



# Confessions in the Writing Center: Constructionist Approaches in the Era of Mandatory Reporting

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## INTRODUCTION

I met Abby when she scheduled a senior year writing center appointment to work on her personal statement for a law school application. Abby wanted help connecting her personal experiences to her academic interests and career plans, but her trajectory from undergraduate student to law school applicant was complex and painful, and her approach to writing the narrative was unique and perhaps risky. In her first paragraph, Abby disclosed that she had been raped her first semester of college. While I sought to help Abby develop the exigence of her statement, I also faced a dilemma. Under a new set of Occidental College requirements for all faculty, most staff and administrators, and some student employees, Abby's disclosure meant I had to report her rape to the college's Title IX office, even though Abby chose not to report the incident herself.<sup>1</sup>

This anecdote foregrounds a current challenge in writing center work: how does the mandate to report disclosures of sexual misconduct complicate writing center consultations that are based on a constructionist paradigm? Especially in recent years, attention to college campus sexual assaults and demand for greater transparency about sexual violence statistics and accountability to survivors of sexual assault have increased. Colleges and universities have also adopted and more stringently reinforced policies requiring employees to report sexual misconduct or gender-based harassment incidents that students share with them. In compliance with legal directives, institutional reporting mandates apply to any employee with supervisory or leadership responsibilities, and writing center personnel are likely not exempt from these mandates.

Writing center work frequently involves a willingness to talk about the self and deeply personal experiences, including

trauma. In Andrea Lunsford's definition of a constructionist writing center, such interactions, "informed by a theory of knowledge as socially constructed," allow "power and control" to be "negotiated and shared" (97). However, reporting mandates, a form of institutional discourse, may inhibit the open dialogue between writing center consultants and students and may undermine a student's sense of autonomy.

Acts of student disclosure, or what Foucault terms *confession*, bind writing center consultants and students to conventions of discourse, particularly the discourse about what constitutes "institutional knowledge." Foucault describes the confession as enacting a power relationship between the "confessor" and the "interlocutor" who has the "authority...to judge, punish, forgive, console, and reconcile." This relationship is marked as much by the "power [which] reduces one to silence" as by a dialogic intimacy in the "transmission of confidences" (61-62). Foucault's explanation of how confessional acts can be disempowering for the confessor suggests a way to understand how mandatory reporting can change writing center social dynamics. Instead of a center described by Irene Clark and Dave Healy as "well positioned to question the status quo" by providing a "place where students can experience some distance from" institutional authority, the center—and consultant—is more in consensus with the institution than in collaboration with the student (253).

## **SOCIAL CONTEXTS: HOW MANDATORY REPORTING REACHED WRITING CENTERS**

In 2014, the U.S. Department of Education-Office for Civil Rights (OCR) issued *Questions and Answers on Title IX and Sexual Violence*, which detailed what the institutional obligations are to respond to sexual violence and how Title IX protects students. It also defined which school employees should be designated as responsible employees, or "mandatory reporters." This Q & A document followed the OCR's April 4, 2011, "Dear Colleague Letter," which explained a school's responsibility to "respond promptly and effectively to sexual violence against students in accordance with the requirements of Title IX" (Q & A, i). The Q & A document defines a "responsible employee," mandated to report all acts conveyed by students of sexual violence and harassment, as any employee having the "authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or other misconduct by students to the Title IX coordinator or other appropriate school

designee; or whom a student could reasonably believe has this authority or duty” (15). This mandatory reporter definition also aligns with the 2013 Association of Title IX Administrators (ATIXA) guidelines for colleges, which endorsed casting a wide net in defining responsible employees to avoid taking a “selective approach” that “may create confusion and risk” for the institution (*Mandatory Reporters Policy*, 1). Under these OCR and ATIXA guidelines, all faculty and most professional staff are designated mandatory reporters, including some student employees in supervisory positions over other students, such as resident advisors. These recommendations stem from federal and state laws related to reporting sexual violence and discrimination, especially under Title VII, which focuses on sexual harassment in the workplace; Title IX, which prohibits gender-based discrimination including sexual assault; and the Clery Act, which promotes campus safety through transparency about crime statistics on or near college campuses.

Many schools have adopted these OCR and ATIXA recommendations for designating mandatory reporters, and very few employees are considered confidential advisers. At Occidental, for example, the list of responsible employees includes faculty, coaches, administrators, and resident advisors; only the college’s survivor advocate, health center counselors, and the director of religious and spiritual life are exempt from reporting mandates. At Occidental and elsewhere, writing center personnel fit the OCR’s definition of responsible employees since we may be in supervisory roles or may be perceived by students who work with us as having positions of authority to offer assistance in any number of ways. Occidental’s policies, which appear similar to those at other institutions, also align with the OCR guidelines for what constitutes reportable information: “all relevant details about the alleged sexual violence that the student or another person has shared,” with no delineation between information shared orally or in writing (Q & A, 16).

