



# 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.

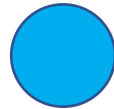
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# Why?

Why Respondents?  
Why Now?



Desire for additional information/resources



Untapped resources across fields/expertise



Research-informed opportunities



## Making the Case For Research-Informed Respondent Services

Ensures solid outcomes for survivors

Better outcomes for students found not responsible

Better outcomes for students suspended and returning

Reduces likelihood of liability in the case of litigation

Impact on prevention efforts

Campus obligation to address the needs of all students

Joan Tabachnick 2019 ©

# Why?



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

# About the Series

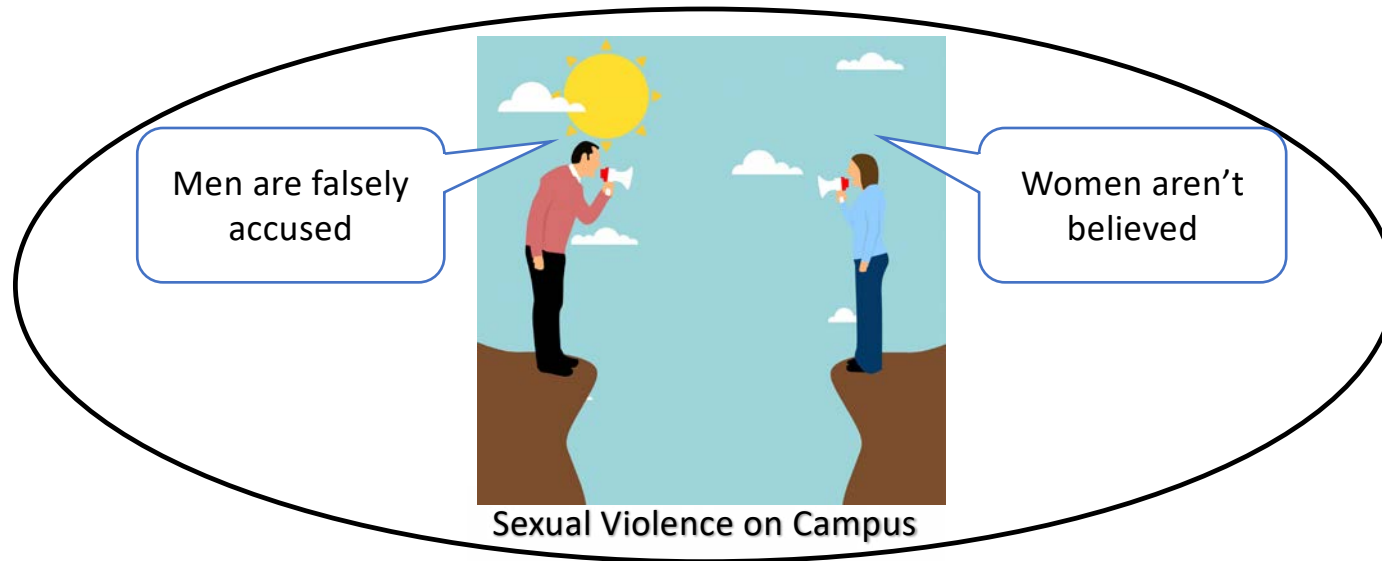




1a

# Establishing Common Ground

# The Problem and the Tension



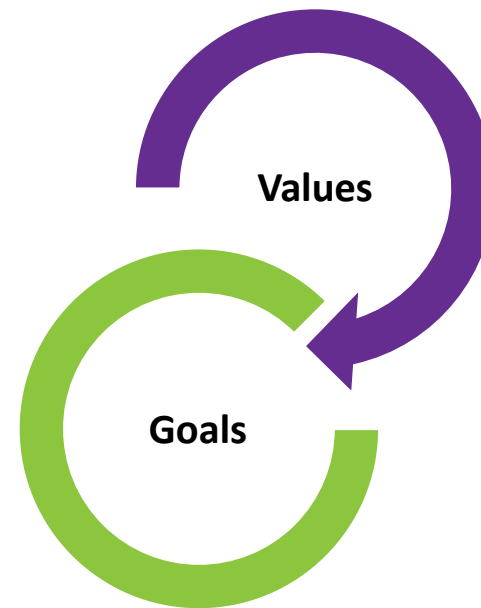


# Exercise: Shared Values and Goals

What are the shared...

- 1) Values
- 2) Goals

...between those who work with victims/survivors/complainants and those who work with respondents?



# A Perfect Storm

Various  
Risk Factors



Few  
Protective Factors

Adapted from: Lamade, R. V., Lopez, E., Koss, M.P., Prentky, R., & Brereton, A. (2018). Developing and Implementing a Treatment Intervention for College Students Found Responsible for Sexual Misconduct. *Journal of Aggression, Conflict and Peace Research*, 10(2), 134-144.

# Converging Risk Factors

1. Emerging adulthood
2. Social culture/environment
3. Ubiquity of alcohol and drugs
4. Coercion-supporting peer groups
5. Victim access
6. Perceived safety/immunity



Adapted from: Lamade, R. V., Lopez, E., Koss, M.P., Prentky, R., & Brereton, A. (2018). Developing and Implementing a Treatment Intervention for College Students Found Responsible for Sexual Misconduct. *Journal of Aggression, Conflict and Peace Research*, 10(2), 134-144.

