



HELPFUL HINTS

FOR SCHOOL EMERGENCY MANAGEMENT



Vol. 3, Issue 2, 2008

EDUCATOR SEXUAL MISCONDUCT WHAT SCHOOL STAFF NEED TO KNOW AND DO

Overview

As school districts develop all-hazard emergency management plans, consideration for both natural disasters and man-made hazards is required. Districts must evaluate the risk of each hazard, review current legal standards and prioritize their emergency planning efforts. School violence has become elevated in public attention following such tragic events as occurred at Columbine, Red Lake and Virginia Tech. However, this is not the only man-made hazard schools should consider.

Over the last 10 years, incidences of adult sexual misconduct involving a young person have become more publicized. Misconduct happens in families, via the Internet, in youth groups, in churches and even in schools. This phenomenon is known as “educator sexual misconduct.”

Educator sexual misconduct is particularly troubling because of the special position of trust afforded to school employees, which places them in a unique position. That is, parents leave their children in the care of educators expecting such adults to teach their children, as well as positively influence their children’s character and psychology. However, when an incidence of educator sexual misconduct occurs with a child, both parents and fellow educators are often blindsided by the event. Traditional teacher-training courses on child abuse focus primarily on physical or emotional abuse. When sexual abuse is discussed, it is often within the context of the family unit or as a stranger-posed risk. Therefore, school personnel largely are not attuned to potential hazards their

colleagues—or even themselves—inadvertently may pose in situations which could be defined as educator sexual misconduct.

It is important for all school personnel—teachers, staff and administrators alike—to understand the definition of educator sexual misconduct for two primary reasons. For one, they should know when their own conduct might be misconstrued, or worse, might result in accusations of sexual misconduct with a student. Second, they should know what behaviors are questionable so as to recognize and respond appropriately if they suspect a colleague of sexual misconduct. Understanding the legal definitions and common terms related to educator sexual misconduct are important in order to begin to understand the breadth of this concept.

What is educator sexual misconduct?

“Educator sexual misconduct” is a term that describes a continuum of inappropriate behaviors, from sexual talk to intercourse, which an adult in the education system exhibits toward a student or former student under 18 years old. [It includes actions at the level of criminal behavior and child abuse (such as molestation or rape) and other noncriminal, yet inappropriate, conduct (such as back rubs and hand-holding).] Because legal definitions on this topic are explicit but vary from state to state, consultation with local authorities is recommended. Legal terms defined in state laws may include “child sexual abuse,” “sexual victimization,” “sexual exploitation,” “child molestation” or “child rape.” However, it is not just the legal system that has varying definitions. Researchers and practitioners also have varying

terminology, definitions and criteria. Yet, managing the protection of students requires that all adults in the school community understand local legal definitions as well as educator sexual misconduct patterns of behavior. Therefore, for the purposes of this discussion, the working definition of educator sexual misconduct will include any sexualized behaviors, both of a criminal and noncriminal nature, between an adult in the school community and a student or former student. Examples may include:

- Personal space boundary violations, such as a student older than second grade sitting on a staff member's lap or a teacher performing back rubs on a student;
- Sexual harassment, including both *Title IX of the Education Amendments of 1972* definitions of "quid pro quo" and "hostile environment." This includes requiring sexual favors in exchange for some other reward or goal (quid pro quo), such as a higher grade, or creating a hostile environment with the use of sexual comments, jokes, gestures, pictures or other content of a sexual nature unrelated to an approved health curricula, in such a pervasive way as to make a student's environment unbearable;
- Sexual abuse under state criminal codes, such as
 - Encouraging a child to engage in prostitution or other sexual activity;
 - Participating in pornographic photography or video production; and
 - Conducting sexual relationships with a student or former student under the age of 18.

What is known about individuals who commit this type of abuse?

A clear profile of an adult who engages in educator sexual misconduct is unknown. However, offenders may share certain patterns of behavior. Some are monogamous and believe that they are in love with a

student. Others are "opportunistic predators" who chose the education field specifically to have access to children and youths. Still others are "bad judgment predators" who did not go into education to target children, yet end up in "relationships" that meet their emotional needs. In any scenario, the student's well-being is lost; the offender's concern is meeting his or her own needs at the expense of the child's.

