



Practical Insights for Addressing Student Sexual Misconduct: A Two-Part Series

Developed for the Campus Technical Assistance and Resource Project
By Jay Wilgus, J.D., M.D.R. & Joan Tabachnick, M.B.A.

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toward common ground



CAMPUS
Technical Assistance
and Resource Project

Presenters



Jay Wilgus, JD, MDR



Joan Tabachnick, MBA



1

Shed light on areas for improvement in campus adjudication efforts

2

Provide insight about those who cause harm to inform campus prevention, response, and sanctioning processes

3

Create space to explore how to integrate this knowledge into practice

Goals



Session	Topics
1	<ul style="list-style-type: none"> • Common ground across functional areas • Range of problematic sexual behavior • Heterogeneity of people who engage in problematic sexual behavior • Risk assessment methods and practices
2	<ul style="list-style-type: none"> • Opportunities and limitations of traditional sanction options • Approaches involving treatment, education, and/or safety planning • Implications for campus practice • Case study

About the Series

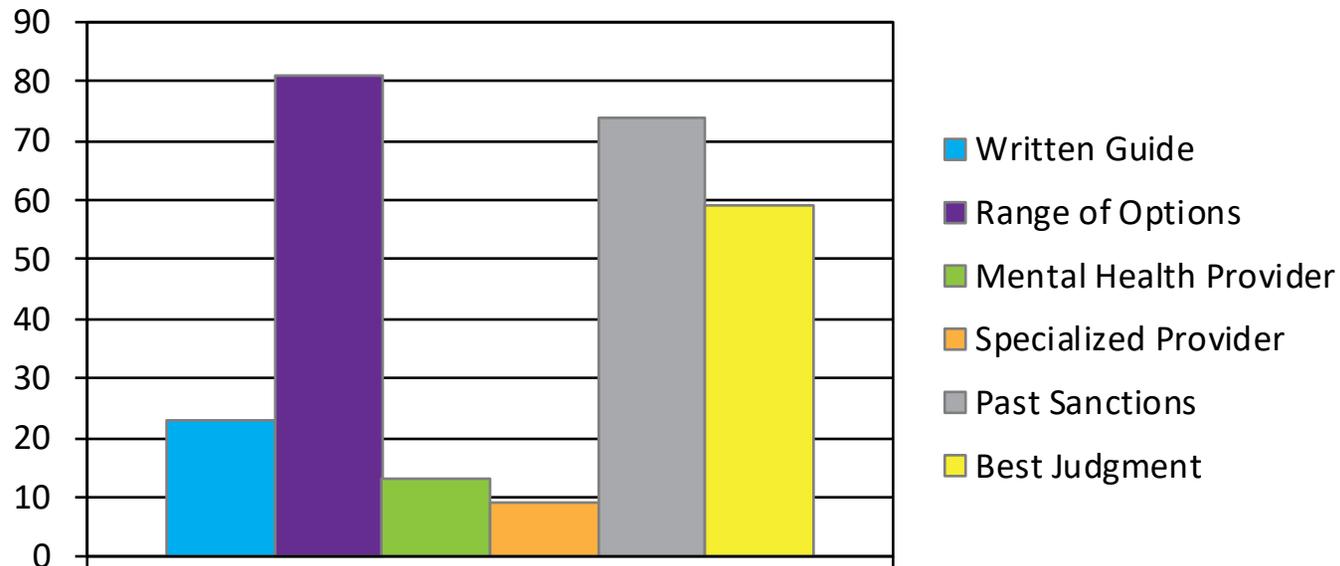




2a Opportunities and Limitations of Current Sanctions

National Survey of Sanctioning Practices

“When students are found responsible for sexual misconduct, how do you determine what sanction(s) would be most appropriate?”



National Survey of Sanctioning Practices

Ever used results from a validated sex-abuse specific assessment instrument to inform your sanction decision or interventions?

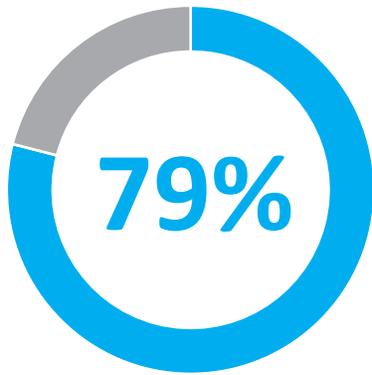
No	98%
Yes	2%

Ever made a referral to “specialized clinicians for treatment specific to sexual misconduct or other sexual behavior problems?”

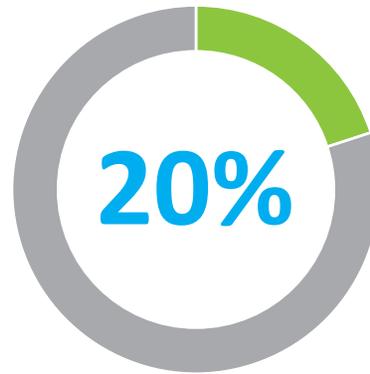
No	71%
Yes	29%

Source: Wilgus, J., Vander Velde, S., & Rider-Milkovich, H., 2014.

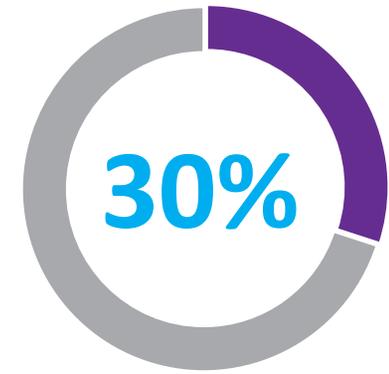
National Survey of Sanctioning Practices



do not assess the effectiveness of their approaches



collect follow-up info from complainant to determine if they remained or graduated



gather follow-up info about students found responsible to identify if they engage in further sexual behavior problems

Source: Wilgus, J., Bumby, K., Gilligan, L., Vander Velde, S., & Rider-Milkovich, H. 2014.

