

# Educator Sexual Misconduct at Independent Schools

*Podcast Transcript*

## Prevention and Protection a United Educators Risk Management Podcast

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### Guests:

**Alyssa Keehan**, director of risk research, UE

**Melanie Bennett**, risk management counsel, UE

**ALYSSA:** Hello, and welcome to *Prevention and Protection*, the United Educators (UE) risk management podcast. I'm Alyssa Keehan, director of risk research at UE. In this podcast, we're going to discuss UE's study of its claims arising out of educator sexual misconduct at independent schools.

Joining us on this podcast is Melanie Bennett, who is a member of our risk research team and recently completed a study of UE's educator sexual misconduct claims at independent schools. Today Melanie is going to share with us what she learned from looking at these claims. Welcome to our podcast, Melanie.

**MELANIE:** I'm happy to be here.

**ALYSSA:** Melanie, it might be most helpful for our listeners if you tell us about the parameters of your educator sexual misconduct study. For example, what time period did the study cover? How many claims? What were the losses?

**MELANIE:** In UE surveys, members consistently rank protecting children from educator misconduct as a top priority. Last year, I reviewed our independent school educator sexual misconduct claims received between January 2011 and December 2016. Although we typically conduct five-year claims reviews, in this case a six-year study provided more robust data. Over that period, UE received 45 claims totaling \$6.2 million in losses.

Forty percent of the claims resulted in a loss to the school, with an average claim costing \$343,000. And, to clarify, losses include the entire cost of a claim: self-insured retentions, defense costs, indemnity costs, investigations, and crisis communications. The majority of losses consisted of settlements with student-victims.

**ALYSSA:** Sexual misconduct is a pretty broad term and can encompass a lot of behaviors. Can you talk about the types of misconduct you saw in the study?

**MELANIE:** Two types of misconduct drove the claims: sexual assault and sexual harassment.



In this study, sexual assault refers to nonconsensual sexual touching and nonconsensual sexual intercourse, and sexual harassment is unwelcome sexual conduct that does not involve physical conduct. Students were presumed to be minors and therefore unable to consent to sexual acts with adults.

Sexual assault claims were by far the most frequent and severe, accounting for over \$6 million of the \$6.2 million in total losses.

Interestingly, although sexual harassment claims constituted 20 percent of all claims, they produced only 3 percent of the losses. Sexual harassment claims often settled for nonmonetary terms, such as implementing new preventive measures and training. For example, in one claim a teacher sent a student text messages using a risqué double entendre. After learning of this occurrence, the school implemented new boundary training for educators. The student's parents were satisfied with this result.

**ALYSSA:** Melanie, I know that within these assault and harassment claims were some other significant factors. Can you tell our audience about those other common behaviors you saw in the claims and the role that they played?

**MELANIE:** Boundary crossing appeared often in both the sexual assault and sexual harassment claims. Educators violated boundaries by establishing private modes of communication and, over time, normalizing personal or sexual conversations with students. In one claim, a coach first tested the boundaries by taking a student for trips to the movies. After several months he started taking the student to his house and added conversations about pornography. The coach eventually sexually assaulted the student, both at his house and at school.

Boundary crossing was not the only common factor in the claims. Electronic harassment and retaliation were also common themes. In this study, electronic harassment refers to unwelcome sexual communication by electronic means, usually text messages and email. Although electronic communication allows for more secrecy, it also provides a record of interactions. When a coach emailed a female student that he would “show her a good time,” she immediately showed the school.

And although only one claim included retaliation, there were multiple instances of retaliation within the single claim, and the claim made up a disproportionately large percentage of losses. In the claim, members of the school's board of trustees revealed information about the victim to students who then verbally and physically harassed the victim for months. The school took little action to end retaliation against the student.

**ALYSSA:** I'd like to talk some about the perpetrators in your study. They're educators at the school, so did that mean all of them were teachers? Can you tell us a little bit about what the typical perpetrator looked like in your study?

**MELANIE:** I used the term educators broadly to incorporate any adult employed by a school to provide education-related services. Teachers and coaches were, as you might expect, by far the most common perpetrators. It makes sense—they are prevalent in schools, they have access to students all day every day, and they may have reason to spend time alone with students.