# Protective Factors

- Pro-social activities
- Coordinated educational input
- Opportunities for social-emotional learning
- Openness to positive peer attitudes
- Developmental malleability
- Receptivity to change

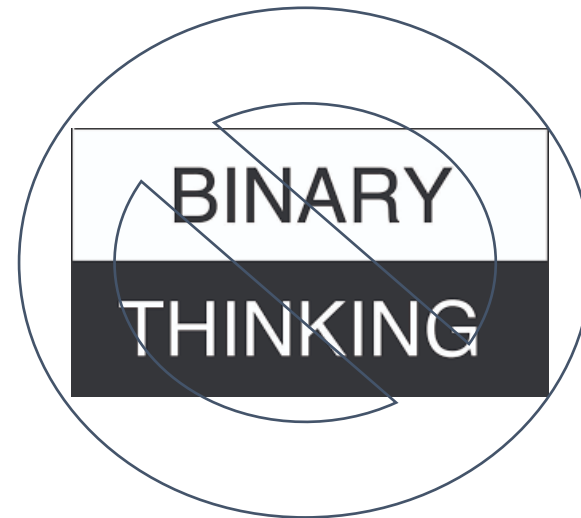
“*For every **complex problem**, there's a solution that is clear, simple, and wrong.*”

H.L. Mencken

**Addressing and  
Preventing  
Perpetration**  
is one piece  
of the puzzle  
for ending  
sexual violence.



# Toward and Integrated *and* Intersectional Approach



# Implications of this Shift

**IF IT'S UNWANTED,  
IT'S HARASSMENT.**



You have the right to be safe waiting for and riding Metro. You don't have to put up with inappropriate comments, touching, gestures, or actions. Help Metro protect you and other riders. Together, Metro, our partners, and you can stop harassment. If you experience or witness harassment, report it to the nearest Metro employee.

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# Problematic Sexual Behavior (PSB)



# Full Continuum of Situations with PSB

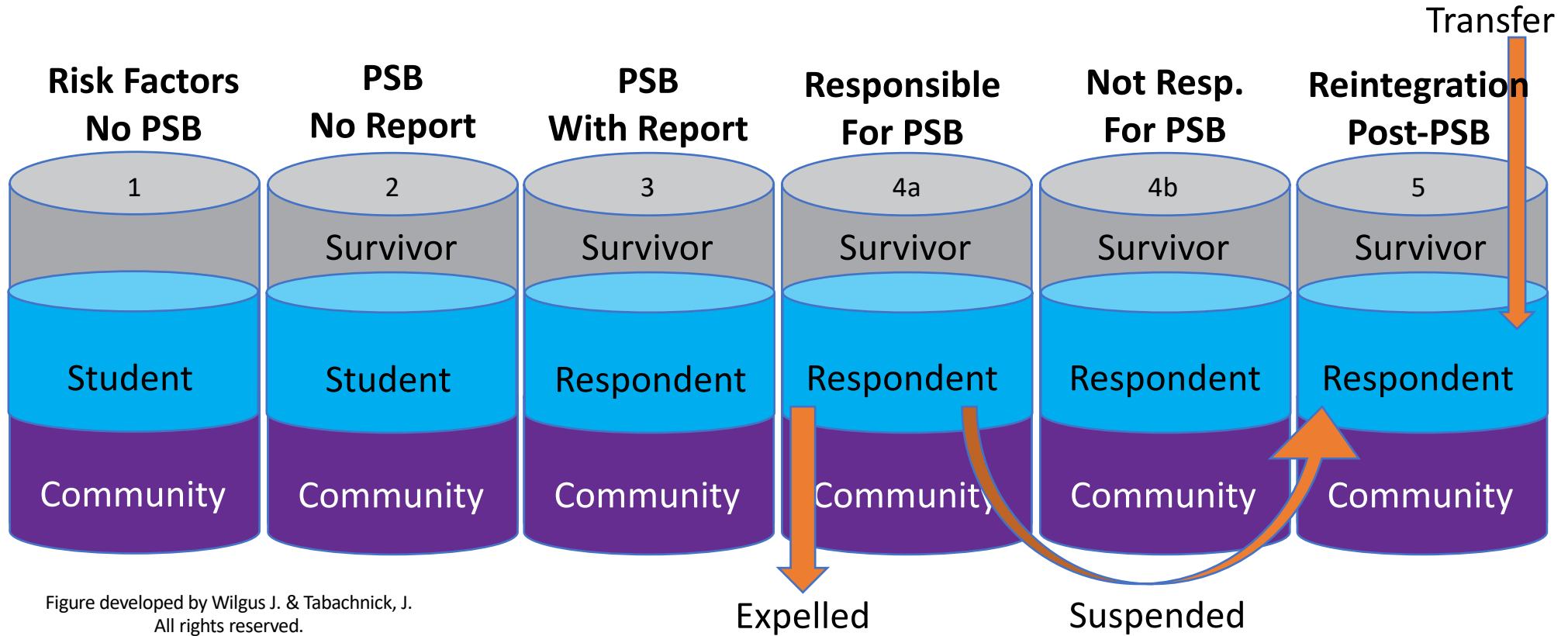


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# Toward and Integrated *and* Intersectional Approach



Each bucket..  
Each layer...

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# Individuals with Problematic Sexual Behavior

