



# A New Perspective on College Sexual Misconduct:

## Effective Interventions for Students Causing Harm

### Introduction

In order to effectively address sexual misconduct on college and university campuses, it is necessary to understand the complexity of campus sexual misconduct, the students who have been harmed, and importantly, the students who engage in harmful behavior. But what are the prominent media images of these students who have caused sexual harm? Consider the following examples. In 2012, former Florida State University football quarterback, Jameis Winston, was accused of forcibly raping a classmate and, in a later incident, was accused of sexually groping a female Uber driver. In 2016, Stanford University student, Brock Turner, was convicted of three counts of felony sexual assault for raping an unconscious 22-year old outside of a campus fraternity house. These high-profile cases received extensive media attention and

publicity and shed light on the seriousness of campus sexual violence. However, this attention has also contributed to a narrow view of campus sexual misconduct, the range of behaviors it involves, and the diversity of the students who commit these violations, which may impact the quality and effectiveness of responses to these incidents.

Support and services for students who have been harmed are critical for institutions to have in place, and they must be centered on survivors' responses to sexual misconduct. As Tarana Burke, a civil rights advocate and founder of the #MeToo movement noted, making lasting change and preventing future sexual misconduct also requires institutions—and society more broadly—to examine how to respond to those who do harm:



*“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.”*

Tarana Burke



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.<sup>1</sup>

This paper is intended to serve as a resource for campus administrators and staff tasked with addressing student sexual misconduct. Below is a review of the research literature on campus sexual misconduct to offer insight into the nature of these behaviors, as well as the traditional-aged students (18-22) who engage in harmful sexual behavior on campuses. This overview includes a special focus on cognitive and developmental factors that may impact students’ motivations and understanding of their behavior. This paper then closes with a set of recommendations and information for campus administrators and staff to understand and more effectively respond to campus sexual misconduct.

## What is sexual misconduct?

Sexual misconduct, broadly defined, refers to any unwelcome behavior of a sexual nature that occurs without consent or by force, intimidation, coercion, or manipulation.<sup>2</sup> It can involve strangers, but in the campus setting is more likely to occur between acquaintances, peers, or individuals involved in an intimate or sexual relationship. Sexual misconduct involves a range of behaviors, including rape or attempted rape, sexual assault, sexual harassment, groping/sexual touching, and non-contact offenses such as non-consensually taking or forwarding explicit pictures or videos of other students.<sup>3</sup> Individuals may engage in sexual misconduct through force, incapacitation, or coercion, and may also do so with or without a full understanding of consent.<sup>3</sup>

Sexual misconduct may also involve psychological coercion, which includes threats or emotional manipulation to compel others to agree to, or feel obliged to, engage in sexual acts they would otherwise not want to do.<sup>4</sup> Feelings of guilt, awkwardness, embarrassment, or even shame can be evoked from the victim, for instance, because the victim

had agreed to “go home” with the perpetrator, but had not agreed to engage in a sexual encounter, or had simply wanted to leave.

Sexual harassment refers to behaviors such as stalking, pressuring an individual to engage in sexual behavior for some educational or employment benefit, making a real or perceived threat that rejecting sexual behavior will carry a negative consequence for the individual in any capacity on campus, persistent unwelcomed efforts to develop a romantic or sexual relationship, unwelcomed commentary about one’s body or sexual activities, repeated unwanted sexual attention, and sexually-oriented teasing, joking, or flirting, and more.<sup>2</sup>

## Who engages in campus sexual misconduct?

This paper examines sexual misconduct within the college and university campus environment, recognizing that the campus is not restricted to its physical boundaries, but rather includes people and places affiliated with the campus. Although there is a tremendous amount of research about the prevalence of rape and sexual abuse regarding rates of victimization, there is a dearth of information about the prevalence of perpetration. However, in the campus world, some studies have been conducted. Using the definition of rape and attempted rape, research has reported that 6 to 13% of male students have either raped or attempted to rape.<sup>5-13</sup> Studies using a broader definition of sexual misconduct report prevalence estimates ranging from 2 to 47%.<sup>5,6,9,13-17</sup> Further, these studies demonstrate that not only is there a broad range of sexually inappropriate behaviors being reported, but also that rape and attempted rape are only accounting for a portion of campus sexual misconduct.

Research clearly shows that people do not experience trauma or react to trauma in the same way. There is no one-size-fits-all response to rape, attempted rape, or any form of sexual misconduct. Similarly, students who have committed some form of sexual misconduct do not fit within a single box. Each student will reflect differences in motivations, tactics/intentions, and cognitive understanding. Furthermore, although the traditional-aged student is legally an adult, they will vary considerably in terms of their developmental stage, and in many cases, these students may have more in common with an adolescent population.

