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Author(s): Billie-Jo Grant, Ph.D.; Stephanie B. Wilkerson, Ph.D.; deKoven Pelton, Ph.D.; Anne Cosby, M.S.W.; Molly Henschel, Ph.D.

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A CASE STUDY OF K-12 SCHOOL EMPLOYEE SEXUAL MISCONDUCT



Lessons Learned from Title IX Policy Implementation



September 15, 2017



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EXECUTIVE SUMMARY

A CASE STUDY OF K–12 SCHOOL EMPLOYEE SEXUAL MISCONDUCT: LESSONS LEARNED FROM TITLE IX POLICY IMPLEMENTATION

About this Study

This qualitative case study includes a purposeful sample of five geographically and demographically diverse districts that experienced an incident of school employee sexual misconduct in 2014.

The six major goals for this study included: 1) identifying formal and informal district- and school-level policies and prevention efforts, 2) determining how education actors and county officials defined, interpreted, and implemented school employee sexual misconduct policies before and after incidents, 3) identifying loopholes in districts' current policies, 4) determining challenges and limitations of current policies, 5) determining best practices for school employee sexual misconduct prevention and reporting, and 6) disseminating findings to school administrators, community members, policymakers, and legislators.

Findings were generated from 92 participants through 41 interviews, 10 focus groups, and document and policy review; the study was executed from January 2016 to September 2017.

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An estimated 10% of K–12 students will experience sexual misconduct by a school employee by the time they graduate from high school. Such misconduct can result in lifelong consequences for students including negative physical, psychological, and academic outcomes. To prevent incidents from occurring, school districts are tasked with complying with Title IX, a federal law that provides guidelines for prevention efforts and responses to school employee sexual misconduct in K–12 schools. Key elements of Title IX guidance include requirements for 1) comprehensive policies and procedures, 2) prevention efforts, 3) training for staff, students, and parents, 4) timely reporting, 5) thorough and coordinated investigations, and 6) effective response. Taken together, these six elements are intended to reduce the risk of school employee sexual misconduct and eliminate mismanagement of cases when misconduct does occur. The purpose of this study is to examine Title IX policy implementation in school districts that experienced a case of school employee sexual misconduct in 2014.

After experiencing incidents of school employee sexual misconduct school district participants in this study reported reformulation of some policies and procedures to address gaps highlighted by the incidents and improvements in awareness, communication, and district leadership. Although participants reported improvements, a lack of understanding and various challenges and fears continued to affect school district policy development and implementation in spite of Title IX requirements. Districts in this study lacked one or more of the key elements of Title IX; the study identified gaps in policies with regard to 1) having comprehensive policies and procedures, 2) providing trainings for staff, students, and parents, and 3) properly responding to and investigating cases. Participants reported various challenges that affected their implementation of the key elements of Title IX, including district budget limitations, low parent engagement, fear of the consequences of reporting, and poor responses by criminal justice and child welfare agencies.

To prevent or respond effectively to incidents, participants recommend that districts 1) be proactive, 2) develop clear and comprehensive policies and procedures, 3) improve communication about policies and procedures, 4) offer annual in-person staff, student, and parent trainings, 5) have clear guidance for reporting procedures, 6) develop protocols and checklists, 7) establish accountability measures, 8) have strong leaders communicate and enforce policies and procedures, and 9) develop collaborative relationships with criminal justice and child welfare agencies.

Researchers recommend that school districts review their policy and implementation efforts to determine if they are compliant with the key elements of Title IX guidance. Researchers also recommend that the federal and state departments of education establish accountability measures to track policy implementation and ensure school districts comply with Title IX guidance and provide high-quality low-cost training options. Further examination of prevalence data, victim and offender characteristics, effects on victims and school communities, criminal justice responses, and the effectiveness of prevention efforts are also recommended.