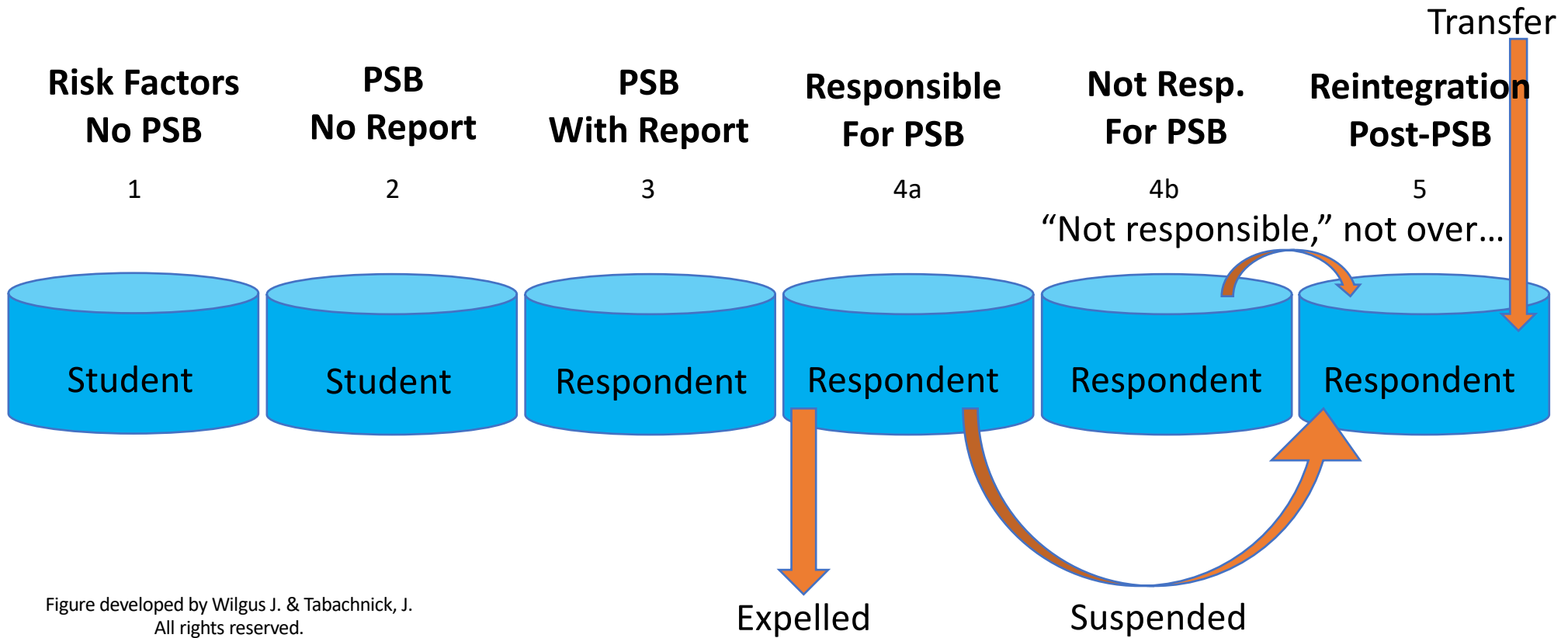


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**1b**

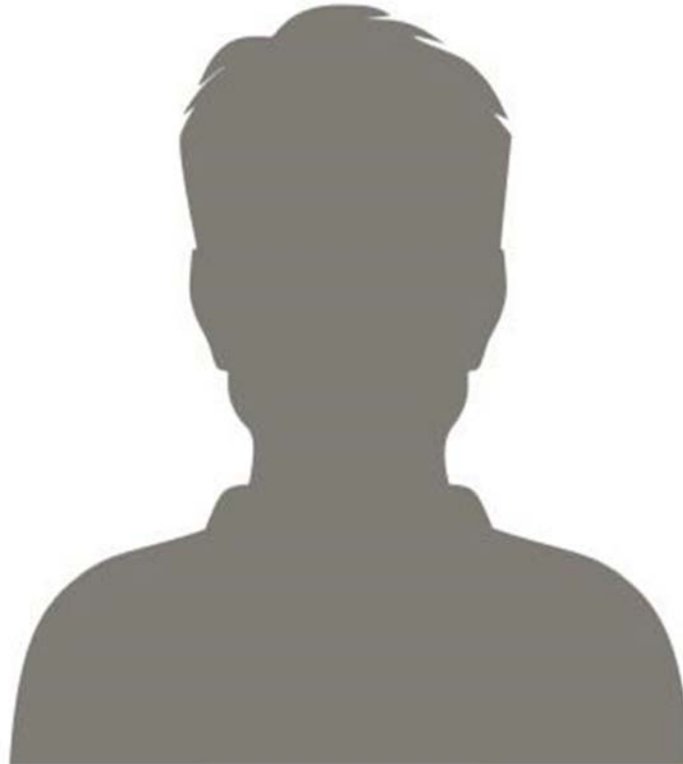
**Insights from  
Research**

“We can't move to a culture that eliminates sexual violence if we're not dealing with how harm-doers become harm-doers and how they undo that. Leaving them in a heap on the side of the road is not the answer; allowing them to sneak back in through the back door [...] and acting like nothing happened [is not] the answer. There should be an expectation that there's real rehabilitation and that [offenders] have seen the light and want to make dramatic shifts in their behavior.”