Recommendation Regarding Individualization

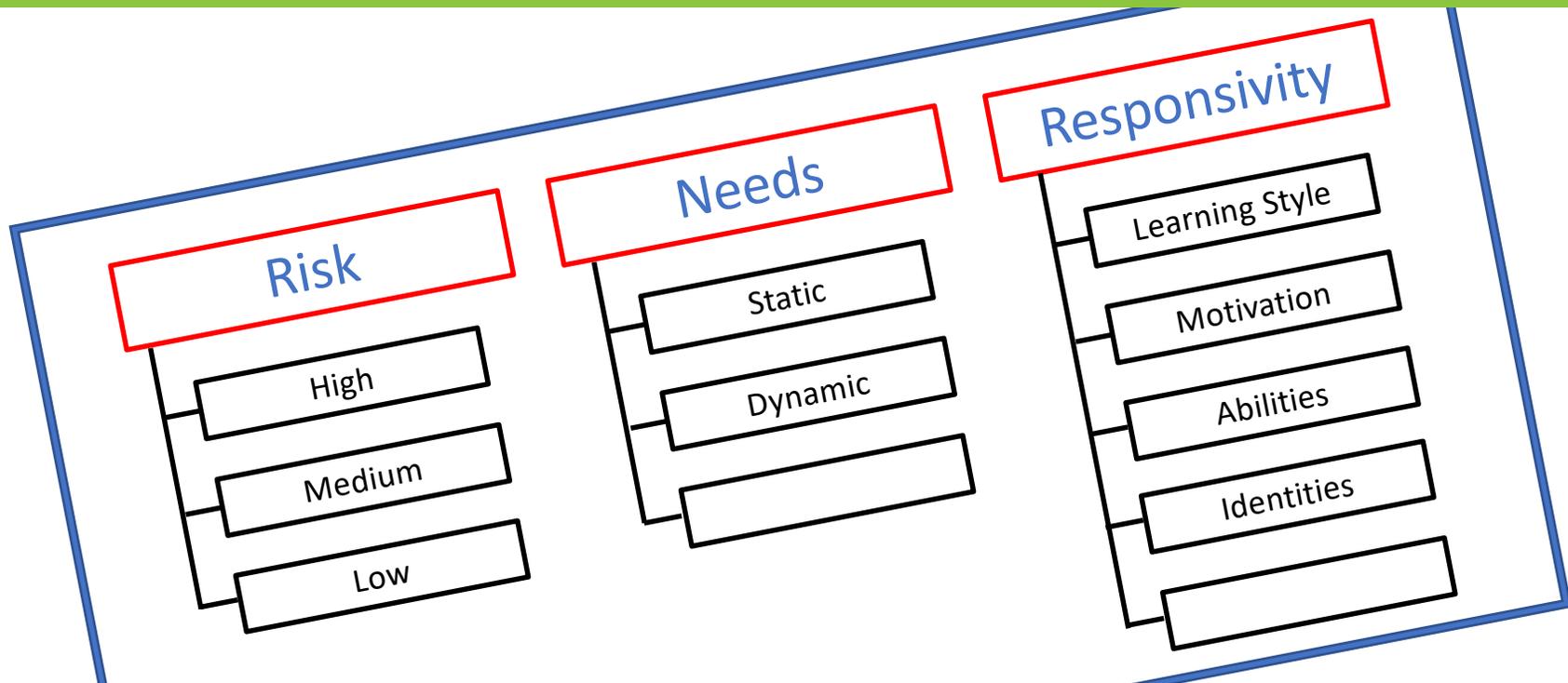
“ [A] particular sanction should not be presumed or required. Instead, ... **sanction[s] should be decided on an individualized basis** taking into account the facts and circumstances including mitigating factors about the respondent, the respondent’s prior disciplinary history, the nature and seriousness of the offense, and the effect on the victim and/or complainant as well as the university community. ”

Source: Boutros, A. S., Rice Lave, T., Bernard, P. J., Bettinger-Lopez, C., Cary, R. M., Dunn, L. L., . . .
Smith, B. V. (2017, June). ABA Criminal Justice Section Task Force on College Due Process Rights and Victim Protections:
Recommendations for Colleges and Universities in Resolving Allegations of Campus Sexual Misconduct (Rep.).



2b Which Interventions are Most Effective

Risk-Needs-Responsivity (RNR) Model



See, e.g., Andrews, D.A., Bonta, J. and Hoge, R.D. (1990), "Classification for effective rehabilitation: rediscovering psychology", *Criminal Justice and Behavior*, Vol. 17 No. 1, pp. 19-52.; Hanson, R.K., Bourgon, G., Helmus, L. and Hodgson, S. (2009), "The principles of effective correctional treatment also apply to sexual offenders: a meta-analysis", *Criminal Justice and Behavior*, Vol. 36 No. 9, pp. 865-91; Lamade, R., Lopez, E., Koss, M., Prentky, R., Brereton, A. (2017). Developing and implementing a treatment intervention for college students found responsible for sexual misconduct. *Journal of Aggression, Conflict and Peace Research*. doi:10.1108/JACPR-06-2017-0301

Treatment

- The following approaches have the greatest impact:
 - Interventions provided by professionals with specialized training
 - Programs that adhere to the risk-need-responsivity model
 - Cognitive-behavioral/relapse prevention approaches
 - Interventions that meaningfully engage higher risk offenders in the process of changing criminogenic needs

See, e.g., Lösel, F. and Schmucker, M. (2005), "The effectiveness of treatment for sexual offenders: a comprehensive meta-analysis", *Journal of Experimental Criminology*, Vol. 1 No. 1, pp. 117-46.; Hanson, R.K., Bourgon, G., Helmus, L. and Hodgson, S. (2009), "The principles of effective correctional treatment also apply to sexual offenders: a meta-analysis", *Criminal Justice and Behavior*, Vol. 36 No. 9, pp. 865-91; and Lamade, R., Lopez, E., Koss, M., Prentky, R., Brereton, A. (2017). Developing and implementing a treatment intervention for college students found responsible for sexual misconduct. *Journal of Aggression, Conflict and Peace Research*. doi:10.1108/JACPR-06-2017-0301

Safety Planning

- Important to address the safety of all parties
- Discussion of boundaries / sanctions and action plan for adhering to those
 - Protects responding party from further sanctioning due to retaliation and potential stress
 - Protects community from additional stress and/or trauma
- Consider the following
 - What can be risky to me? How do I avoid/manage these?
 - What can protect/grow me? How do I engage in/with these more?
 - Who needs to know?
 - Who can help me? What do they need to know to help me?

Safety Planning

What are your guiding principles?

- Campus safety is a shared responsibility designed to increase the safety for everyone
- Listening to the needs and requests of the student filing the complaint is critical;
- The process will have the greatest impact when the accused student is involved;
- Involve multiple people
- In more serious situations, safety planning benefits from a risk assessment; and
- Must be individualized for each student and each situation.