ACKNOWLEDGMENTS

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The authors,

Billie-Jo Grant, Ph.D.
Stephanie B. Wilkerson, Ph.D.
deKoven Pelton, Ph.D.
Anne Cosby, M.S.W.
Molly Henschel, Ph.D.



Magnolia Consulting, LLC
5135 Blenheim Rd.
Charlottesville, VA 22902
(ph) 805.550.9132
magnoliaconsulting.org



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INTRODUCTION

Parents send their children to school relying on school employees to serve *in loco parentis*—taking on the physical and legal roles of the parent while the child is at school (Hogan & Mortimer, 1987). Further, the federal Title IX law requires that schools protect children from sexual discrimination and harassment by school employees. However, school employee sexual misconduct, the sexual abuse and misconduct of K–12 students by school employees, is estimated to affect 10% of our nation’s students (Shakeshaft, 2004).



According to a 2004 U.S. Department of Education report, an estimated **1 in 10 students will experience school employee sexual misconduct** by the time they graduate from high school.

While media reports and studies on sexual misconduct in all youth-serving organizations support this finding (see, for instance, Cameron et al., 1986; Google Alerts, 2014, 2015; Irvine & Tanner, 2007; Shattuck, Finkelhor, Turner, & Hamby, 2016; Stein, Marshall, & Tropp, 1993; Wishnietsky, 1991), the empirical research base for sexual misconduct in schools is very limited, in part due to the sensitive nature of the topic.¹ In addition, no national surveys currently collect incident data on school employee sexual misconduct and there is no comprehensive, searchable national database to manage and track reported incidents (Government Accountability Office [GAO], 2014).

What We Know About School Employee Sexual Misconduct

Definitions of school employee sexual abuse and misconduct of students, and the terms used to describe it, vary.² For this study, researchers use the term *school employee sexual misconduct* to encompass sexual abuse or misconduct with a child (contact or noncontact, criminal or ethical violations) by any K–12 school employee, including teachers, coaches, administrators, volunteers, and staff members, while caring for that child in a K–12 school setting. *Sexual abuse* may include sexual activities with a child that are considered crimes³; *sexual misconduct* is a broader term that includes abuse but also encompasses acts that are not criminal but may violate ethical codes (i.e., sexual contact with a student who is over the age of consent—16 in many states—is not a crime, but is typically prohibited by school policy).

¹ Sensitive research involves topics that “potentially pose for those involved a substantial threat, the emergence of which renders problematic for the researcher and the research collection, holding and or dissemination of research data” (Lee & Renzetti, 1993, p. 5). Examples of such topics, provided by Lee and Renzetti, include illegal activities, drug use, sexual topics, and homosexuality. Such topics may be emotionally painful for the research subject or, in the case of educators, the information might lead to litigation or criminal action.

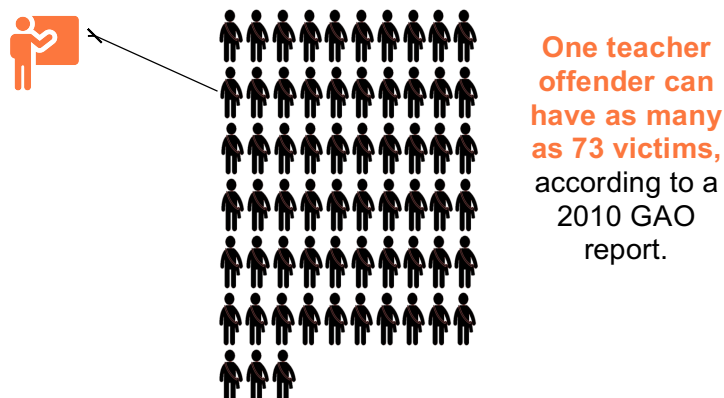
² Additional terms include educator sexual abuse (Shakeshaft, 2004), adult sexual misconduct (REMS, 2017), and sexual abuse by school personnel (GAO, 2014).