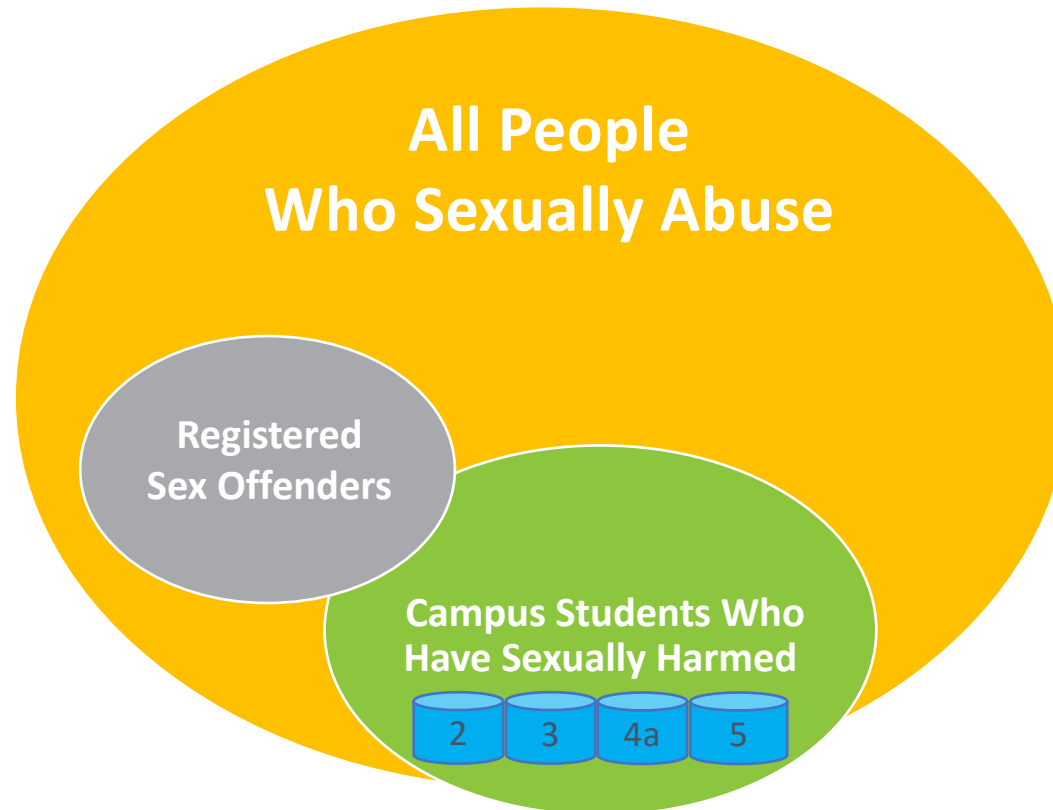


Tarana Burke

# Exercise: Who Are “They?”



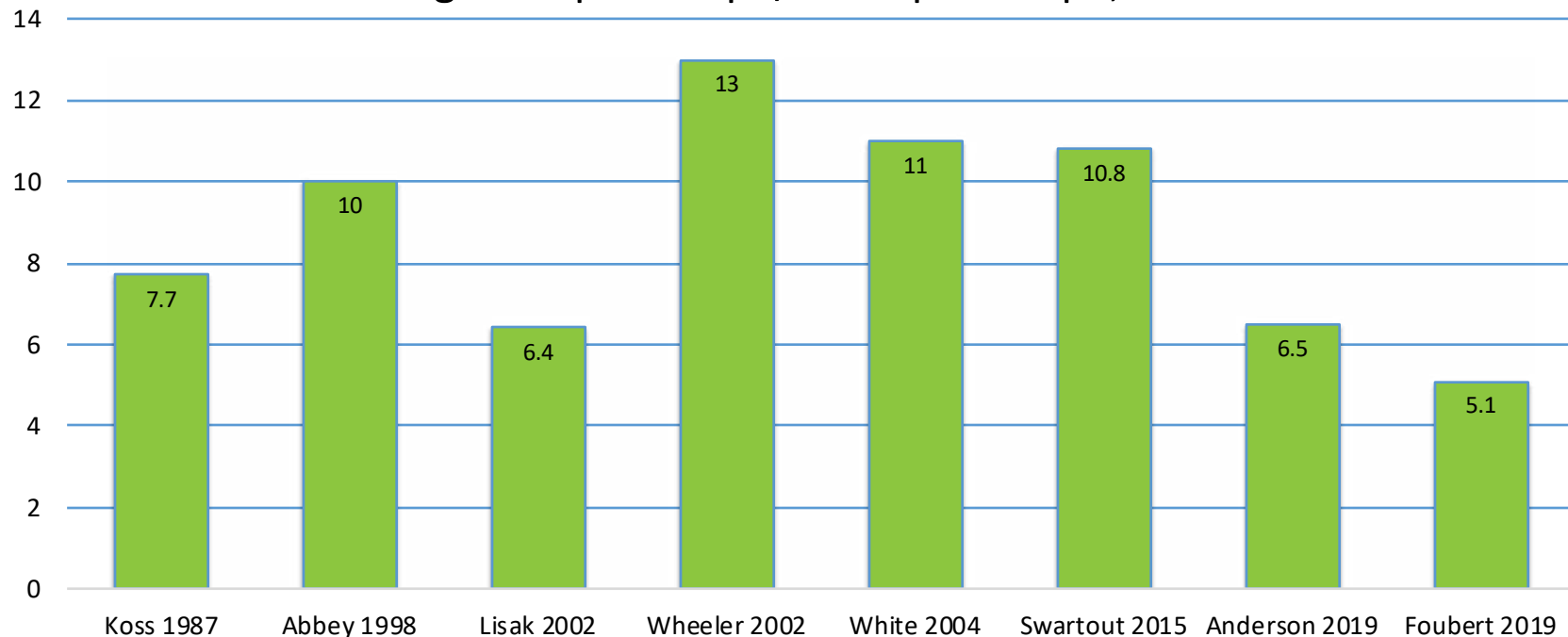
# Who Are “They?”





