

## **Perspectives on Sexual Misconduct by Educators: A Call to Action and a Mandate for Reform and Solutions**

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### **ABSTRACT**

**Today's media has made us made us more aware of the increase in sexual misconduct of teachers toward the very individuals they are charged to protect. The most common reason that has grown dramatically during the past decade in teachers being disciplined is in the area of sex-related offenses. Although we have typically addressed male teachers as the primary perpetrators in this area, there is a significant increase in female teachers sexually abusing their students. This article examines the increase of allegations of teacher sexual misconduct in our own state of Texas, looks at the myths of sexual predators, their characteristics and possible solutions and suggestions for our educational system.**

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The biggest concern of parents and educators alike is the fear of not being able to protect their children. As we see many of society's influences on our schools we are quickly being made aware of the increase in sexual misconduct of teachers toward the very individuals they are charged to protect. Although there have been newspaper articles and allegations as far back as thirty plus years, we are stunned with the increase of allegations not only across the nation but in our own state of Texas.

The most common reason that has grown dramatically during the past decade in teachers being disciplined is in the area of sex-related offenses. Although we have typically addressed male teachers as the primary perpetrators in this area, there is a significant increase in female teachers sexually abusing their students (Thomas, 1999). Accused teachers represent a small percentage of today's educators, but those that do abuse often abuse more than once (Zernel & Twedt, 1999). Several examples that have been featured in the news during the 2004 – 2005 school year shock us into the reality that educators are capable of such gross sexual misconduct toward their students. A twenty-four-year-old girls' basketball coach and science teacher arrested on one count of aggravated sexual assault of a child, a charge of sexual assault of a child, and two cases of an improper relationship between an educator and a student were part of the associated press news in the April 30, 2005, Beaumont Enterprise, a regional newspaper that reaches over 150,000 subscribers in the Golden Triangle region of Texas. Incidents such as these exemplify a true betrayal of trust. Situations with students and teachers would usually command and deserve respect often lead to incestuous – overtones. An example that illustrates how a student exhibits how serious a betrayal of trust with a teacher she admires was, has been featured in the text "Coping with Difficult Teachers" by Woodhull, 1996:

I had confided in a certain teacher many times about problems I was having with my parents. He was always very supportive, a good listener. I appreciated him so much. He was like a father to me, and I respected him, knowing he would not break a confidence.

One day, I entered his office, crying hysterically, as I reported yet another incident with my parents. He said, "Come here. Let me give you a hug."

Still crying hysterically, I felt relieved being held by this big, tall, father-like man. Suddenly, while I was crying, he cupped my entire breast with his hand and quickly took his fingertips and squeezed my nipple. I hastily backed away, feeling shocked and horrified.

This was a father-like man I had trusted. I never confided in him again (Woodhull, 1996).

Another example that has been seen in Texas was the accusation of a local band director. The East Texas community was in shock that this man, a favorite teacher in his high school had been identified of sexual misconduct with a student. His family was featured on television each night. How ordinary they looked and how his young daughter expressed shock and the same concern of "not in my back yard". This band director kept decades of pictures and notes as trophies. One problem that exists in general is the taboo of the "s" word, "sex". In recent years, sex education

programs have been the focus of considerable debate at the state and local levels (Kemerer & Walsh, 2003). An issue centers on who should provide the knowledge of sexual topics to students. Some maintain sex education be left to parents; others maintain that parents don't teach their children, or at best, provide them with wrong information. There have been years of turmoil and controversy of the Texas Education Agency's attempts to include sex education into public school curriculum. The Texas legislature does allow teachers to teach such courses and select materials on a limited basis. Actually, TEC #28.004 requires districts to have an education advisory council that reflects issues related to human sexuality and instruction. The code goes so far as to require that teachers present information that sexual abstinence is the preferred choice of behavior for unmarried persons of school age. Materials selected for these courses must be available for public inspection. Parents have the option to have their children excluded from such information. Schools, also, are prohibited from distributing condoms. How many parents know these rules and regulations? It seems that this taboo area remains clouded and ineffective. Little wonder then that a child may not know where to go, who to go to, or what to say about some kind of conduct directed at them.