³ Sexual abuse as defined in statute [18 U.S.C. § 2242] is when a person knowingly “causes another person to engage in a sexual act by threatening or placing that other person in fear . . .” or “engages in a sexual act with another person if that other person is—(A) incapable of appraising the nature of the conduct; or (B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act. . . .” It comprises sexual crimes such as indecent liberties with a child, sexual abuse, rape, and child pornography, among others.

Victims of school employee sexual misconduct span most demographic characteristics, though students who are low income, female, and in high school are most likely to experience sexual misconduct by a school employee (Cameron et al., 1986; Fazel, Sjostedt, Grann, & Langstrom, 2010; Finkelhor, 1984; Gallagher, 2000; Hendrie, 1998; Moulden, Firestone, Kingston, & Wexler, 2010; Shakeshaft, 2004). Research has shown that offenders target victims who appear needy, may be picked on by others, or do not have a happy home life because it is easier to gain the friendship of these vulnerable children (Salter, 2003). Similarly, students with disabilities are more likely to experience school employee sexual misconduct than students without disabilities (Caldas & Bensy, 2014; Shakeshaft, 2004; Sullivan & Knutson, 2000;).

Contrary to common conception, school employee sexual misconduct offenders are typically popular and they often have been recognized for excellence. Offenders include all types of school employees, such as teachers, school psychologists, coaches, principals, and superintendents (Hendrie, 1998; Shoop, 2004; Shakeshaft, 2004). Offenders are most frequently male (Hendrie, 1998; Jennings & Tharp, 2003; Moulden et al., 2010; Shakeshaft, 2004). Beyond these general statistics, very little is known about offenders' characteristics, as they span all ages, ethnicities, and income levels (Shakeshaft, 2004).

Ironically, the same characteristics of teacher-student relationships that help create a successful educational environment can also create a potentially exploitative situation. Research has shown that school employees whose jobs include individual, isolated, or alone time with students (such as music teachers, coaches, and counselors) are more likely to engage in sexual misconduct (Gallagher, 2000; Jennings & Tharp, 2003; Shakeshaft, 2004; Willmsen & O'Hagan, 2003). Close contact with students, who are often eager to please their teachers, allows offenders the opportunity to "groom"⁴ students for eventual misconduct, by giving special attention and rewards while slowly increasing the amount of touching or other sexual behaviors (Robins, 2000; Salter, 2003; Shoop, 2004). In this way, offenders exploit students' need to please and take advantage of the power they have over grades, discipline, playing time, and other rewards students may covet (Van Dam, 2001).



While studies of the effects of school employee sexual misconduct on victims are limited, we do know that victims of sexual abuse by any adult suffer serious psychological, physical, academic, and behavioral consequences that can last a lifetime (AAUW, 2001; Dube et al., 2014; Felitti et al., 1998; Horner, 2009; Kendall-Tackett, 2002; Macmillan, 2001; Monnat & Chandler, 2015; US DOE, 2014). Victims of sexual abuse are more likely to have problems with drugs, alcohol, or

⁴ Grooming involves activities intended to establish an emotional connection with a student and normalize sexual behavior.

substance abuse (Ford et al., 2011; La Fond, 2005; Shakeshaft, 2004), and they often struggle with long-term symptoms such as chronic headaches, fatigue, sleep disturbance, recurrent nausea, decreased appetite, eating disorders, sexual dysfunction, suicide attempts, fear, anxiety, depression, anger, hostility, and poor self-esteem (Kendall-Tackett, 2002). Sexual abuse also impairs victims' ability to trust other people, potentially destroying their chances to develop close personal relationships and especially healthy sexual relationships (La Fond, 2005).