The remaining educators were administrators and contractors. Contractors included both long-term contractors with extensive access to students, such as tutors and debate coaches, and short-term contractors. One school brought in a fire safety consultant to conduct a single day inspection. His escort allowed him to use the restroom alone. While in the restroom he approached a 5-year-old and offered the boy \$3 to help him use the bathroom. It's important to remember that temporary visitors are also a potential threat.

One positive trend I saw was the trend toward conducting background and reference checks when hiring educators. In most cases, schools conducted thorough reviews at hire. Unfortunately, although background checks are preventive, even the most thorough review will not catch all potential bad actors.

**ALYSSA:** What about the victims? What age and sex were the study's victims?

**MELANIE:** The majority of victims in this study were high school girls age 15-17. Most of the perpetrators were male and targeted opposite sex victims.

Another trend worth noting is serial perpetration. Nearly half of the victims were victims of a perpetrator who harassed multiple students, sometimes at the same time, but usually over months or years. Some serial perpetrators developed patterns of harassment and assault that they repeated over decades. This could happen because the school either did not conduct an investigation when something occurred, or did not enforce adequate sanctions.

**ALYSSA:** The actions alleged in these claims are often very shocking and explicit, so one might assume these things are going on behind closed doors and away from public view. Is that true? What can you tell us about the location of the misconduct underlying these claims?

**MELANIE:** Most of the incidents occurred in private on-campus locations such as dorms, bathrooms, offices, and closets. In some cases, educators introduced privacy into the relationship as a way to test student boundaries. It was only once they successfully created a private relationship that they started harassing the student.

**ALYSSA:** I'd like to switch gears now and talk about some of the risk management takeaways your study identified. How can schools who might be listening best prevent educator sexual misconduct?



**MELANIE:** Schools can take a two-prong approach to preventing and responding to educator sexual misconduct. First, create an environment in which appropriate educator-student boundaries are enforced. Some potential predators can be stopped by punishing the initial boundary crossing, thereby preventing later escalation. Schools can do this by:

- Using employee codes of conduct to prohibit boundary crossing behavior
- Training students and employees on sexual misconduct and boundary crossing
- Enforcing those boundaries by imposing sanctions for boundary violations
- Seeking legal advice when terminating an educator for sexual misconduct

Each of these points is discussed in greater detail in the study.

As we discussed earlier, many of the claims started with a boundary violation. By creating a space where boundary violations are not tolerated, schools remove a tool of perpetration.

**ALYSSA:** You've identified a lot of actions that schools can take to create an environment where appropriate boundaries are enforced. Which is so important. You've mentioned this is a two-prong approach. What is your second prong?

**MELANIE:** The second prong is creating an environment that encourages reporting. Discouraging boundary crossing alone will not prevent all misconduct. When misconduct occurs, it is important to not only have a functional reporting system, but also to have an atmosphere in which everyone feels encouraged to report. Schools can accomplish this by:

- Establishing a credible reporting and investigatory process
- Stopping retaliation against victims who report abuse
- Preparing to handle past reports of abuse

I want to take a moment to focus on the last topic, preparing to handle past reports of abuse. In response to recent media attention on sexual misconduct, many schools have seen increased reporting of historical abuse. Some schools have even sent alumni letters encouraging the reporting of abuse. If a school plans to encourage historical reports, it is imperative that they first make sure the reporting system functions as intended. In addition to the tips provided in the study, members can find blogs and podcasts on handling reports of past abuse on **EduRiskSolutions**.

**ALYSSA:** We're about out of time, but I wanted our listeners to know that in addition to this topic, you can find other podcasts and risk management publications on **EduRiskSolutions**. So I encourage you to go check out our website if you haven't already.

Melanie, thank you so much for joining us and talking to our listeners about your study of UE's educator sexual misconduct claims at independent schools.

**MELANIE:** Thank you, Alyssa.

**ALYSSA:** From United Educators Insurance, this is the *Prevention and Protection* podcast.



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