Another significant concern is that there is no clear central authority that tracks teachers accused of molesting students and other forms of sexual misconduct in one jurisdiction and then picking up a teaching job in another. In a study by Hofstra University, it was noted that only one percent of the cases were followed up to ensure that molesting teachers did not continue in another district. Administration knew for certain that sixteen percent resumed teaching in other states or districts. The National School Boards Association acknowledged that many accused of molestation leave their districts without a mark on their record and that school principals often did not have the time required to pursue disciplinary action. Also, required background checks that typically go through the Federal Bureau of Investigation only cover felonies. Many sexual abuse charges are often reduced to misdemeanors through plea bargains (Schemo, 2002). Weak communication systems between educational and criminal branches of government do not provide the needed information for schools to be aware that a teacher has been arrested for sex crimes or other offenses (Zernel & Twedt, 1999).

Offending teachers often launch appeals that allow them to retain their teaching certification for some time while they go through an appeal process. Many move to another state and use their certificates to get new teaching jobs beginning the cycle again (Zernel & Twedt, 1999). There are some general principles that apply to termination of teacher contracts during the term of a contract. One situation would be related to conduct that would be potentially harmful to a student. This would justify termination. Sexual misconduct with students DOES justify termination. In the case *Tapeline v. Forth Worth ISD 1989*, a vice-principal engaged in sexual intercourse with a student and fondled four others. The vice-principal was terminated for good cause. Other cases, perhaps not so lurid, involve teacher misconduct that either leads to termination or resignation. For example, two North Texas secondary school teachers resigned after administrators found hundreds of e-mails they had written on the district's computer system that were considered quite "racy" emails. Their emails commented on students' physiques, used obscenities and described sexual encounters. One teacher taught social studies and the other taught speech and was an advisor to the junior varsity drill team. School officials indicated they could not comment on the teachers' situation but the Forth Worth-Telegram newspaper reported

that the resignations were linked to the misuse of the school's computer system. There were approximately four hundred pages of emails obtained by the newspaper. This case was revealed when one of the teachers involved sent an email to an unintended receiver who felt compelled to report the content of the email. One of the teachers was a three-year veteran at the particular high school and had also taught in a nearby school district. The other teacher involved had taught at two other Texas schools (Beaumont Enterprise 23 April, 2005).

### CHARACTERISTICS

There is no set formula or microscope that will identify a child molester. Many times we think of a dirty old sick individual doing these acts. We say "NOT IN MY BACKYARD" but then are surprised and stunned when someone we work with is accused or identified as a child molester. Child molesters come from every walk of life and all socioeconomic groups. They can be male or female or from any race (Minnesota Dept. Of Corrections). When one hears the term child molester, one tends to conjure up an unpleasant older male in a trench coat offering candy to a possible victim.

Unfortunately individuals who have molested, or plan to molest, have no observable behavioral pattern that would give school staff a clue to their future actions. A report by the Minnesota Department of Corrections provides characteristics and behavioral indicators of adults who molest children. One does not imagine a beautiful blonde-haired, blue-eyed middle school science teacher or the lanky, jovial male fourth grade language arts teacher to be someone with intentions to molest or conduct other inappropriate sexual behavior. "Both men and women molest children, although the majority of those identified, and prosecuted for sex offenses, are men (Minnesota Dept. of Corrections).

It is generally recognized that adults who molest children fall into two groups: those who experience life-long attraction to children and have little interest in adults and those that have little relationships with other adults. One interesting characteristic of the adult molester and those who exhibit inappropriate sexual behavior appears to be the same gender, i.e. adult males who molest males are not necessarily homosexual. Another characteristic that may seem surprising is that the perpetrator is not a stranger but someone known and that the child many times feels comfortable with. The molester's actions may be subtle and not noticed by the child for a lengthy time. This individual may use various methods to gain access to the student such as bribery, tricks, pressure, fear, and intimidation. Contact between the adult and the child often occurs in public places.

An outstanding booklet prepared by an expert on child abuse, Sgt. Bill Davis, Beaumont Police Department, Beaumont, Texas, entitled: A National Epidemic, Taking Care of Children examines the great atrocities committed against our nation's greatest resources, our children, and provides information such as indicators of physical abuse, profile characteristics of the three types of rapists, explanations of laws protecting children, and program material sources. He reminds us that child abuse is a national epidemic and quotes that "over 3 million incidents of

child abuse will be reported this year” and that “as many as 5,000 will be killed this year because of abuse”. He also indicates that frequently the victim of some kind of abuse is the child with special needs - the one who is “different”. What a sad commentary on a situation that is already as difficult as one can imagine.