See, Tabachnick, J. & Wilgus, J, *Campus Safety Planning for Respondents*
at <https://klancystreet.com/resources/>

Safety Planning

Seven Steps to Developing a Safety Plan

- Step One: Identify what you know about the complaint and about the student accused
- Step Two: Identify who needs to be involved/informed
- Step Three: Identify known risks as well as protective factors
- Step Four: Consult with the student about what they want
- Step Five: Create the plan
- Step Six: Discuss the plan with the student, their support people, and key stakeholders
- Step Seven: Evaluate the plan

Safety Planning

- Most effective when:

- Individualized
- Global
- Behavioral
- Do-able
- Dynamic



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2c

Implications for Campus Practice

Full Continuum of Situations with PSB

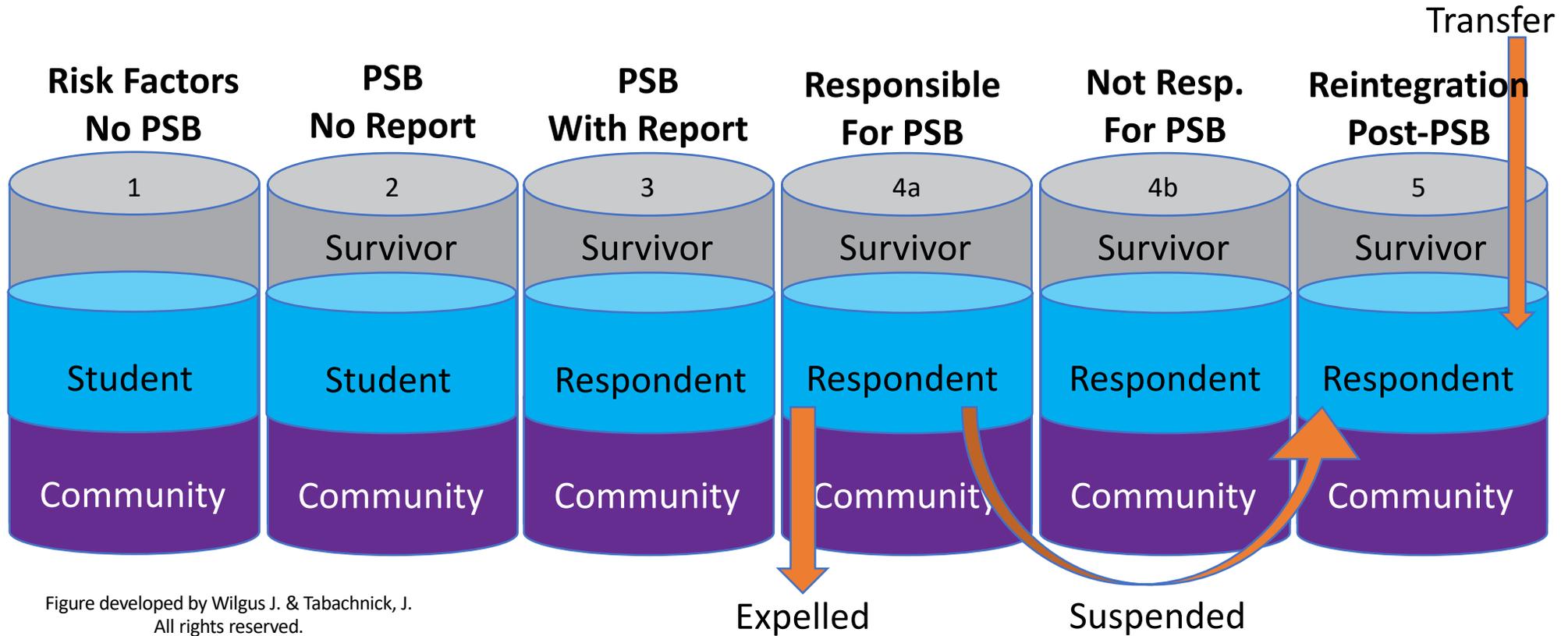


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What Services or Interventions are Offered?

- When a complaint is filed?
- When there is a finding of responsibility?
- When there is no finding of responsibility?
- When a student returns to campus after a suspension or leave?
- When a student transfers into the campus?

1. What services are offered to the survivor (complainant)?
2. What services are offered to the respondent?
3. How is the community involved?

Toward and Integrated *and* Intersectional Approach



Each bucket..
Each layer...

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Toward an Integrated Set of Interventions



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Sample Interventions

Preventive

Healthy relationships
Bystander intervention
Pro-social behavior

Protective

No contact
Adjustment to class schedule
Loss of privileges
Access limitations
Housing limitations
Participation restrictions
Work restrictions or adjustments
Safety planning
Treatment

Supportive

Academic support services
Campus escort
On-campus counseling
Referral to off-campus resource(s)
Modification to work schedule/role
Info about protective orders

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Sample Interventions

Administrative

- Warning
- Notification
- Transcript hold
- Withholding conferral of degree
- Probation
- Interim suspension
- Suspension
- Expulsion
- Transcript notation
- Degree revocation

Educational

- Class/workshop/training/program
- Educational project
- Psychoeducation
- Awareness training
- Policy education