# Perpetration Data from College Campuses\*

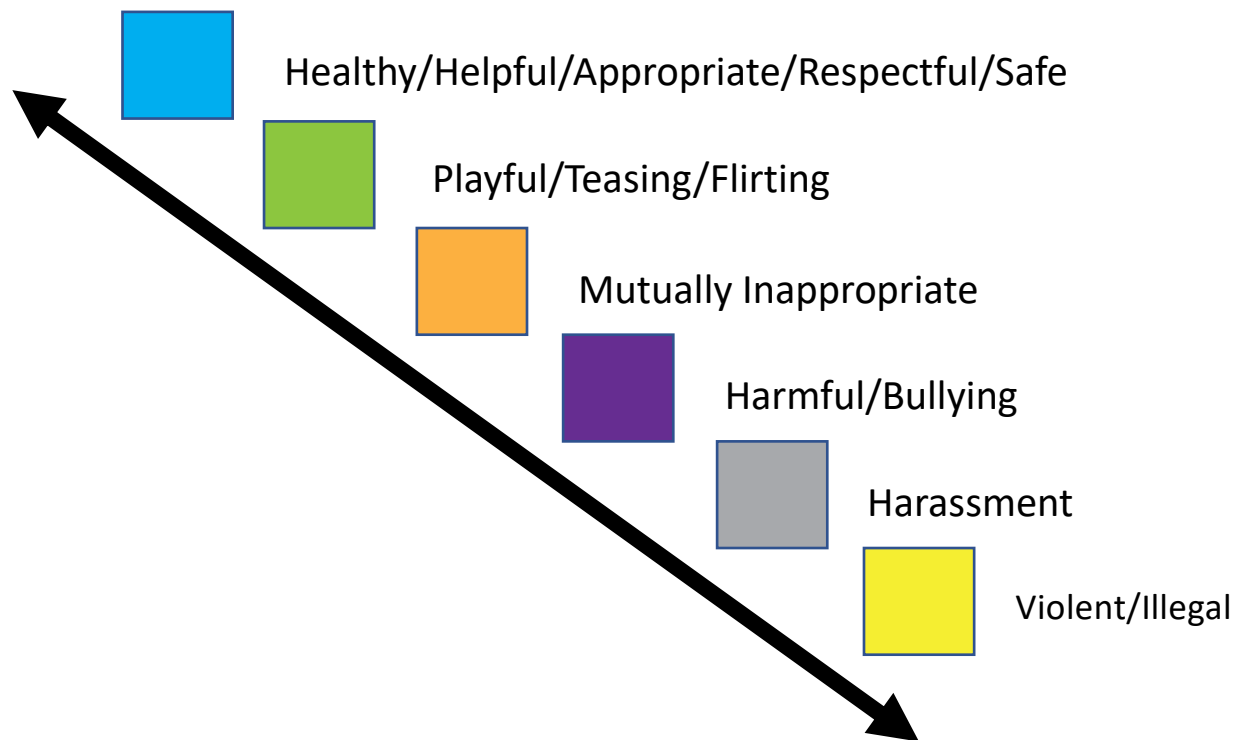
College Samples: Rape/Attempted Rape, Males



Adapted from DeGue, S., Brown, P, Jones, K., & Leone, R. (2017). Perpetration data: How it can inform your sexual violence prevention efforts. Presentation at the National Sexual Assault Conference, Dallas, TX.

\*Information should be viewed with caution, as surveys and samples may use different definitions of sexual assault and related terms and may cover different populations.

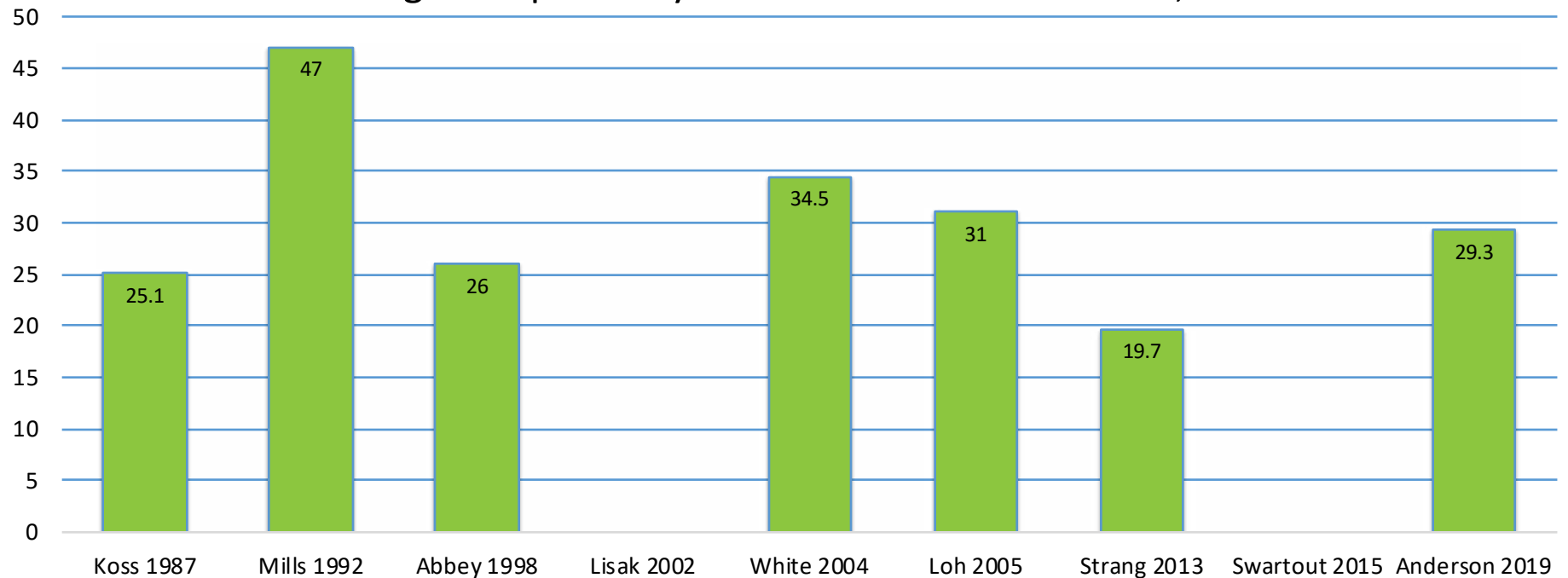
# Continuum of Sexual Behavior



Cordelia Anderson, 2001

# Perpetration Data from College Campuses\*

College Samples: Any Form of Sexual Misconduct, Males



Adapted from DeGue, S., Brown, P, Jones, K., & Leone, R. (2017). Perpetration data: How it can inform your sexual violence prevention efforts. Presentation at the National Sexual Assault Conference, Dallas, TX.

