and were less likely to induce guilt and self-criticism in the aggressor than confrontations by nontarget group members. Sue et al. (2007) demonstrates the "catch-22" situation minoritized individuals can experience when intervening in response to microaggressions directed at oneself or one's racial group. Negative consequences such as accusations of "being racially oversensitive or paranoid or told that their emotional outburst confirms stereotypes about minorities" are common

(p. 279). Furthermore, Levine et al. (2002) suggest that intervention by an ingroup member has greater influence than intervention by an outgroup member. Thus, not only do individuals with socially privileged identities face less risk when intervening, their actions may have broader impact on changing social norms and behaviors of oppressive groups. With minoritized populations at greater risk for victimization, bystander intervention programming must center their experiences as victims/survivors and teach students with socially privileged identities to intervene on their behalf. Nelson et al. (2011) advocate for "bystander anti-racism" that would shift the burden of countering racism from targeted individuals onto nontarget allies. For instance, Dessel et al. (2017) emphasize the importance of "pro-LGBT bystander intervention" and ally programming for creating safe and inclusive campuses for

bystander intervention trainings based on the most recent research and best practices.

### **1. Assess Current Bystander Intervention Initiatives and Readiness to Change**

The first step is to assess the strengths and weaknesses of current programs. It is essential to acknowledge and recognize the ways in which current programs may either address or perpetuate invisibility and further marginalize students. It is important to determine how rooted they are in social justice foundations. In addition, how willing are those responsible for the program to expand and modify the curriculum? Changes made to initiatives will require time, effort, and a collaborative approach as well as intentional input from minoritized groups of survivors based on their lived experiences. Before evaluating current initiatives, it may be important for

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## ***Social identities and their influence on victimization must be embedded into bystander intervention training for it to feel relevant to all students.***

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Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer and/or Questioning, Intersex, Asexual (2SLGBTQIA+) individuals.

However, outgroup bias can still influence the likelihood for bystanders to intervene. Katz and colleagues (2017) found that white women were less likely to intervene when a woman at-risk for sexual assault was perceived to be Black rather than white; suggesting implicit bias against outgroup members (Katz et al., 2017). The impact of outgroup bias on intent to intervene in a risky situation should therefore be incorporated into standard bystander intervention trainings. Additionally, research on interpersonal violence prevention should not only focus on cisgender women or a single ethnic minority group; it must rely on intersectional social justice strategies that capture how oppression is shaped by race, gender, sexuality, ability, class, and other social identities simultaneously (McCauley et al., 2019).

### **A Social Justice Approach to Bystander Intervention Programming: Recommendations for Culturally Competent Practice**

Below are specific recommendations for incorporating a social justice lens into

team members to develop a stronger understanding of intersectionality theory and social justice approaches (for suggestions see Harris & Linder, 2017; Pope et al., 2014; Waller et al., 2021). Only then will it be possible to utilize intervention initiatives that are relevant and relevant to more students.

### **2. Account for Positionality**

Harris & Linder (2017) draw attention to the danger of an identity-neutral approach to violence prevention that defaults to the universal narrative: "white, straight, cisgender women are raped by straight, cisgender men" (p. 9) while excluding the stories of minoritized individuals who have experienced violence. Research conducted by McMahon et al. (2020) demonstrates that identity, or where an individual is positioned within larger social systems, is central to the experiences of minoritized students on campus and must be accounted for in violence prevention efforts. Participants identified the need for "programming rooted in identity and social justice" to prevent various forms of violence, harm, and oppression across campuses (McMahon et al., 2020). The design and delivery of bystander intervention programs would benefit from input from a col-

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laborative group of practitioners and students on campus. Oftentimes interpersonal violence programs are created in “silos” by individual offices or departments. Inviting perspectives from staff who work in DEI offices, cultural centers, and student groups can help incorporate a wide range of examples and perspectives into bystander programs. Developing an advisory board or collaborative team to help review bystander intervention efforts is another option to consider. This strategy centers prevention programming around minoritized student identities and the dismantling of systems of oppression.