These definitions for mandatory reporters and reportable information suggest several concerns that may impact writing center work. Disclosures of sexual assault made in student essays and reflective pieces like personal statements are considered reportable. In this context, we are obligated to report even when a student is describing an incident that has happened much earlier and that the student may not want to report—as was the case in my work with Abby. The mandate to report can thus be

interpreted as a form of textual interventionism, a limit on how individual writers might “own” their texts or develop agency through their writing. Marilyn Cooper connects the development of student agency through writing to the socially constructed writing center, claiming that writing center consultations can achieve “the goal of empowering students as agents of their writing” (341). Cooper clarifies that the achievement of agency in writing is part of a process of “constructing subject positions that negotiate between institutional demands and individual needs” (340). However, an imperative to share with institutional authorities information contained in student texts can constrain writing center interaction and can prove difficult to navigate. The mandate to report, for example, was initially a barrier to effective conferencing with Abby. Her reaction to my disclosure that I would have to contact the Title IX office was silence, followed by her reluctance to continue our conversation; thus, a session intended to focus on helping a student writer develop her text, and perhaps her “self” through this text, was sidetracked by the reporting mandate.

Nancy Welch’s conception of how writing center collaboration can help students “compose [their] experience rather than be composed by it” resonates with Cooper’s conceptualization of the relationship between writing centers and student agency (10). Yet for Welch, writing center interactions also enact the means to “reflect on and intervene in the languages, conventions, and belief systems that constitute our texts,” and not just to negotiate between competing demands (4). Welch’s constructivist approach to writing center work, which she developed in part through conferences with a student writing about workplace sexual harassment, is especially resonant in a mandated-reporting climate. In Welch’s conceptualization, writing center interactions are opportunities for students to write about and immerse themselves in social and academic conversations, allowing students to develop critical voices that write against the institution and its conventions. After I had to disclose Abby’s rape to the Title IX office, she returned to work on her law school personal statement three more times, and we managed to put Welch’s theories into practice during these sessions. Instead of being silenced by the reporting mandate, Abby found a way in her narrative to talk about the unspeakable: both her rape and her criticisms of the institutional discourse that set limits on what constituted an “ideal” text in terms of the conventions for what can or should be said.

Mandatory reporting of sexual assault disclosures raises another concern for writing center work: the potential to revictimize survivors. In their 2009 study of social support systems for sexual assault survivors, psychologists Gillian Mason et al. examined survivors' disclosure experiences and analyzed differences in revictimization rates based on responses to these disclosures. The researchers focused on how "persons in a survivor's immediate and distal environment respond when she discloses her unwanted sexual experiences," and collected data that showed "these responses also affect her risk of revictimization" (59). The researchers' definition of "social support" includes "both formal and informal sources of help" and "types of assistance" survivors might seek through various "interpersonal relationships" (59-60). Writing centers can be seen to function in the ways described by Mason et al. as collaborative and supportive social spaces, and students often view writing center personnel as confidants or allies. Perhaps unsurprisingly, the researchers' findings showed the risk of revictimization is higher with any type of "negative social reactions to rape survivors' disclosures" (60). But the negative reactions may not necessarily be "deliberate attempts to harm a survivor;" they might also include "reactions intended to be supportive but perceived negatively by the survivor" (60). Many students included in the Mason, et al. study reported that even unintended negative responses resulted in their belief that "telling made things much worse" (62). Given the definitions and conclusions of these researchers, a mandate to report sexual assault disclosures made during writing consultations runs the risk of revictimizing survivors. Students visiting the writing center are likely to expect they will engage in positive interactions and will receive positive support. Although we may aim to meet those expectations, an obligation to report disclosures to the Title IX office can result in unintended negative consequences for the student survivor.

## **CONCLUSION**

According to the current OCR guidelines, writing center disclosures of sexual assault are not protected by Family Education Rights and Privacy Act (FERPA), which covers students' educational records. Although the OCR has not yet updated its 2014 Q & A document, they might be softening their position, particularly on reflective writing and settings where our work often takes place. Currently, the OCR excludes disclosures made by survivors at "Take Back the Night" events from mandated

reporting. Part of educating the institution about our writing center work, and the sometimes complex interactions we have with students, might include encouraging our Title IX offices to offer an alternative to mandating provisions for student disclosures that take place in our centers, similar to other exempted events such as “Take Back the Night.” In some ways, the issue of how to achieve our writing center objectives while being responsive to institutional policies may ring familiar: is this another example that underscores the challenges of enacting our theories and practices while having to explain ourselves—who we are and what we do—to other entities at our institutions?

1. To protect student privacy, I am not using real names and have removed identifying information about student work.



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