\*Information should be viewed with caution, as surveys and samples may use different definitions of sexual assault and related terms and may cover different populations.



Not all behaviors are the same.



Not all people who abuse are the same.

# Key Points



# A Heterogeneous Population

- Individuals who sexually offend:
  - Have a broad diversity of sexual interests and arousal patterns
  - Engage in a wide range of sexually abusive behaviors
  - Exist within all social identity groups
  - Have varying levels of understanding (both cognitive and developmental)
  - Live in environments that encourage and/or deter perpetration

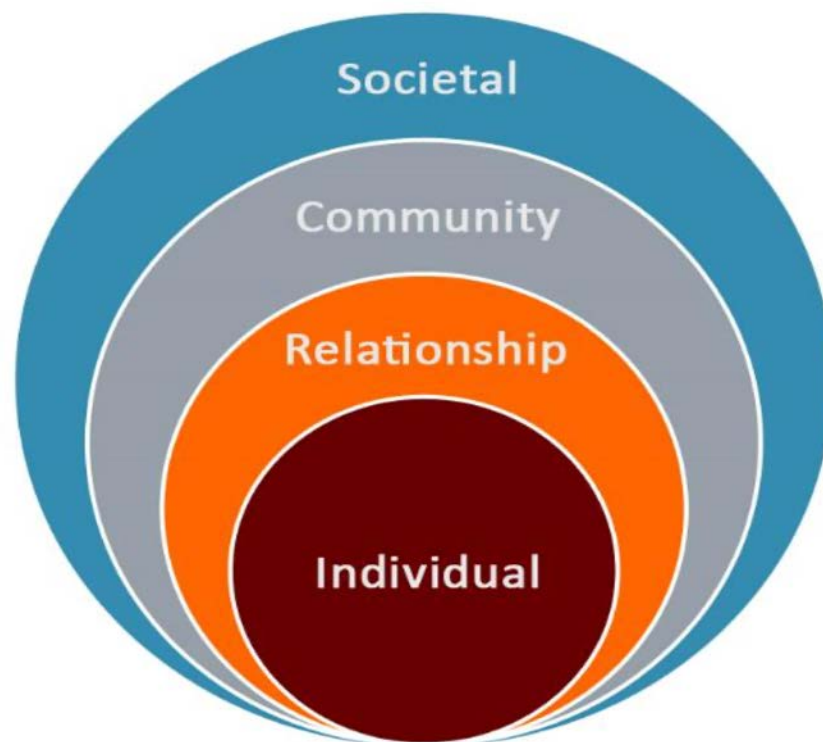
See, e.g. Center for Sex Offender Management, *The Comprehensive Assessment Protocol: A Systemwide Review of Adult and Juvenile Sex Offender Management Strategies* (2007); Wilgus, J. & Tabachnick, J. Incorporating What Is Known About Respondents and Their Perspectives into Thoughtful Adjudication Practices (2019). In C.M. Renzetti & D.R. Follingstad (Eds.), *Adjudicating Campus Sexual Misconduct: Controversies and Challenges*. San Diego, CA: Cognella.

# No Single “Cause”

- Contributing factors can include:
  - Negative or adverse conditions in early development;
  - Cognitive distortions, which often parallel rape myths and diminish internal feelings of shame;
  - Repeated exposure to sexually aggressive pornography and violence;
  - Hostility toward women and increased acceptance of physical violence toward women;
  - Problems with self-regulation and impulse control;
  - Short-term relationships and negative attitudes toward women.

See, e.g. Center for Sex Offender Management, *The Comprehensive Assessment Protocol: A Systemwide Review of Adult and Juvenile Sex Offender Management Strategies* (2007).

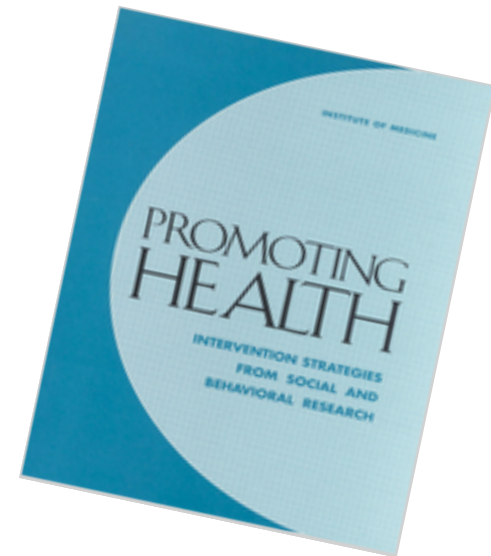
# Social-Ecological Model



Dahlberg et.al., 2002

# Impact of the Physical Environment

“ *It is unreasonable to expect that people will change their behavior easily when so many forces in the social, cultural, and physical environment conspire against such change.* ”



Institute of Medicine  
Health Promotion Study (2000)



# Impact of Race, Culture, and Privilege

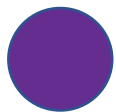


## Statement on Race and Privilege

“*Research [has shown] that entitlement and dominance are core contributors both to sexually aggressive behavior (e.g., Knight & Guay, 2018; Malamuth, 2003) and to the maintenance of privilege and the continuance of racial prejudice.*”



There is no simple answer as to why people engage in this behavior.



The problem of sexual offending is too complex to attribute solely to a single theory (multi-factor theories are stronger)

# No Simple Answers



# Finkelhor Precondition Model

1 Motivation to sexually abuse

2 Overcoming internal inhibitions

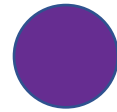
3 Overcoming external inhibitions

4 Overcoming victim's resistance

# Red Flags



*“It’s always about power and control...”*



*“This is how [all] college rapists  
find their victims...”*



*“This is what all sex offenders do...”*



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Understanding perpetration does not discount, diminish, or lessen the very real impact on victims of sexual violence.