Participants in the McMahon et al. (2020) study also discussed the need to

forms of violence, harm, and oppression beyond sexual violence” (p. 802). Participants identified incidents of racism, heterosexism, and transphobia on campus, subtle yet pervasive harms occurring in classroom settings, and microaggressions that were enacted by both faculty and peers suggesting that interpersonal violence victimization and its aftermath (impact and reporting) are experienced differently based on how students are positioned in multiple systems of oppression (McCauley et al., 2019). Students need to see themselves explicitly reflected in curricula (Garvey & Rankin, 2015) such as programs that are informed by the experiences and needs of 2SLGBTQIA+ student survivors on campus. As mentioned earlier, this can be

content warnings, making counseling staff available to students during and after bystander trainings, and using survivors’ voices to inform the content of trainings, especially the voices of survivors of color and SGM survivors (Karunaratne & Harris, 2022; Worthen & Wallace, 2021).

Trauma-informed facilitators should work to neither ignore nor dwell on students’ trauma, but they should “validate and normalize students’ experiences, help students understand how the past influences the present, and empower them to manage their present lives more effectively” (Davidson, 2017, p. 16). It is not enough to implement trauma-informed prevention programs. Campus educators, resource providers, or any individual who works in a student-facing role should be trained in trauma-informed practice. Trauma-informed violence prevention programming can deliver important and required information with an added emphasis on addressing not only the physical and mental health impact of trauma, but on creating long-term trusting relationships, practicing shared decision-making with students, facilitating informed choices, and ensuring consent in the process (Brooks et al., 2018). If the goal is to create campus communities that are intolerant of violence and harm, the entire campus community must be trained in trauma-informed prevention and response.

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***Anyone who works in a student-facing role should be trained in trauma-informed practice.***

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cultivate “institutional respect for identity” through educating faculty and staff on race, gender identity, and sexuality to facilitate a cultural shift throughout the institution. Bystander intervention training should therefore include discussions about how identities impact students’ experiences of violence and the risks and potential consequences of intervention. We have all been socialized to have biases and conceptions of communities, identities, and experiences (for example, what the experience of survivors may look like). Therefore, it is important that dominant-identity trainees develop consciousness of their white racial identity and consider how their actions may negatively impact people of color (Sue et al., 2007) especially when working with Black, Brown, and Indigenous students. In further considering white allyship, Sue (2017) explains that becoming a white ally to people of color requires an individual to raise awareness of racism, overcome biased social conditioning, understand oneself as having a white racial identity and racial privilege, become nonracist, and commit to antiracist actions.

### **3. Address Various Forms of Violence, Harm, and Oppression**

In focus groups conducted by McMahon et al. (2020), minoritized students called for “expanding the way violence is defined and discussed on campus in educational programs and other forums to include other

accomplished by gathering input from a collaborative group of practitioners and students on campus. For those campuses using an evidence-based curriculum, it may be possible to adjust the standardized program or add new modules. There may be ways to co-create bystander campaigns and education programs among multiple groups on campus, or to develop a series of modules that focus on intervening in various types of harm and oppression.

### **4. Implement Trauma-Informed Bystander Intervention Programming**

Students participating in bystander intervention programs have a range of experiences that they bring with them. For example, sexual assault education programming may be perceived differently by survivors of interpersonal violence, those who personally know survivors, and those who have no personal experience with interpersonal violence (Worthen & Wallace, 2021). These differences in responses include trauma reactions (e.g., flashbacks, intrusive memories, intense emotional reactions) and conversely, feelings of validation and empowerment (Worthen and Wallace, 2021). This emphasizes the need for a trauma-informed approach to program delivery. It is important to ensure that those delivering the programs do so in a trauma-informed way that seeks to appropriately respond to student survivors, such as using

### **5. Train Dominant-Identity Students, Faculty, and Staff**

Student participants in the study conducted by McMahon et al. (2020) identified the need for the entire campus community to receive ongoing training on race, gender identity, and sexuality and for prevention education to be contextualized around systems and histories of oppression. Students, faculty, and staff all witness various forms of harm and oppression and would all benefit from expanded models for bystander intervention training. As part of this work, in addition to hiring trauma-informed staff and faculty of color, it is also essential to encourage and train those with dominant identities to serve as allies. Ally faculty and staff must also have the knowledge and skills to create social and systemic change when working directly with oppressed groups (in this case, survivors and victims that hold various social identities). Being an ally is an anti-racist strategy that, if conducted intentionally and correctly, will improve the levels of advocacy for survivors

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who are also experiencing other forms of oppression such as racism (Ford et al., 2021).