Federal and State Laws

Various federal and state laws and agencies govern the protection of children from sexual misconduct by all adults, not just school employees. One federal law, the Child Abuse Prevention and Treatment Act of 1974, requires states to comply with a set of requirements intended to protect children, such as establishing state mandatory reporting laws and screening processes and promptly investigating reports.⁵ A second federal law, the Adam Walsh Protection Act of 2006, mandates that states establish sex offender registries and requires the Department of Justice to conduct criminal history checks for employees who work around children at the request of public or private schools.⁶ State laws vary but may include mandatory reporting laws, background check requirements, and versions of what is known as Erin's Law—laws prohibiting sex offenders from being at schools.⁷ While these laws prohibit sexual abuse by all adults, they do not focus on the prevention of and response to school employee sexual misconduct. One federal law does address this issue specifically: the Every Student Succeeds Act (ESSA), passed in 2015, includes a provision that bans the aiding and abetting of school employee offenders and requires states to implement language and laws prohibiting “passing the trash”—allowing a known sexual predator to quietly leave a school district without record, allowing the offender to seek work in another school setting.⁸

Multiple government agencies are charged with protecting children from sexual misconduct, collecting data, or providing services in the event of an incident, including the Department of Education and the Office of Civil Rights, the Office of Safe and Healthy Students, the National Center for Education Statistics (NCES), the Department of Health and Human Services (HHS), the Centers for Disease Control and Prevention (CDC), state child welfare agencies (e.g., Child Protective Services), and the Bureau of Justice Statistics. Despite the number of agencies charged with protecting children from sexual abuse and collecting data on sexual abuse, there continues to be very limited prevention, research, or data collection on school employee sexual misconduct specifically, making it difficult to gather the information needed to shape prevention efforts and extrapolate prevalence rates (GAO, 2014; Shakeshaft, 2004).

⁵ As a condition of receiving federal funding under the Child Abuse Prevention and Treatment Act (CAPTA), as amended, states must comply with certain requirements, including establishing mandatory reporting laws (42 U.S.C. § 5106a(b)(2)).

⁶ H.R. 4472—109th Congress: Adam Walsh Child Protection and Safety Act of 2006; see <https://www.govtrack.us/congress/bills/109/hr4472>.

⁷ Erin's Laws have been passed in 31 states; see www.erinslaw.org.

⁸ Every Student Succeeds Act of 2015, Pub. L. No. 114-95 § 114 Stat. 1177 (2015–2016).

Title IX

Key Title IX Documents



Sexual Harassment: It's Not Academic (US DOE, Office of Civil Rights, 2008), <https://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf>



Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties (US DOE, Office of Civil Rights, 2001), <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>



Dear Colleague Letter: Sexual Violence (US DOE Office for Civil Rights, 2011), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>



Questions and Answers on Title IX and Sexual Violence (US DOE, Office of Civil Rights, 2014), <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

The primary law that establishes criteria for the prevention of and response to school employee sexual misconduct is Title IX of the Educational Amendments of 1972. The law prohibits sexual discrimination and sexual harassment in all public and private educational institutions that receive federal funds (including, but not limited to, elementary and secondary schools, school districts, proprietary schools, colleges, and universities).⁹ The law applies to any education program or activity that is part of any school operation; thus, schools must also protect students engaged in all academic, educational, extracurricular, athletic and other school programs.

The Department of Education and the Office of Civil Rights (OCR) have issued multiple documents that include guidance or recommendations for the protection of students against sexual misconduct by school employees under Title IX (see Key Title IX documents table to the left).¹⁰ The documents are intended to provide schools and other stakeholders policy guidance to assist them in meeting their obligations and members of the public with information about their rights under the civil rights laws and associated regulations enforced by the OCR.

Taken together with the law, these documents lay out key elements of Title IX requirements that schools and districts must implement, including 1) comprehensive policies and procedures, 2) prevention programs, 3) training for staff, students, and parents, 4) processes to ensure timely reporting, 5) thorough and coordinated investigations, and 6) effective response procedures. Comprehensive implementation of the six elements of Title IX guidance is intended to reduce the risk of school employee sexual misconduct and the mismanagement of cases and ensure a safe environment in which all students can learn.¹¹ The 2014 document, "Questions and Answers on Title IX and Sexual Violence," is considered a "significant guidance document" according to the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices.¹² Further, case law has established that school districts that do not comply with Title IX can be liable for civil damages in cases of school employee sexual misconduct.¹³ For an overview of the key elements of Title IX and relevant references, see Appendices A and B.