Studies have examined the phenomenon, but because most students do not immediately disclose inappropriate incidents, data are incomplete. Generally, it is known that although an offender can be male or female, most are heterosexual (less than a third of sexual misconduct incidents involve same-sex victims), and studies of convicted offenders indicate that an offender can be employed in a variety of education job categories, including teacher, coach, principal, bus driver, security guard, counselor or any other school employee (Shakeshaft, 2004). In *Education Week's* six-month study of newspapers and computer databases of active cases alleging sexual misconduct in either criminal or civil courts or being handled by school district investigators from March to August 1998 (Hendrie, 1998), the adult educator sexual offender suspects ranged in age from 21–75 years, with an average age of 28. Eight of 10 suspects were male.

How prevalent is this problem?

Secondary analysis of a 2000 survey of eighth-through 11th-grade students found that 9.6 percent of students surveyed reported having experienced educator sexual misconduct in the form of unwanted contact, or noncontact, or both (American Association of University Women, 2001). Twenty-one percent of students who reported experiencing any kind of sexual misconduct in schools were victims

* *Education Week* is a publication of Editorial Projects in Education, Inc., a nonprofit organization whose mission is to raise the level of understanding among professionals and the public on important issues in U.S. education.

of adult educators (as opposed to 79 percent, who were targets of other students). When these survey results were extrapolated to the entire U.S. student population, it is estimated that over 4.5 million students are subject to sexual misconduct by an adult educator at some time between kindergarten and 12th grade.

Education Week's six-month study of newspapers and computer databases with active cases alleging sexual misconduct revealed publicity on 244 active cases of student sexual abuse during this period, nationwide. Student victims in the survey were most often high school age (two-thirds were 14 years and older), although students ranged in age from kindergarten through high school senior. Almost 70 percent of the cases involved female victims. No trend was recognized in either the type of assault (contacts included both long-term relationships and impulsive attacks) or school setting (public, private, religious, secular, urban and rural schools all reported cases).

What can be done to address this problem in schools?

All adults in education share the responsibility for creating and maintaining a safe, healthy and secure learning environment for all students, staff, parents and volunteers. Students are best served when staff members create a climate that is friendly and caring, and, in many situations, appropriate touch can be an excellent way for an educator to show support and appreciation for students. Alternatively, inappropriate touch by an educator can be eminently destructive to students. Although educator sexual misconduct is a difficult topic to discuss and address, certain strategies can be employed to make discussions more productive and result in a safer school environment. It is critical that all school personnel know and understand the boundaries of appropriate behavior in order to **prevent** incidents or allegations of sexual misconduct.

The school community needs to be **prepared** to recognize questionable behavior and **respond** appropriately if sexual misconduct is suspected. Finally, by working together, schools can **recover** following an incident or allegation of sexual misconduct. The following sections will explore these strategies in greater depth and will provide helpful hints to help improve your school or district's ability to protect your students.

Prevention

Prevention strategies regarding educator sexual misconduct can take several forms. Schools and after-school organizations can set up policies and procedures that both reduce risks to children and also protect adults from false accusations. Policies should incorporate state and federal laws and create structure and protective oversight for the ways in which staff and volunteers have access to students. These may include more stringent applicant-screening procedures, such as criminal record checks, or written codes of conduct, which should include consequences for violations. Additionally, some staff roles with students involve highly personal services; therefore, clear job descriptions, standards, safeguards and policies, such as those governing appropriate touching, overseeing toileting, chaperoning field trips, providing student transportation and administering health care should be in place. Drawing the lines on appropriate conduct is nonetheless not always easy.

As districts wrestle with educator sexual misconduct in schools, some have reacted to increased litigation by creating "no-touch" policies, including bans on hugging and lap sitting, but others have emphasized that touch is important to make most children feel warm and accepted. In these districts, guidelines are established and discussions ensue about "best practices" to protect both staff and students, which take into consideration the variances in individual preference and cultural norms that can come into play around this issue. See the

table below for an adaptation of one district's behavioral guidelines for adult-student interactions.