In reference to the intersection of racism and campus interpersonal violence, Linder (2018) inquires, “What if educators and activists spent time, energy, and resources engaged and intervening with white students who perpetuate racism, rather than only focusing on how to support students experiencing racism?” (p. 20). Dominant-identity trainees must develop consciousness of their white racial identity and consider how their actions may negatively impact people of color (Sue et al., 2007). Sue (2017) suggests that trainings ought to deepen self-awareness and provide skills and strategies to enact antiracist interventions and institutional and social change.

Thurber et al. (2019) demonstrate how faculty can engage in social justice and antiracist pedagogy by modeling self-reflexivity, honestly sharing their own privileged and oppressed social identities, using varied teaching methods, and encouraging students to recognize their emotional and bodily reactions to discussions about social and racial justice rather than only engaging in cognitive learning. At the institutional level, policies and practices should effectively hold campus community members accountable when they commit acts of discrimination and provide redress to those affected (Metivier, 2020). Universities can openly acknowledge past complicity with and perpetuation of racism and other forms of discrimination and demonstrate commitment to ending discrimination through strategic planning initiatives (Metivier, 2020).

Regarding heterosexism and genderism, Wernick and colleagues (2013) describe a dual process of developing knowledge of sexual and gender minority oppression and cisgender/heterosexual privilege. Dessel et al. (2017) suggest developing educational programs that foster affirming attitudes toward 2SLGBTQIA+ individuals and communities, as they have been shown to increase prosocial intentions to intervene. Garvey & Rankin (2015) suggest that approaching education with a social justice lens aimed at raising awareness and reducing harassment “may educate students on issues of power, privilege, and diverse others, which may have potential in mediating the chilly classroom climate for gender non-conforming students” (p. 199). Siegel (2019) suggests that cisgender allies educate themselves on transgender issues and avoid assuming identities or pronouns.

## 6. Increase Institutional Efforts Toward Diversity, Equity, and Inclusion

Advocating for social justice bystander interventions on a programmatic level without identifying, acknowledging, and addressing issues at the institutional level will not help create safer, inclusive, and equitable spaces and services for survivors on campus. In order to increase students’ trust in institutions and sense of community, universities must demonstrate not only their understanding of historical and current systems of oppression, but also commitment to eliminating oppression on campus. Producing inclusive policies, procedures, and programs requires that we “look to the bottom, address all campus communities, and critique interlocking systems of oppression” (Harris, 2017, p. 55). For example, many bystander intervention programs include a component that encourages students to involve trained responders or police officers when they witness a harmful event. This does not consider the history of systemic homophobia, transphobia, and racism within the criminal legal system of which many college students are intimately aware (Bang et al., 2016). Including such components in intervention programming can further exacerbate a feeling of institutional distrust among minoritized students.

Those who work on designing, delivering, and evaluating bystander intervention programs must simultaneously advocate for and work toward larger institutional change. Research demonstrates that students who feel distrust toward their institutions, specifically university administration and campus police, are less likely to intervene as bystanders (Rizzo et al., 2020). Inclusive campus environments work to enhance engagement with and empowerment of minoritized students in real, sustainable ways. Creating inclusive campus environments may also influence interpersonal violence on campus. According to Coulter and Rankin (2020), students at inclusive campuses may be more likely to intervene in harmful or violent situations on campus and may even engage in more self-protecting behaviors. Inclusion initiatives can involve recruitment and retention of diverse university employees as faculty, staff, administrators, and campus leadership; requiring cultural competency training for university employees; and regularly assessing students’ perceptions of an inclusive campus climate (U.S. Department of Education, 2016).

## Conclusion

Bystander intervention training for interpersonal violence has historically taken an identity-neutral approach, which effectively silences the experiences of students with minoritized identities. Using a social justice lens allows students to understand barriers and risks to intervention based on identity and the importance of dominant-identity students, faculty, and staff intervening on behalf of minoritized students to create impacting and lasting cultural change on campus. The experiences of minoritized students are often not fully captured and/or included in studies that ultimately inform bystander prevention and intervention trainings and programming. Therefore, further research is needed to better understand the perpetration of violence against students of minoritized groups, as well as developing best practices for responding in a culturally sensitive and appropriate way to the needs of minoritized students. In current and future research, it is vital to include minoritized students’ perspectives in the conceptualization, design, and interpretation of the data (Klein et al., 2021). It is important to note that bystander interventions may look different across various institutes of higher education settings and further research is needed to explore best practices that meet the unique environmental needs of different institutes of higher education such as Historically Black Colleges and Universities, community colleges, and vocational schools.

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