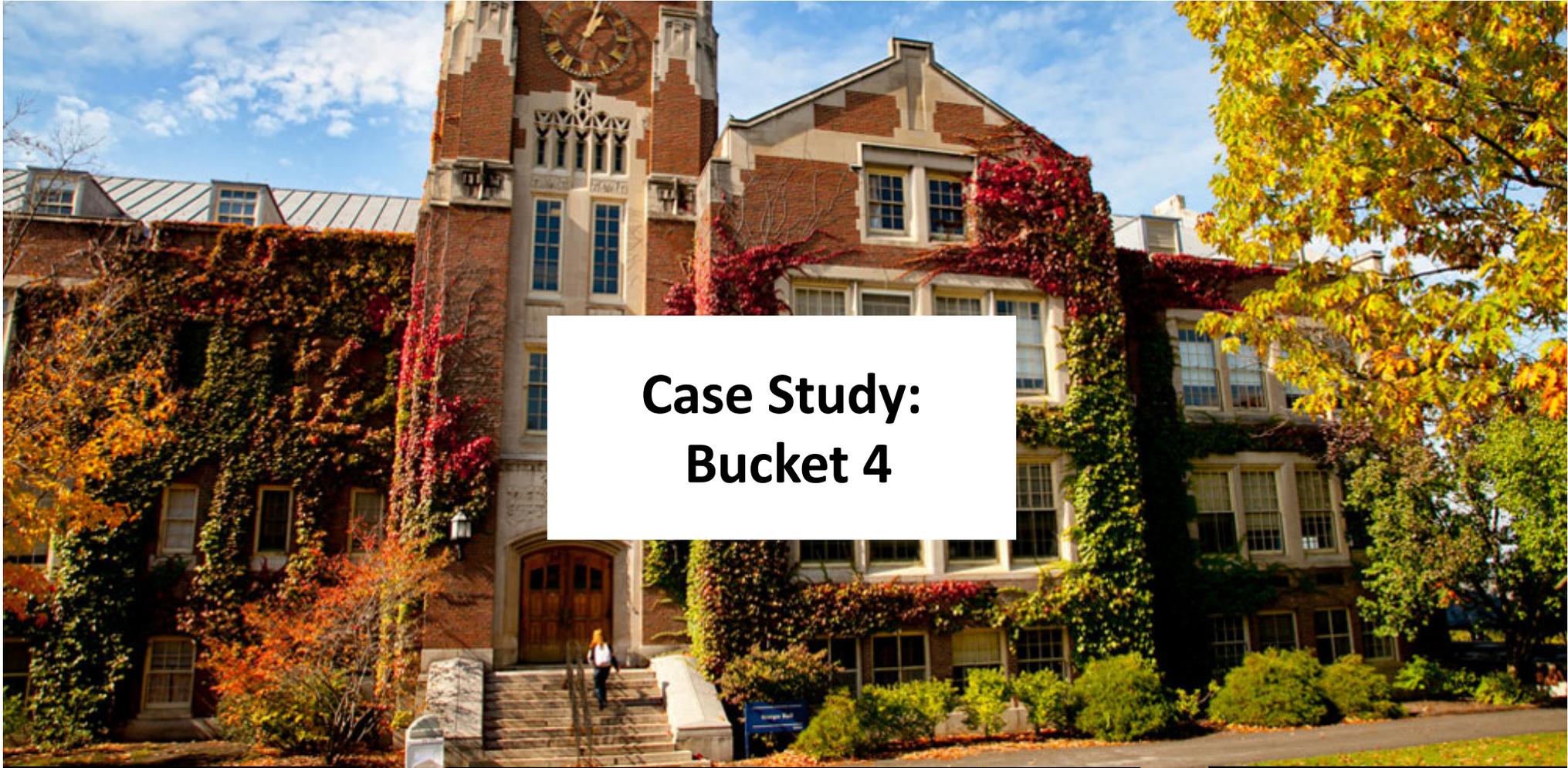
Restorative

- Victim impact process
- Conference
- Circle of support & accountability
- Apology
- Restitution

Institutional

- Requiring entity to train members or staff
- Revising policies, practices, or procedures

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Case Study: Bucket 4

Individuals with Problematic Sexual Behavior

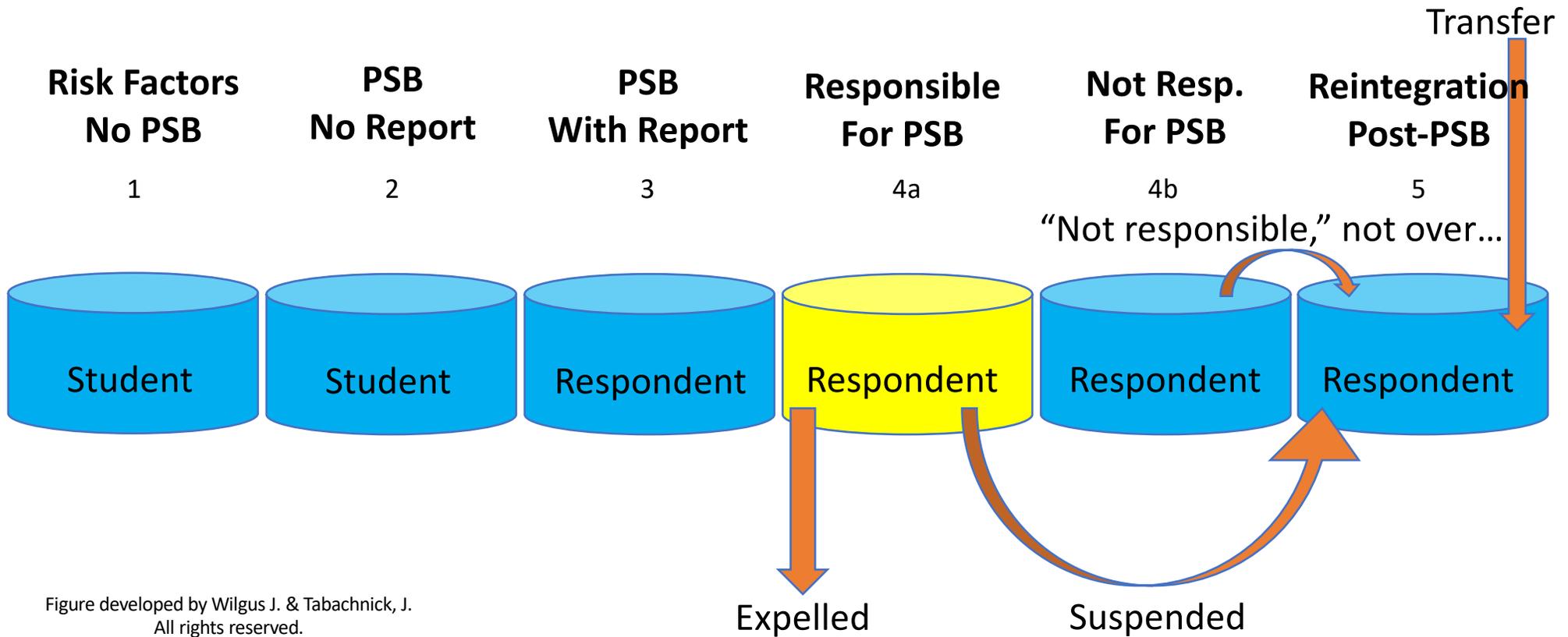


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Danny



As a 3rd year engineering student, Danny became an active member of the Mini-Baja team – a student group that designs and builds off-road buggies for intercollegiate competition. While tabling for the group one day, he met a student named Ana who wanted to join. “You sure?,” Danny said. “It’s all dudes.” “Yeah, I’m sure,” Ana replied. “My parents grew up in Tijuana and we’ve been racing in Baja for years.” Although annoyed by his question, Ana partly expected it as a female in the field. Later that day, she met Danny at his fraternity party where they had a few drinks together, danced, and eventually kissed. Ana then said, “Danny, I need to go home. I don’t want you thinking my interest in Baja is about you. It’s not.”

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Danny



The following day, Danny sent a message to the Mini-Baja team announcing they had a new member “FROM Baja!” Ana jumped quickly into team activities. Over the next few weeks, Ana felt that Danny began to respect her work. He told teammates that she brought good ideas and solid craftsmanship. Danny then became even more taken with Ana, which – according to Danny – resulted in them “hooking up” one night at a regional competition. Ana, in contrast, believes Danny took advantage of her after a few beers and talked her into having sex against her wishes.