Individuals who have committed multiple sexual misconduct violations have often remained the focus of media and scholarly work. These individuals may target vulnerable students with repeated deliberate and malicious sexual behaviors, such as attempted or completed forceful touching, kissing, groping, or even rape. Other individuals may intentionally inebriate another student or take advantage of an inebriated state in order to facilitate sexual assault, otherwise known as date rape or incapacitated sexual assault.<sup>4</sup>

Others may perpetrate repeated sexual misconduct without much premeditation or reflection on the seriousness or impact of their behavior on the student they harmed. For example, these individuals may engage in frequent binge drinking with a social group, which may lead to the repeated engagement in risky and harmful behaviors, such as sex without obtaining consent. Gervais et al. (2014) found that heavy drinking – in frequency or in quantity – was associated with more sexual misconduct perpetration, including rape, coercion, and sex without consent.<sup>18</sup> This behavior may persist due to continued drug and/or alcohol use, failure to internalize or conceptualize this behavior as sexual misconduct, lack of understanding of the impact of the misconduct on the other student, or reinforcement by an environment that normalizes sexual misconduct.

Still others may engage in campus sexual misconduct only once or within a limited time period.<sup>5,11</sup> There is evidence, too, that most students who engage in some forms of campus sexual misconduct might be classified in this manner. For example, one study found that male college students who committed rape could be organized into three groups: the vast majority as low or time limited, while a few showed decreasing rape patterns and others showed increasing patterns.<sup>11</sup> These acts may have originated from a lack of understanding of, or failure to obtain, consent to engage in sex.

Less frequently addressed is campus sexual misconduct committed by individuals that possess communication deficits or developmental disabilities, such as those on the autism spectrum. These students may have difficulty with social communication and interaction, restricted interests, and repetitive behaviors.<sup>19,20</sup> Among other behaviors, students on the spectrum may have trouble understanding another person’s point of view or may be unable to predict

or understand other people's actions.<sup>20</sup> In social contexts, it may be difficult for those on the spectrum to interpret subtle cues in social interactions such as understanding personal space boundaries or to distinguish between wanted and unwanted attention (e.g. flirty vs. unnerving, appropriate vs. inappropriate).<sup>21</sup> For this population, the significant challenges in reading social cues may increase the likelihood for these behaviors, but does not lessen the impact on the student who is harmed.

## What is Known about Intervention and Treatment

Research has shown that treatment of adolescents and young adults with problematic sexual behaviors is effective – if interventions are tailored to the individual. This individualized approach is aligned with recent American Bar Association Task Force recommendations on sanctioning campus sexual misconduct:

[S]anctioning 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.<sup>23</sup>

Professionals who work with these youth typically use a framework called Risks-Needs-Responsivity (RNR) to ensure that the cognitive, emotional, and developmental understanding of that youth are addressed. The RNR model focuses on matching interventions with clients' level of risk, identifying criminogenic needs that increase their risk of reoffending, and aligning interventions to clients' cognitive capabilities.

Campuses are faced with a range of students who may need a variety of interventions that are tailored to their unique situation, including students:

- found responsible for sexual misconduct and who may return to campus after a suspension
- who may remain on campus with restrictions
- with a previous misconduct violation who are transferring to a new campus