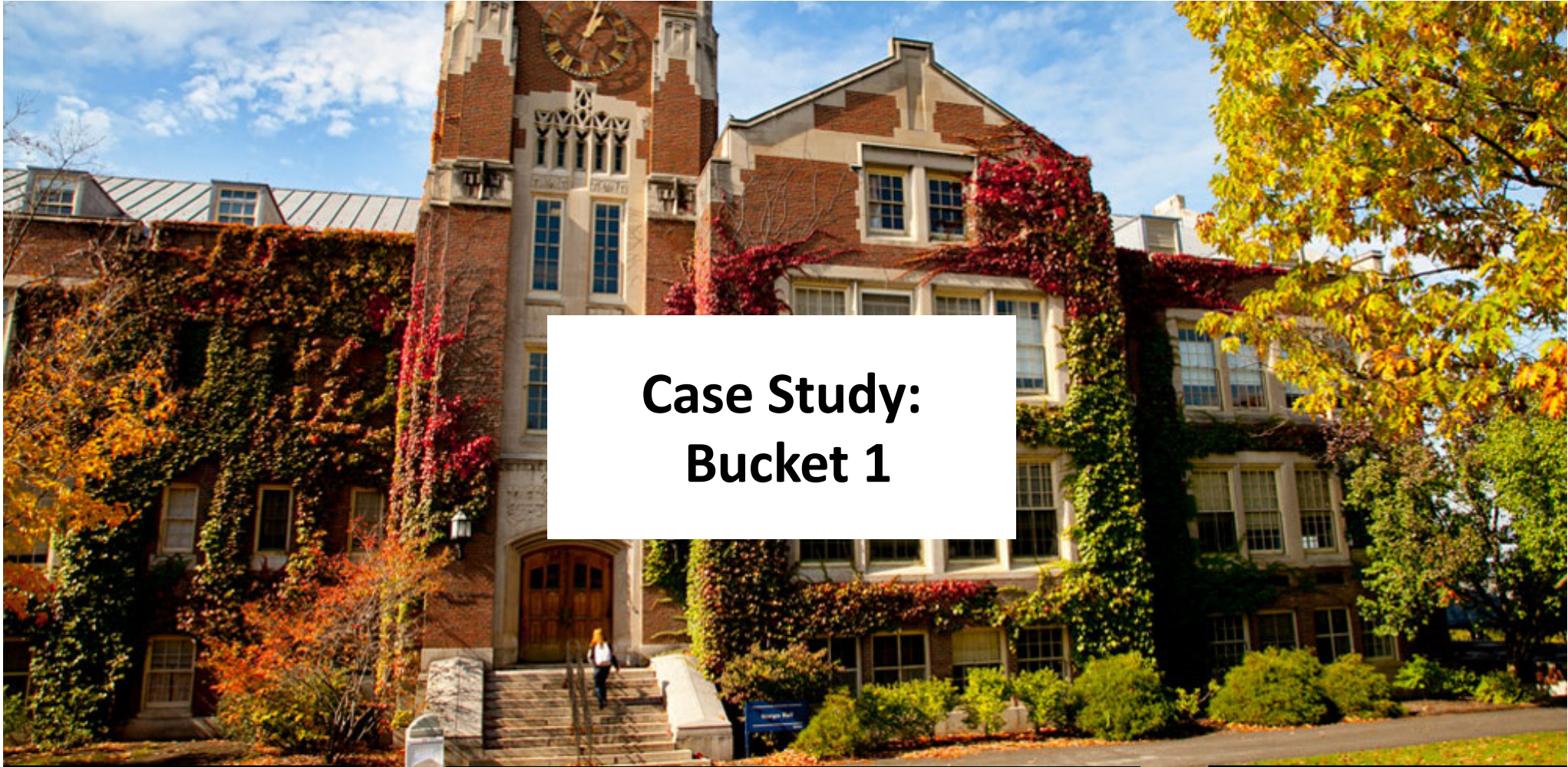
**To Be  
Clear**



“ Only when we’re brave enough to explore the darkness will we discover the infinite power of our light.”



Brene Brown, PhD, LMSW



# Case Study: Bucket 1

# Introducing Danny\*



Danny is a senior in high school who plans to attend college next year somewhere near his home in Southern California. His parents, who are now divorced, have encouraged him to look out-of-state, but he wants to stay close to home where he feels closely connected to the people and the culture – particularly those aspects that honor his mixed-race and Latin-American identities. Plus, he says, “where else do girls walk around in bikinis most of the year?!”

His Dad, who was born in Mexico, is a prominent criminal defense attorney in Los Angeles who consistently reminds Danny that “luck doesn’t follow cowards.” He spends the school year at his Dad’s house with strict rules and spends the summer months with his Mom, Step-Dad, and two half-siblings in San Diego where he has a great deal more freedom.

\* This case study was developed by Jay Wilgus and Joan Tabachnick for the Victim Rights Law Center and is intended for use with a training entitled “Practical Insight and Implications for Addressing Student Sexual Misconduct: Lessons from the Research Regarding Respondents, Their Behaviors, and Effective Interventions.” All Rights Reserved.



# Danny



Danny is generally perceived as a good kid, but he has gotten into trouble at various points. The summer before his senior year he was cited for reckless driving and public endangerment when he intentionally drove his SUV (filled with friends) the wrong way down a one-way street to see how many “tourists” he could scare. Claiming it was an accident, his Dad helped get the charge reduced to a simple moving violation.