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Danny



The next morning Ana confronted Danny about her experience and asked him to stop telling teammates about it. He said her perspective was “bullsh_t”, that they had been building up to that moment for a while, and that the encounter was consensual. Upset and humiliated, Ana called him a “creep” in front of several teammates. The following day the team confronted Danny. He then sent Ana a text message. When Ana didn’t respond, Danny sent a message to their entire team trying to explain himself. In the process, he said, “This is why we don’t let chicks on Baja. TOO MUCH drama.” By that point, Ana had had enough and decided to report the incident to the Title IX office.

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Danny



Following an investigation, Danny was found responsible for “sexual misconduct.” The totality of his behavior was found to be sexually harassing in nature and a violation of the sexual misconduct policy. The decision-making body, however, was unable to conclude, based on the information available, whether Danny’s behavior at the competition amounted to sexual assault.

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Discussion Items



- What are your goals at this stage of the process?
- What risk and protective factors are most salient to you at this time?
- What might be an appropriate package of interventions (sanctions) for Danny?
- How do you plan to address Ana's needs or those of the community?
- How, if at all, will you involve the Baja Team, Danny's fraternity, the Engineering department, Danny's parents, or others?

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**Case Consult:
Bucket 5**

Individuals with Problematic Sexual Behavior

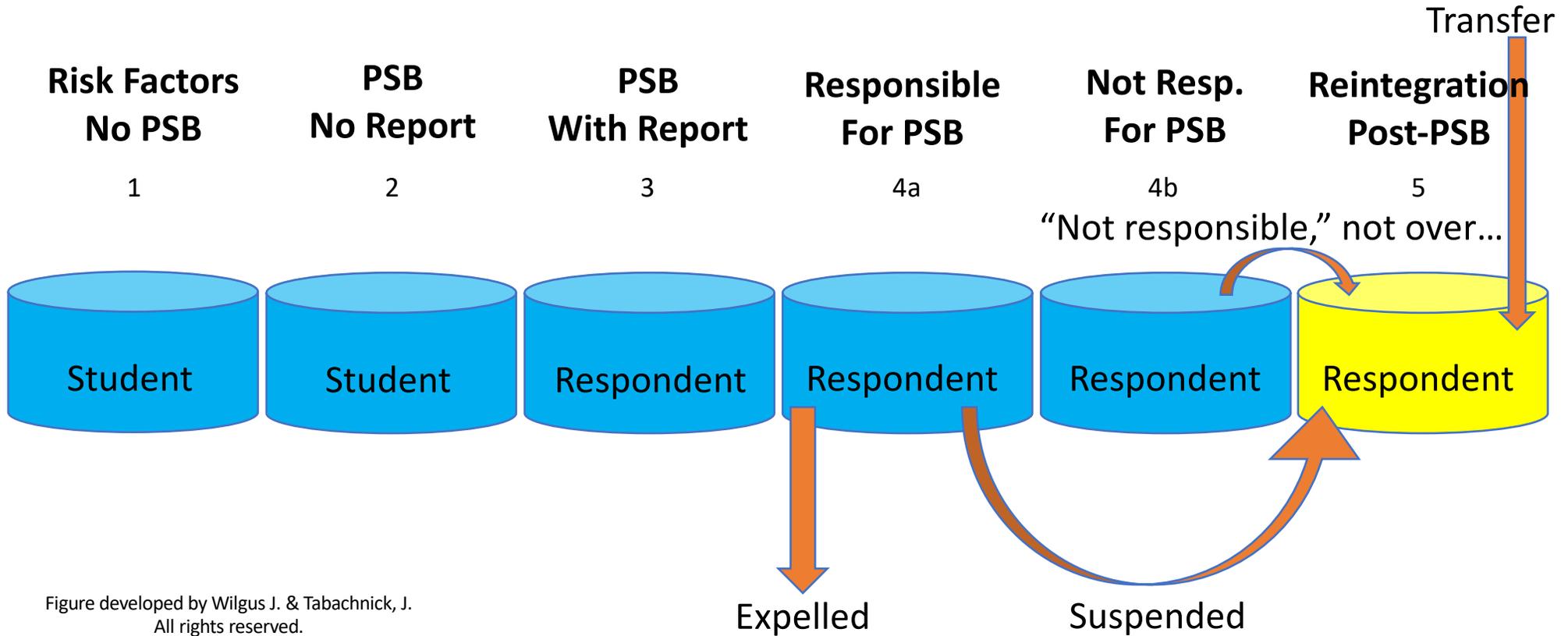


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Danny



For purposes of this section, assume Danny was suspended from your institution for a period of time and that during that period he worked with – pursuant to your recommendation – a therapist who is a member of the Association for the Treatment of Sexual Abusers. According to the therapist, Danny participated in all sessions in good faith and made satisfactory progress toward identified treatment goals. Among other things, he learned to share more authentically about himself and his history.

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Danny



Danny now reports the following to you:

- He was adopted as an infant and was the only student of color in his prep school;
- He has limited sexual experience and Ana is the first person with whom he ever engaged in sexual intercourse;
- His father is an alcoholic who was emotionally and physically abusive to both Danny and his Mom (that's why she left him);
- He's nervous about coming back to campus.

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Danny



During your call with Danny's therapist, you also learn the following:

- Danny demonstrated a strong motivation for change during treatment and increased remorse for his behavior;
- He is very bright, yet appears easily influenced by peers; and
- He could benefit from ongoing support to develop pro-social supports.

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Discussion Items



- What factors will help you decide whether Danny is ready to re-enroll on campus?
- What additional safety planning might be helpful following Danny's re-enrollment?
- If Danny decides to transfer, what, if anything, will you do to facilitate Danny's transfer and his successful integration into a different campus?