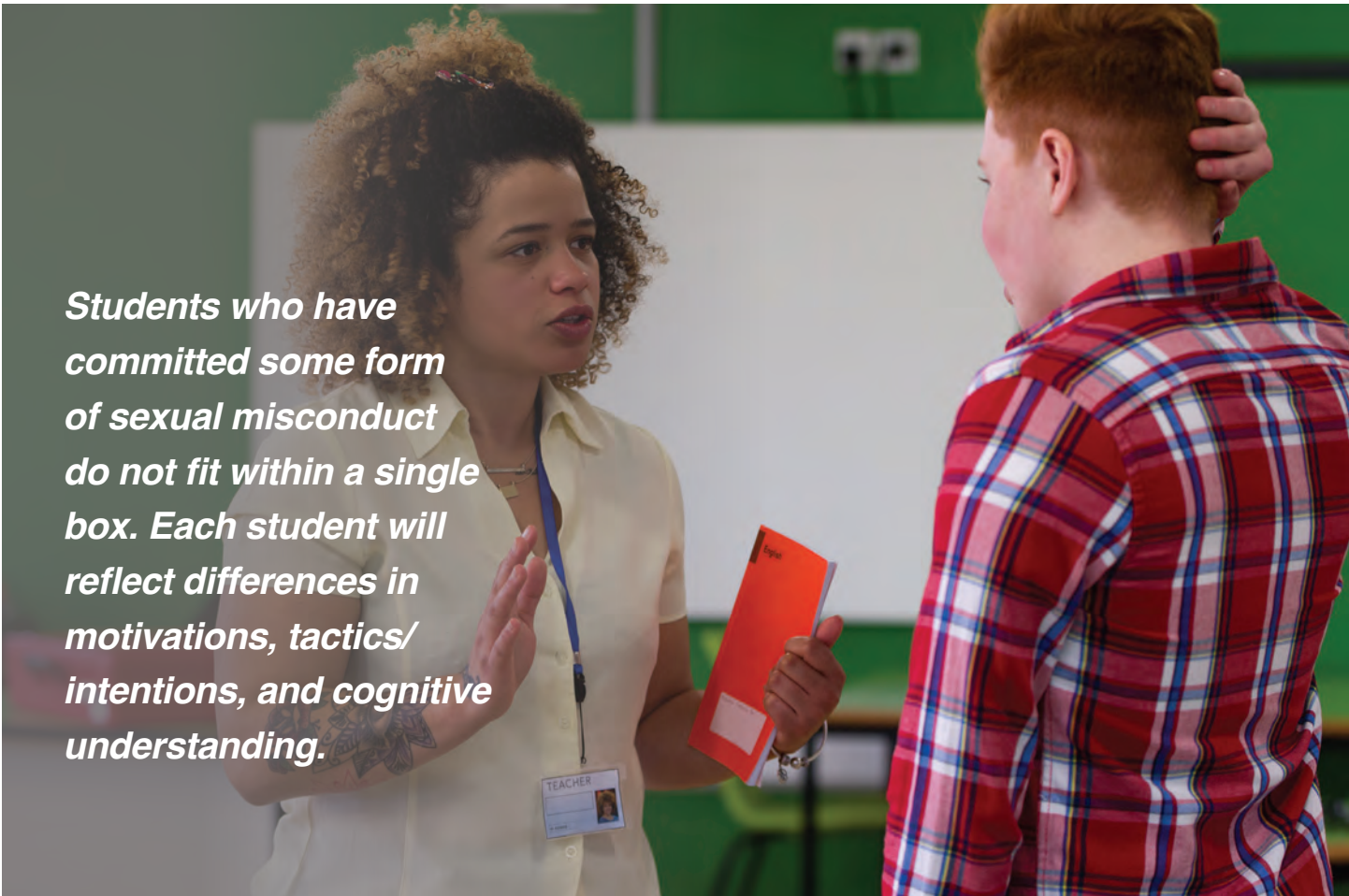
To individualize the intervention for students with more significant problematic behaviors, a risk assessment by a qualified professional may offer important insights and articulate the best intervention. The intervention may include treatment by a qualified therapist, an education program, and/or detailed safety planning to address the identified issue for the student while ensuring both the student's safety and the safety of the entire campus.

## Recommendations

Campus sexual misconduct includes various types of behaviors involving different motivations, tactics, cognitive understanding and developmental differences. School administrators and staff who recognize this nuance will be able to develop a more effective response—one that includes a comprehensive understanding of the student and the context in which the harm was caused.

Here, we provide several recommendations to assist campus stakeholders in this effort.

- **Focus on perpetration prevention:** Many campus prevention programs focus on preventing and responding to victimization and may ignore opportunities to prevent the perpetration of sexual misconduct. Programs that focus on students at risk to harm or preventing further perpetration need to be incorporated. Establishing programs that offer all students, staff, and faculty the resources and skills on how to talk to someone who may be harmed, intervene with someone who may be at risk to cause that harm, and to offer resources for these students is an essential element of prevention. Furthermore, each of these prevention programs need to expand beyond a one-size-fits all approach to examine the range of behaviors, the range of individuals, and the motivations for those behaviors when designing a prevention approach.
- **Services for students:** Campuses may need to develop more robust services for students with problematic sexual behaviors through either partnerships with off-campus experts who regularly evaluate and treat these cases, additional training for counseling centers and sanctioning bodies, or additional staff hired to address these issues.



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These expanded services would challenge campus staff to offer students with problematic sexual behaviors various interim measures as their behavior is addressed or they reach out for help (e.g., safety plans, changes in schedules); challenge campus counseling services to be trained to work with this population or develop an agreement with those off-campus experts; and challenge sanctioning bodies to develop or consult with experts when individualizing sanctions to enhance the likelihood of a successful outcome. It is equally important for campuses to actively let students and the community know that these services exist. Research shows that without informing students of these services, few will be able to access them when needed the most.<sup>24</sup> Finally, these services would need to address a range of situations that include students who have not been reported, students who have been reported and in the conduct process, as well as students found responsible and

returning to school after a suspension or transferring in with a disciplinary history.