Earlier this year, the Principal at his high school informed Danny’s parents that he – as Captain of the lacrosse team – had been pressuring a sophomore on the team to have a party at his house while his parents were out of town. When the student wouldn’t commit, Danny started referring to the student with homophobic slurs and making him do various chores following practice.

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# Discussion Items



- What risk factors might contribute to Danny engaging in sexual misconduct? What protective factors exist?
- What exists on your campus to help students at risk of engaging in problematic sexual behavior?

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# Individuals with Problematic Sexual Behavior

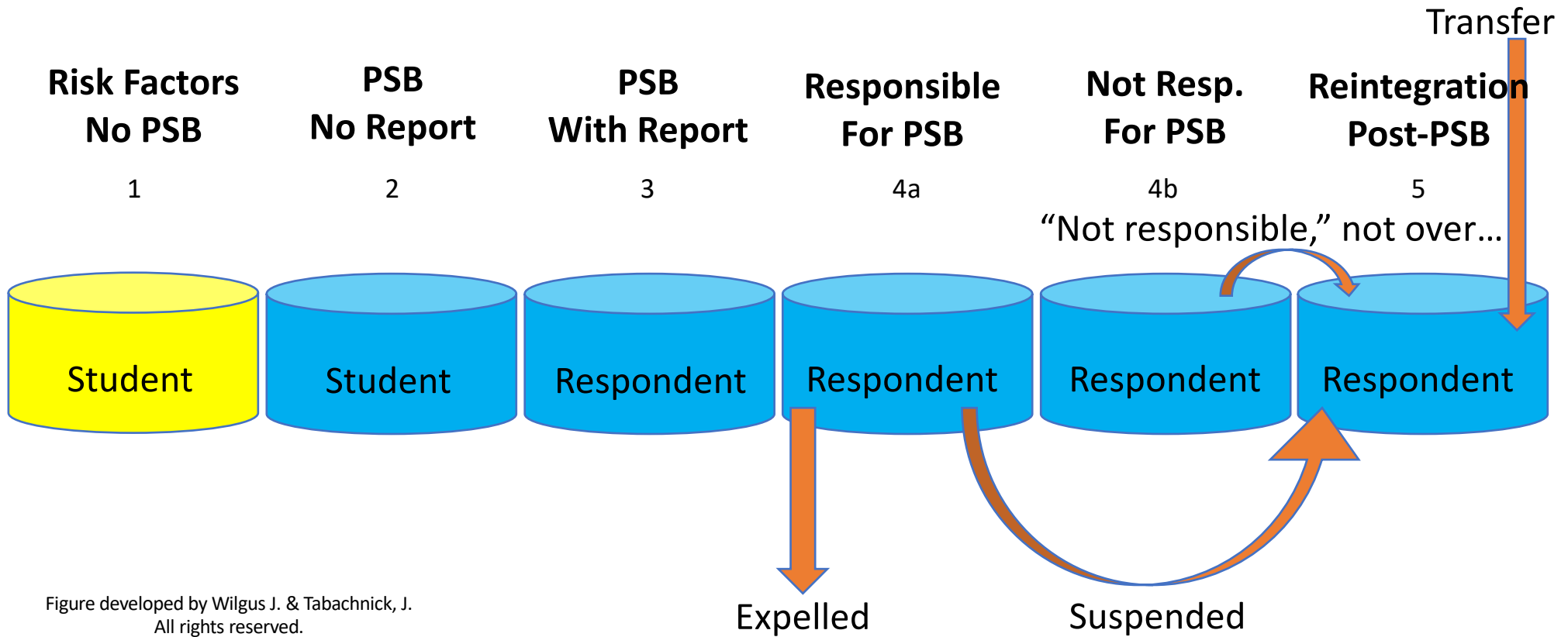


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**1c** In What Ways Can Risk Be Assessed?

# Primary Methods of Risk Assessment

- Unstructured Clinical Judgment
- Empirically-Guided
- Actuarial

Source: Center for Sex Offender Management, *The Comprehensive Assessment Protocol: A Systemwide Review of Adult and Juvenile Sex Offender Management Strategies*

# What Constitutes a Psychosexual or Risk Assessment

Traditional psychosexual assessments need to be holistic.

- Family, school, mental health/psychiatric history
- Sexual history and level of sex education
- Current relationships: friends, romantic, parental
- Other activities and interests
- Drug/Alcohol use
- Involvement in legal system

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# The Information from an Assessment

1. What risks does the student pose (e.g., other allegations)?
2. Are there associated risks such as alcohol and/or drug abuse?
3. Is the student involved in pro-social activities (safety factors)?
4. What is the student's cognitive understanding and developmental stage?
5. Is the student motivated to change?

# Assessment

## WHO COMPLETES A RISK ASSESSMENT

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Licensed clinician with training and experience in working with problematic and abusive sexual behavior

Could have experience working with adults or adolescents:  
preferably adolescents/young adults

Possible referral points include: ATSA directory, Safer Society Foundation directory, local forensic psychiatry programs



# Referrals for Assessment and/or Treatment

- Key considerations:
  - When will this be done?
  - Who will perform the assessment or provide the treatment?
  - How will the assessment or treatment be conducted?
  - What information will they need from you in advance?
  - What information will you be provided afterward?
  - Who will pay for it?

# Toward and Integrated *and* Intersectional Approach



Each bucket..  
Each layer...

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# Toward Effective Assessment



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# Toward Effective Assessment

## Respondent Risks-Needs

Acceptance of Responsibility	Alcohol or Other Drug Use
Motivation for Change	Social Orientation/Competence
Ability to Self-Regulate	Relationships: Peers and Partners
Pro-Social Supports	Level of Empathy/Remorse

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# Toward and Integrated *and* Intersectional Approach



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Questions?



Comments?



Reflections?

# Check-In



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# 2

## Practical Insights for Addressing Student Sexual Misconduct

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