Sgt. Davis defines “pedophilia” as a sexual perversion in which children are preferred sexual objects. Much of the discussion of a pedophile can relate to a teacher’s sexual misconduct in that a fixated pedophile may plan his career in order to be near children, seems to be the nice guy on the block, has a great fear of not being able to be around children, and may have an inappropriate “child” to child type of relationship. Another type of pedophile, the regressed or transitional pedophile, may have had or still has an adult relationship, but still has a preference for children, may plan his/her career to be near children, can be a pillar of the community, and may keep relics or artifacts of his perversion (emails, photos, letters as did teachers who were described earlier).

## MYTHS

In a revealing article on “Myths and Realities of Sexual Abuse Evaluation and Diagnosis: A Call for Judicial Guidelines”, Lorandos and Campbell explore false allegations in terms of current scientific literature and remind all society, including educators, that these myths should be considered by governing bodies, i.e., the courts, when decision-making is merited in regard to sexual abuse allegations. Among the myths cited by Lorandos and Campbell are:

The incidence of child sexual abuse is improperly reported. One report indicates that one of every three females and one of every six males has experienced incest or sexual trauma. A lack of current, up-to-date data exists. Another myth is that the emotional and behavioral effects of sexual abuse are clear and evident. This too, is not proven. There also exist numerous myths about a child’s veracity in regard to sexual abuse. Many studies have been completed on this myth-to-date, however, there is no body of research that provides answers to most of the questions.

All citizens, especially teachers and school personnel, should know both myths and known facts in relation to both child abuse and sexual misconduct. The public generally holds educators in their trust - this role of trust **MUST** be fulfilled and maintained.

## SOLUTIONS/SUGGESTIONS

A myriad of possible solutions and suggestions for the prevention of sexual misconduct and sexual harassment exists. Perhaps a place to begin would relate to the judicial system. Courts should answer simply and decisively to their constituencies all facts, figures, and provisions to properly guide all citizenry on issues of sexual issues. Parents and individuals in the educational fields must BE vigilant. Create a supportive environment that fosters truth telling and truth seeking for all. In a school, every person - from the principal, the teachers, para-professionals, the food service staff, and librarians - should understand that they have a role in the protection of children and should have a comfort-zone when making a decision to take action on behalf of a child. Sgt. Bill Davis posed an excellent question in an interview on May 1, 2005: What does a teacher do when the second grader in his/her class makes the statement at 2:45 p.m. on a Friday afternoon that "I don't want to go home because Mommy works this weekend and so-and-so will be there to ..... to me". Teachers have many end-of-the-day closure concerns and suddenly the clock ticks to 2:55 and this child rides the 3:05 p.m. "early" bus on Fridays. **WHAT IS THIS TEACHER TO DO?** There is an answer but probably not one that seems viable in this emotionally charged climate. A million questions seem to cross the teacher's mind: Is this child making an imaginary statement? What do I know about this child's family? What does the culture of my school dictate? What was it that I learned in my school law or "ethical practices in education" courses - and did they really mean that I must report this situation? **WHAT SHOULD I DO?** The answer is simple enough but - oh, so difficult - call the police after trying the child abuse hotline.

Another solution to sexual misconduct situations is: **KEEP A SILENCE**. What is suggested here is that should an educator have confidential information, it is not a source of teacher lounge conversation. A second solution to such situations is: **DO NOT KEEP A SILENCE!** This would be necessary in the event as mentioned above where a student made a revelation; here one would act and act immediately.

It is of utmost importance that one be aware that a child with special needs is reportedly the child who would most likely be a "targeted" child. This could be the child who cannot speak, would be misunderstood in trying to explain, or simply the one who may not understand what is actually happening. Perhaps these children need our guidance and protection more than any other students.

Concern on the number of cases of child abuse that remain unreported each year has led the Texas Attorney General's Office to create a video and handbook that teach people who work with children how to recognize the signs of mistreatment and neglect (Greg Abbott, Texas Attorney General). One final suggestion to anyone who suspects or senses any type of sexual misconduct: Become a detective. A teacher searches for clues, and yes, actually snoops. If that is what it takes to protect a child, do it. As an anonymous person once said: If it is to be, it is up to me.

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