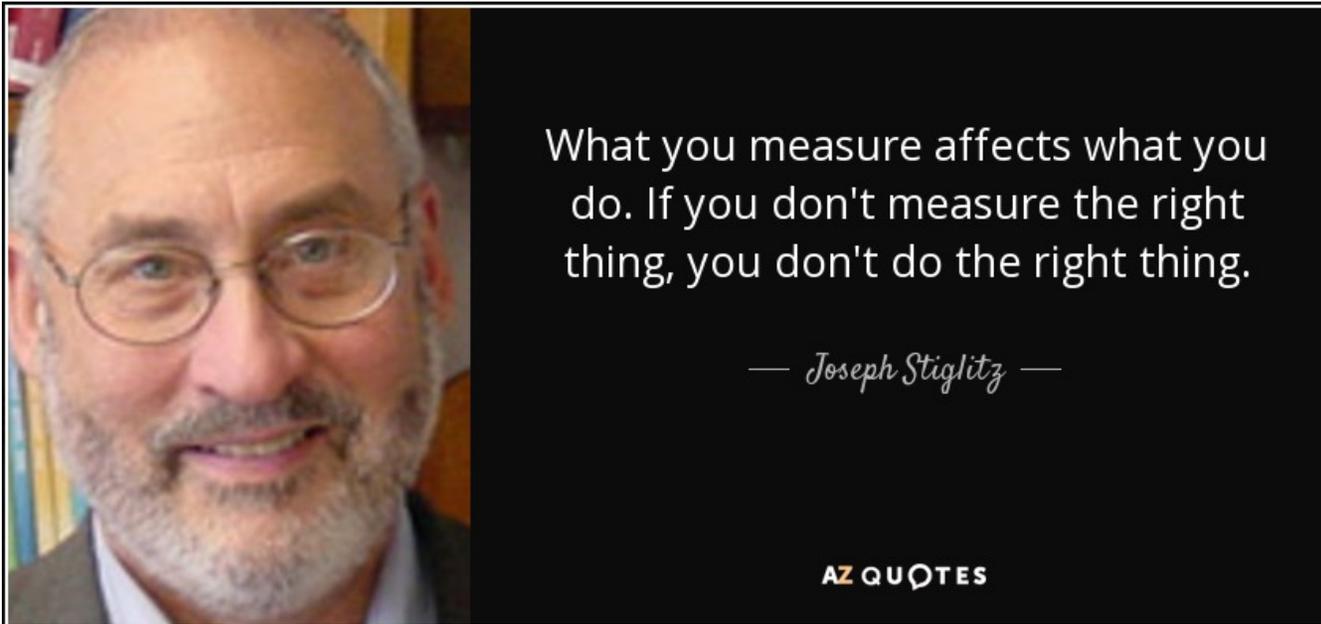
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2c

Implications for Campus Practice (Continued)

Assessing Efficacy of Interventions



Evaluating the Impact of Sanctions

- Complainant Questions
- Respondent Questions
- Community Questions
- Campus Safety and Changes

Sample Questions

- Realistically:
 - Did the complainant/respondent complete their education and graduate?
 - How satisfied were the complainant/respondent/impacted community members with the process and/or interventions?
 - What did the respondent learn as a result of the interventions?
 - How might campus systems or processes need to evolve to better support students?
- Ideally:
 - Were the interventions effective at reducing the risk of future PSB?

Toward and Integrated *and* Intersectional Approach



Each bucket..
Each layer...

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Questions



Given what you've heard...



- What is one thing you feel like you are doing well?
- What is one thing you would like to change?

“ *Out beyond ideas of wrongdoing
and rightdoing, there is a field.
I will meet you there.* ”



Rumi

Helpful Resources

NOT IN APPROVED SLIDE DECK

- NSOPW
 - Information about sex offender registry and resources
- SOMAPI
 - Comprehensive overview of research on adults and adolescents
- ATSA
 - Referrals
 - Statement on Campus Sexual Misconduct
- MASOC
 - Statement on Campus Sexual Misconduct
- Safer Society Foundation
 - Referrals
 - Publications and free webinars



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**Thank
You!!**



Parking Lot

BONUS - Discussion Item

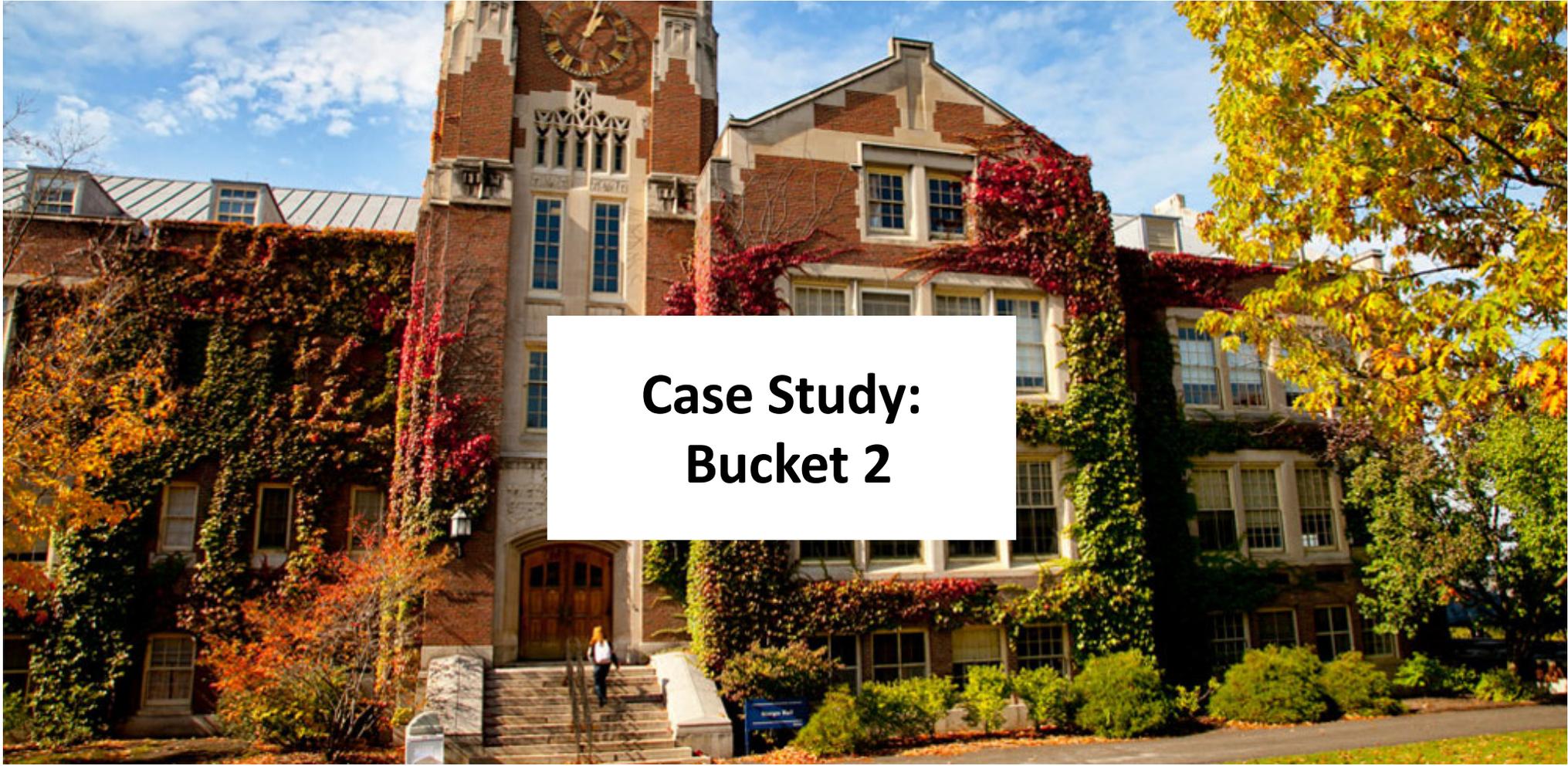


- Suppose for a moment that Danny was found *not* responsible for the reported behavior. Does that eliminate any concern you may have about his behavior or how he may behave in the future? If not, what interventions might you employ to address those concerns absent a finding of responsibility?