- **Individualized response:** To ensure an individualized response to each student that reflects their risk, the special challenges they may face, and the resources needed to ensure their safety, MASOC recommends referring students to a qualified clinician to conduct a specialized risk assessment for problematic sexual behaviors. In Massachusetts, a listing of qualified clinicians who work with youth or young adults can be accessed through MASOC ([www.masoc.net](http://www.masoc.net)), and for older students, through MATSA ([www.matsa.info](http://www.matsa.info)). To access someone locally outside of MA, contact the Association for the Treatment of Sexual Abusers ([www.atsa.com](http://www.atsa.com)) or the Safer Society Foundation (<https://www.saferociety.org/>). Research also shows that without these tools to guide the process, assessments would be inconsistent

across individuals. One such tool is the M-CAAP developed by MASOC and a team of nationally recognized experts with over 100 years of collective experience in working with this traditional-aged population. Go to [www.masoc.net](http://www.masoc.net) for more information.

- **Treatment and educational interventions:** When working with adolescents, research shows that the risk to reoffend is fairly low.<sup>25</sup> The research also indicates that the risk to reoffend sexually for many young adults is equally low, especially with evidence-based intervention and treatment. For higher risk students, a comprehensive treatment program is an opportunity to address their behaviors as well as the decisions that led up to causing such harm. However, research shows that for those at the lowest risk to reoffend, a full treatment program may not be as useful as other interventions such as a short educational program. In some cases, individualized sanctions or educational interventions may be enough to redirect behaviors. The clear take-away is to match the intervention to the student's risks, protective factors, and needs to ensure the most successful and safe outcome.
- **Community reentry:** Safety planning is often used for students who have been harmed. But a similar process can be used for a student remaining enrolled, returning from suspension, or transferring to a new institution after a finding of responsibility for sexual misconduct. Research shows that even if you place high-risk adolescents into a low-risk environment, their risk to reoffend is

significantly lower.<sup>26,27</sup> A key element of all of these approaches is to address risk factors but also to enhance the protective factors surrounding the individual at risk to cause harm. Some of these will be needed to counter a risk factor (e.g., substance-free events and substance-free support network) and others will be necessary to bolster the strengths that already exist (e.g., supportive friends and family, academic support, setting longer term goals). Therefore, colleges and universities can utilize some of the tools developed for family reunification or other forms of community reentry to ensure a safer reentry for the student while also helping to maintain a safer campus community.

- **Restorative justice:** Restorative justice is a framework that addresses harm by prioritizing acknowledgment of harm, personal accountability, and connection instead of the traditional strict focus on statute violations.<sup>28-31</sup> Restorative justice practices can vary but may include features of victim-offender conferencing, family group conferences, and peacemaking circles. There have been recent calls for campuses to adopt restorative justice principles in addressing sexual misconduct. As part of this process, campus restorative justice coordinators must identify the needs, preparedness, and consent of both the student who filed the complaint and the student who was accused. When implementing restorative justice practices, institutions must ensure that facilitators are adequately trained in applying the process to sexual misconduct cases.

***Campuses may need to develop more robust services for students with problematic sexual behaviors through partnerships with off-campus experts, additional training for existing staff, or new staff with this expertise.***

## Conclusion

Sexual misconduct remains a pressing concern for campus environments, and the policy landscape surrounding these behaviors is complex. Ensuring effective responses to campus sexual misconduct is vital to creating safe learning environments for students. Therefore, it is important for campus administrators and policy-makers to recognize that one-size-fits-all policy approaches are unlikely to adequately address the perpetration of campus sexual misconduct because they fail to recognize the myriad causes, motivations, people, and contexts involved.

Schools would benefit from a proactive response—one that incorporates: a focus on perpetration prevention; the

development and promotion of resources for students at risk, students accused, and students found responsible; and coordination with qualified clinicians in establishing sanctions and community reentry. When creating an individualized approach to students who have engaged in harmful sexual behavior, a response that is rooted in a deeper recognition of the diversity of students, differences in behaviors, and understandings of that behavior is critical. Doing so ensures that students harmed by these behaviors have their needs addressed, students who have committed these violations receive effective services, and that healing, accountability, and safety are fostered in the broader campus environment.

Go to [www.masoc.net](http://www.masoc.net) for a full listing of the references noted in this paper.

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### Suggested citation:

Rapisarda, S. S., Shields, R. T., & Tabachnick, J. (2020). A new perspective on college sexual misconduct: Effective interventions for students causing harm. Easthampton, MA: MASOC.

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## About MASOC

MASOC's mission is to ensure that children and adolescents with problematic or abusive sexual behaviors live healthy, safe, and productive lives. We strive to prevent sexually abusive behaviors in these youth by training professionals and educating the community about developmentally appropriate interventions, evidence-based treatment, and effective public policies.



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