Sample School District Behavioral Guidelines Governing Adult-Student Interactions*

Green Light Behaviors – *These behaviors are appropriate:*

- Providing humor and friendly comments
- Giving compliments that are not overly personal
- Talking to, treating and touching all students in a consistent manner
- Making sure when alone with a student the door to the room is open and ensuring that you are in plain sight
- Spending a majority of time with all and not with one student or a single group of students
- Making personal contact only in safe-touch areas, which include the shoulders, upper back, arms, head and hands
- Educating all students and parents about the possibility of educator sexual misconduct while using approved developmental, cultural and socially appropriate materials

Yellow Light Behaviors – *These behaviors may be misconstrued and should be stopped if currently practiced:*

- Singling out students for favors
- Giving overly personal cards, notes, e-mail or yearbook inscriptions
- Teasing that references gender or contains sexual innuendo
- Making sexist comments

Red Light Behaviors – *These are inappropriate unless specifically part of an education or counseling program:*

- Touching students frequently
- Commenting on students' bodies in an overtly sexual manner
- Being alone in a locked room with student
- Talking about student sexuality
- Meeting students during out-of-school hours and away from the school grounds
- Lap sitting for students beyond second grade

* Seattle Public Schools (2007). Adult sexual misconduct: Keeping students and staff safe. Guidelines for teachers and school personnel [Brochure]. Seattle, WA: Seattle Public Schools.

Preparedness

Sexual misconduct may take on many forms. A number of educator sexual offenders claim to “fall in love” with a student, while others are serial offenders who coerce the victim to keep the relationship undiscovered. A molester may be at different phases of exploitation with different students. The characteristics of the exploiter also differ: some offenders are crude and emotionally immature, while others are socially skilled and act charming and helpful to gain trust and access to their victims. If educator sexual misconduct in schools is to be reduced, all personnel who have direct contact with students or supervise other adults who have student contact, and parents and students themselves need to understand the dynamics of sexual exploitation.

As an adult offender tries to engage in sexual activity with a student, the offender will go through three phases of exploitation to maximize his or her success (see the table on page 5 for more detail). During each of these phases, behaviors will be targeted not only at the student, but also at staff and parents. Understanding these three phases of exploitive behavior can help prepare other individuals to be aware for when such interactions, patterns or relationships begin developing. A district's establishment of clear requirements for reporting suspicious adult behavior, as well as an effective complaint system, will allow for identification of such behaviors to translate into preventative actions, effective trainings and appropriate administrative response. An effective complaint system would include definitions, administrative consultation protocols, investigations and criminal referral processes, parental notification requirements, administrative resolution steps and immunity and retaliation considerations.

Response

All educator sexual misconduct is extremely serious. Most sexual relations with students take place in private, so reporting requirements must address the range of behaviors that cause even suspicion of sexual relations or abuse. Since different people see different “parts of the whole picture,” it is important to have a team of persons in each school responsible for putting all “the parts” together to form a complete picture of any sexual misconduct. Sexual exploitation can be suspected because of a student report, an observation of sexual behavior or because of inappropriate sexual or nonsexual behaviors (e.g., flirting or being seen together in unsanctioned social situations, respectively). Each district should review its state’s laws

and establish an administrative complaint system that promotes swift action and clear expectations for when, how and by whom law enforcement must be called.

Although a distinction is made between the reporting of suspected sexual abuse (which is criminal) and other sexual misconduct (such as sexual harassment or inappropriate boundary-setting behaviors), it is important to consult with local law enforcement early on when suspicion arises. Interagency collaboration at the earliest stage of the investigation minimizes the tainting of the investigation by other parties, as well as trauma to the victim. Further, outside investigations also protect districts from allegations of bias. If law enforcement or child

Three Phases of Adult Educator Sex Offender Exploitation*

Phase 1: Trolling and Testing

- Schools – The offender looks for schools with loose sexual misconduct policies and little understanding about sexual abuse in schools.
- Parents – The offender looks for parents who need assistance with or are disengaged from parenting.
- Students – The offender looks for a student who is emotionally vulnerable and who would be more open to someone stepping in to fill an emotional void.

Phase 2: Grooming

- Schools – The offender sets up a public persona so that the accusations will not be believed, or they can explain away any questionable behavior.
- Parents – The offender will be helpful to the family so that access to the student during nonschool time is easier.
- Students – The offender will desensitize the student to inappropriate behaviors and make the student feel special through both nonsexual and sexual ways.
 - Nonsexual warning signs include: the offender trying to move the relationship to a personal level; telling the student their personal problems; discouraging the student from talking with other school employees about personal problems; or asking the student to run personal errands. These nonsexual activities are ways to determine the degree to which the exploiter can influence the student.
 - Sexual warning signs may include: the offender scheduling appointments with the student in the evenings; taking pleasure in talking about the student’s sexual matters or romantic relationships; engaging in seductive behaviors; recommending drugs or alcohol as a means of relaxing; or initiating physical contact or suggesting a sexual relationship.