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Safety Planning

- Generally:
 - Most often utilized on campus with victims/survivors of sexual violence.
 - Utilized effectively with adult sex offenders re-entering their community as well as for adolescents and children with problematic sexual behaviors who are going through a reunification process with their families.



Case Study: Bucket 2

Individuals with Problematic Sexual Behavior

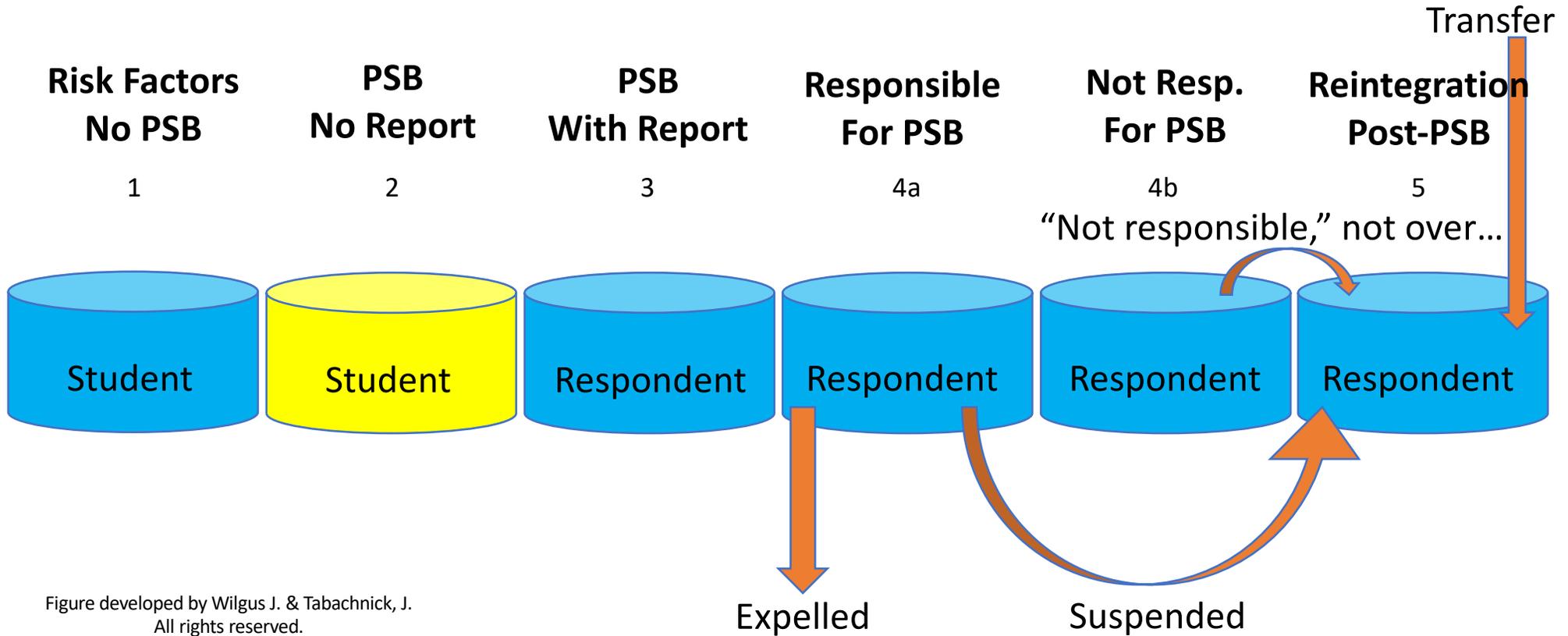


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Danny*



Danny is now a student at your institution in Southern California. He tried out for the lacrosse team, but didn't make the cut because, according to him, "the coach is an idiot." He decided to join a fraternity instead and picked Alpha Beta Gamma because he heard they throw the best parties. During his sophomore year, Danny took an active role in supervising his fraternity's new pledge class. His involvement, however, consisted mostly of hazing them. Much of his focus was directed at a new member named Clint who Danny believed was gay.

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Danny



One evening after a party, Danny instructed the pledges to take a break from cleaning so they could play a game called “Bong that Dong,” which involved a beer bong and a mouthpiece that resembled a penis. Instructing Clint to go first, Danny said, “C’mon Clint. I’ve heard you’re the one around here who knows how to do this.” Clint immediately turned to his friend and said “I’m not doing it,” but Danny coerced him into participating by saying if he didn’t do it, all the pledges would be required to spend the rest of the night cleaning. Clint reluctantly participated, but felt totally embarrassed, ashamed, and humiliated.

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Danny



The following day Clint was back at the chapter house for a meeting when he overheard another member say to Danny, “I heard about that thing with Clint last night. Kinda messed up, but pretty funny.” Danny responded, “I know, right?” and they both started laughing. Recognizing that none of his fellow pledges were standing up for him and that none of the active members would either, Clint decided to quit the fraternity. He never reported the matter to anyone on campus even though he was pretty sure the behavior constituted hazing, harassment, and maybe even sexual misconduct. No one else reported the incident either.