Phase 3: Exploiting and Lulling

- Schools – The offender begins to be more aggressive in defending behavior by indicating that he or she is more caring and engaged with students than others in the school system.
- Parents – The offender will begin to assume more support from the family while isolating the student from the parents.
- Students – The offender bribes, isolates, extorts, intimidates and coerces the student.

* Adapted from *Sexual Exploitation in Schools: How to Spot It and Stop It*, Robert Shoop, 2004.

protective services declines to investigate a situation, then administrative investigations can become primary.

During this time, it is important to maintain confidentiality, to respect the employee's rights and to understand that staff members are innocent until proven guilty. The accused and the victim also should be kept apart. This usually means that the accused is assigned to an office position or placed on paid administrative leave in order to promote a clean investigation. It is also helpful for the accused to have an advocate throughout the investigative process, along with retaliation policies in place to protect those who report the suspicious activity. By adhering to well-established procedures, the response process can protect all involved as the truth and consequences are sorted out. Systems that promote rapid and effective investigations will facilitate recovery.

Recovery

Short-term recovery begins the moment an accused staff member is put on administrative leave after a situation is reported. Long-term recovery commences at the conclusion of the investigation and may take years to complete. During the short-term recovery, staff will want to know why a colleague is on leave, if they can talk with the person and, if so, what they are allowed to say. There can be a constant tension during this time. Unless it is already public knowledge, administrators usually will be directed not to state the reason for the staff member's leave. When there is an information vacuum, rumors ensue, so working with the human resources department and other investigators to give as much information as possible will be required to reduce rumors. Further, staff members may want to reach out and support the alleged suspect; however, they may be directed not to contact the person as it may taint the investigation. Compromising the investigation in any way influences both the short-term recovery needs of all parties

involved and affects the students and staff's trust in the fairness of the investigation, as well as the long-term recovery.

At a practical level, long-term recovery begins when the investigation ends and one of three possible findings pertaining to the allegation is determined:

- 1) **Unfounded** – The allegations were investigated and found to be untrue or the situation misconstrued.
- 2) **Unsubstantiated** – There is not enough evidence to confirm the allegations.

If the allegations were unfounded or unsubstantiated, it is critical to discuss how to bring the accused back into the workplace. The goal is to create a good environment for both the accused and the alleged victim. It is important to give the employee support and control when returning to school. The accuser also needs support during the staff member's return to work. This may include returning to the same or different school. It also will require further evaluation about the reported incident. Although rare, intentional false allegations do happen and are reprehensible. Every district needs to have a comprehensive policy to address false allegations that outline if and when student sanctions are appropriate.

- 3) **Substantiated** – A preponderance of evidence supports the allegations.

If the allegations are substantiated, appropriate sanctions, whether administrative, criminal or both should be applied.

Regardless of the outcome of an investigation, the school community needs to be supported. Staff may wrestle with issues of loyalty to their fellow staff member, students may cope with feelings of betrayal and media attention may bring repeated additional trauma to the school community. There may be both criminal and civil trials, and each may drive a cycle

of press inquiries and news and difficult-to-handle negative reactions from the community. Following the crisis communication life cycle recommendations for critical incidents will reduce rumors and promote recovery (Reynolds, 2002). Healing takes time, and planning for post-investigation debriefing and the ongoing support of staff, students and parents will increase the chances for maximum recovery. Effective long-term recovery requires an effective communication and emotional recovery plan tailored to the developmental, cultural and emotional needs of students and their families. It also will require a strategy for supporting staff as they answer their students and parents' questions. This support may come in the form of both group (e.g., trainings or support groups) and individual (e.g., counseling, one-on-one interviews) interventions.

Conclusion

The overwhelming majority of America's educators are committed and caring professionals who only want the best for their students. Although rare, sexual misconduct in schools is a reality and can devastate students, parents, school districts and entire communities. Acknowledging the problem, informing educators about these issues and following commonsense policies can go a long way to ridding schools of sexual misconduct while still allowing staff to engage in the types of appropriate student contact young people need.

References

- American Association of University Women (2001). *Hostile Hallways*. Washington, D.C.: AAUW Educational Foundation.
- Hendrie, Carolyn (1998). "Sex With Students: When Employees Cross the Line." *Education Week*, Dec. 2.
- Reynolds, Barbara (2002). *Crisis and Emergency Risk Communication (CERC)*. Atlanta: Centers for Disease Control and Prevention. Available online at <http://www.bt.cdc.gov/cerc>.
- Seattle Public Schools (2007). *Adult sexual misconduct: Keeping students and staff safe*. Guidelines for teachers and school personnel [Brochure]. Seattle, WA: Seattle Public Schools.
- Shakeshaft, Carol (2004). *Educator Sexual Misconduct: A Synthesis of Existing Literature*. U.S. Department of Education, Office of the Under Secretary.
- Shoop, Robert J. (2004). *Sexual Exploitation in Schools: How to Spot It and Stop It*. Thousand Oaks, Calif.: Corwin Press.

Resources

Stop Educator Sexual Abuse, Misconduct, and Exploitation (S.E.S.A.M.E.)

S.E.S.A.M.E. is a nonprofit, volunteer-run organization with the mission "to be a national voice totally committed to preventing sexual exploitation, abuse and harassment of students by teachers and school staff." The organization works to increase public awareness of educator sexual abuse, to foster recovery of victims and survivors, to encourage reporting of offenses/offenders to law enforcement, to implement child-centered sexual harassment policies, regulations and laws, and to promote professional standards and codes of ethics to maintain proper boundaries between school staff and students. S.E.S.A.M.E.'s Web site provides information and resources on legislation, research, reporting and survivor stories relating to this topic and is accessible at www.sesamenet.

org.

Shoop, Robert J. *Sexual Exploitation in Schools: How to Spot It and Stop It*, Corwin Press, 2004.

Robert Shoop provides information on how to spot and stop sexual exploitation (including early warning signs). Touching on legal and psychological aspects of this issue from many angles, the book's goal is to provide schools and parents the necessary tools to protect students and help students protect themselves in the face of this increasingly prevalent issue.

Van Dam, Carla. *The Socially Skilled Child Molester: Differentiating the Guilty from the Falsely Accused*, The Haworth Press, Inc., 2006.

Carla Van Dam is a clinical and forensic psychologist who has focused her career on primary prevention strategies to end child sexual abuse. This book explores the secret strategies employed by socially skilled child molesters to ingratiate themselves with children and provides insight to adults so they are more adept at recognizing the signs and intervening in time. Also provided are tools for prevention, discussion of false identification and methods for assessing danger and managing safety. This book focuses on the sexual deviants who gain the trust of their victims through "grooming," a desensitization strategy common in adult educator sexual misconduct,

The REMS TA Center—established in October 2007 by the U.S. Department of Education's Office of Safe and Drug-Free Schools (OSDFS)—would like to thank Pegi McEvoy, Safety and Security Department, Seattle Public Schools (WA) for her role as lead author of this publication. The center supports schools and school districts in developing and implementing comprehensive emergency management plans by providing technical assistance via trainings, publications and individualized responses to requests. Helpful Hints provides a quick overview of school emergency management topics that are frequently the subject of inquiries.

For information about the Readiness and Emergency Management for Schools grant program, contact Elizabeth Argeris (elizabeth.argeris@ed.gov), Tara Hill (tara.hill@ed.gov), Michelle Sinkgraven (michelle.sinkgraven@ed.gov) or Sara Strizzi (sara.strizzi@ed.gov).

This publication was funded by the Office of Safe and Drug-Free Schools at the U.S. Department of Education under contract number ED-04-CO-0091/0002 with EMT Associates, Inc. The contracting officer's representative was Tara Hill. The content of this publication does not necessarily reflect the views or policies of the U.S. Department of Education, nor does the mention of trade names, commercial products or organizations imply endorsement by the U.S. government. This publication also contains hyperlinks and URLs for information created and maintained by private organizations. This information is provided for the reader's convenience. The U.S. Department of Education is not responsible for controlling or guaranteeing the accuracy, relevance, timeliness or completeness of this outside information. Further, the inclusion of information or a hyperlink or URL does not reflect the importance of the organization, nor is it intended to endorse any views expressed or products or services offered. All hyperlinks and URLs were accessed September 2008.