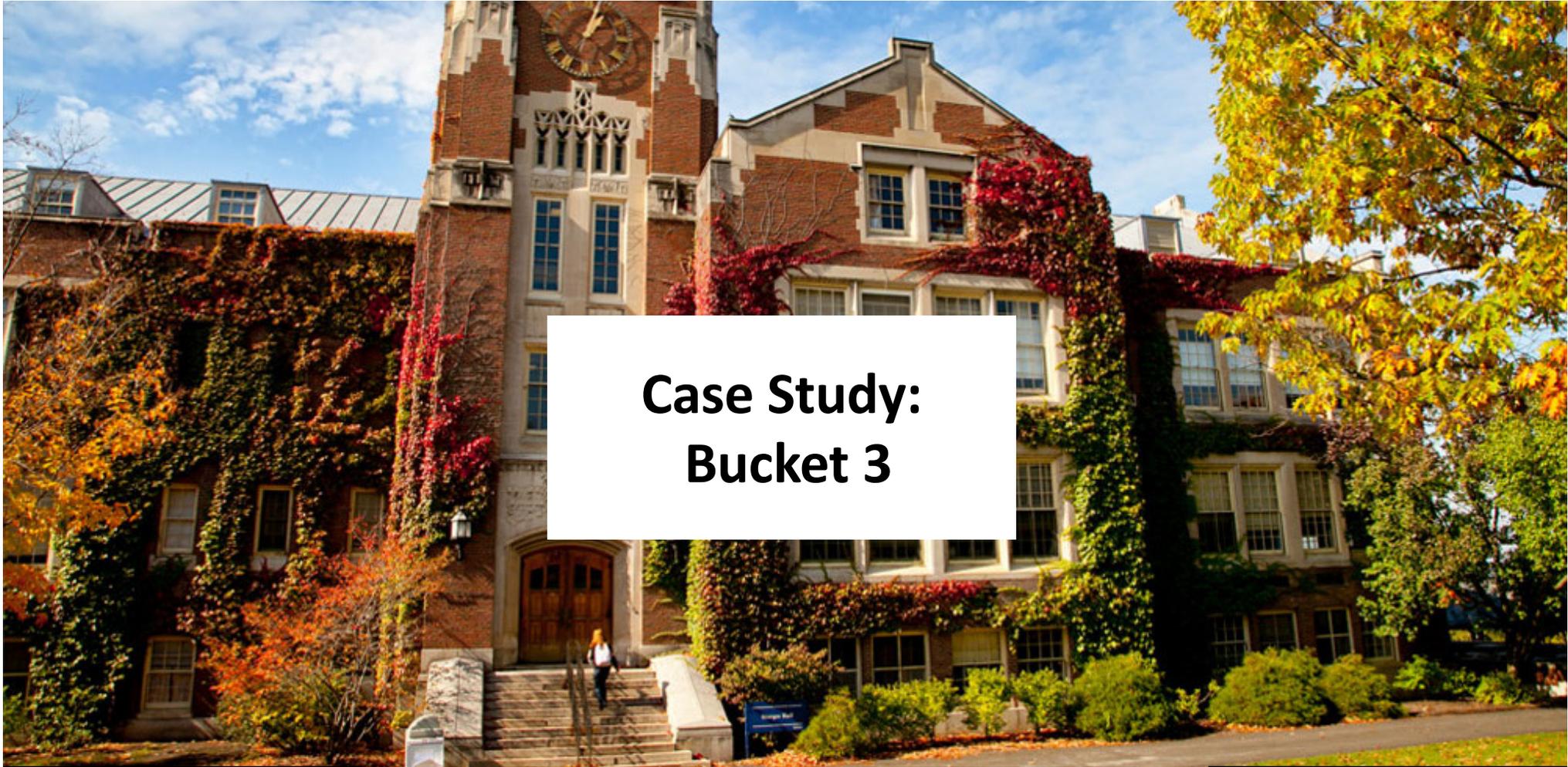
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Discussion Items



- What programs or initiatives exist on your campus to address student group cultures that contribute to sexual violence? How, if at all, are student group advisors or other supporting stakeholders educated, instructed, and made part of the effort?
- How, if at all, does your campus encourage students like Danny to take responsibility for their behavior with or without a reported policy violation? What, if anything, might need to be changed to encourage more students to come forward and accept responsibility?

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Case Study: Bucket 3

Individuals with Problematic Sexual Behavior

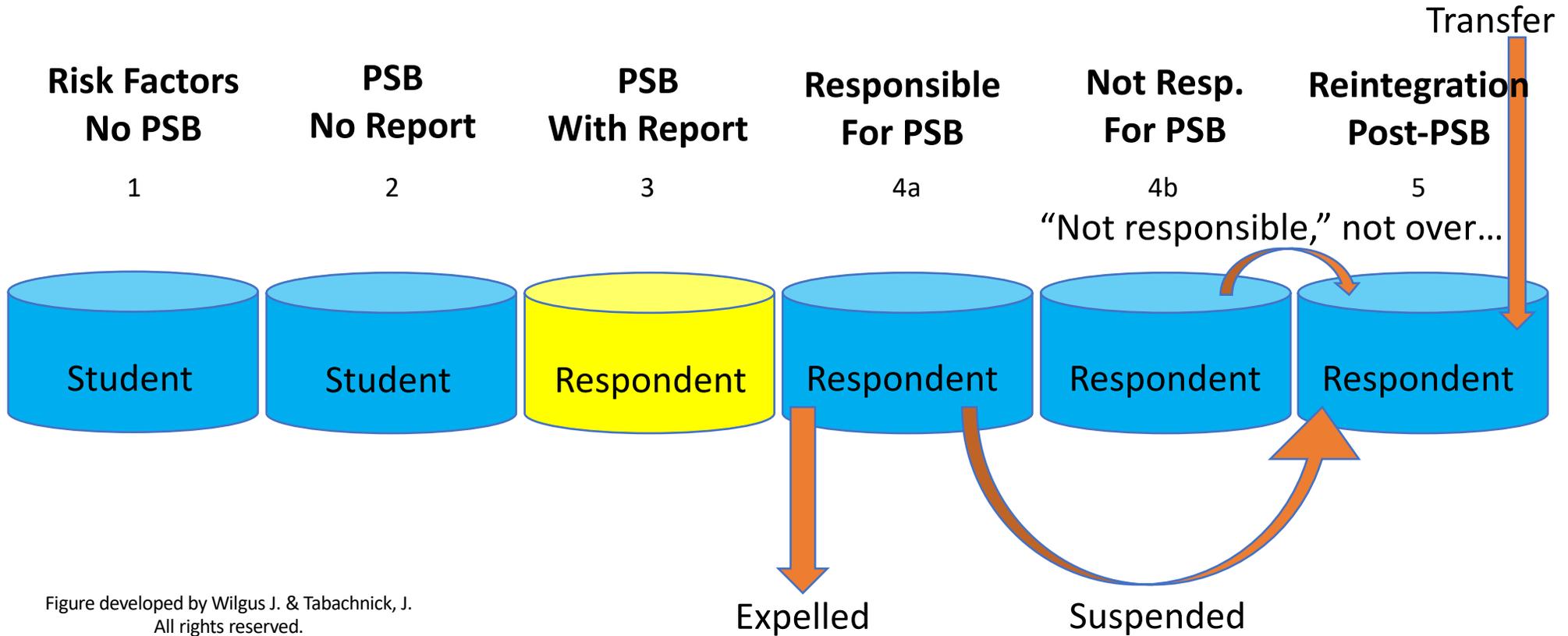


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Danny



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Danny



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Discussion Items



- What are your goals at this stage of the process (i.e. after a report, yet before a finding has been issued) for Ana, for Danny, and for the community?
- What risk and protective factors do you find relevant to any interim supports for Danny?
- How do you plan to address Ana's needs or those of the community?
- How, if at all, will you involve the Baja Team, Danny's fraternity, the Engineering department, Danny's parents, or others at this stage of the process?

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