Districts and schools do have other resources to turn to in establishing

⁹ Pub. L. No. 92-318, tit. IX, 86 Stat. 235, 373-75 (codified as amended at 20 U.S.C. §§ 1681-88). See also 34 C.F.R. pt. 106.

¹⁰ See Sexual Harassment: It's Not Academic. US DOE, Office of Civil Rights, 2008, <https://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf>; See Revised Sexual Harassment Guidance: Harassment of Students by School Employees, other students or third parties. US DOE, Office of Civil Rights, 2001; See Dear Colleague Letter: Sexual Violence. US DOE Office for Civil Rights, 2011 <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf> ; See Questions and Answers on Title IX and Sexual Violence. US DOE, Office of Civil Rights, 2014, <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>; <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf><https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

¹¹ See footnote 10.

¹² 72 Fed Reg 2432

¹³ Smale, 2014; Franklin vs. Gwinnett County Public Schools (1992); Gebser v. Lago Independent School District (1998); Doe v. School Administration District N. 19 (1999).

policies and practices for preventing and addressing school employee sexual misconduct. Researchers who work on the issue have offered recommended best practices for preventing and responding to school employee sexual misconduct, including various model policies, procedures, and practices (see, for instance, Hobson, 2012; Shakeshaft, 2013; Shoop, 2004). In addition, entities such as United Educators, a risk management organization, and the American Association of University Women (AAUW), a nonprofit organization that promotes equity in education for girls, have also offered checklists and guides for school districts (AAUW, 2001; EduRisk, 2016). However, it is important to note that none of these recommendations have been formally studied or empirically tested. Thus, the primary guidance for school districts in preventing and responding to school employee sexual misconduct is grounded in the key elements of Title IX guidance.

Challenges in Keeping Students Safe

Despite state and federal laws requiring prevention efforts, prompt reporting, thorough and coordinated investigation, and prompt, effective response, researchers have identified a number of common loopholes that may hobble school districts' implementation of policies and requirements.

School staff lack knowledge and awareness about school employee sexual misconduct

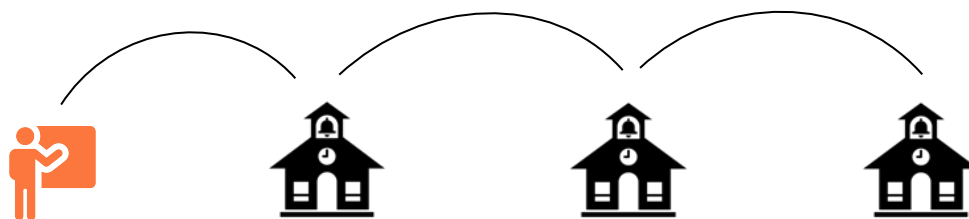
Many states have adopted policies that appear on their websites, in their handbooks, or in school board policies, but studies have shown that school staff remain unaware of what school employee sexual misconduct is, what the warning signs are, and how and to whom to report it (Grant, 2011). Because educational actors lack awareness about school employee sexual misconduct, they fail to recognize it or to properly report it to child welfare and law enforcement personnel (Grant, 2010; Grant, 2011; Jennings & Tharp, 2003; Kenny, 2001; Shakeshaft, 2004; Shakeshaft & Cohan, 1995; Shoop, 2004; Willmsen & O'Hagan, 2003).

Schools fail to report sexual misconduct

As of 2014, 46 states had mandatory reporting laws that require school employees to report suspicions of child abuse, including sexual abuse, by any adult (parents, family members, and school employees) or other students; 43 of those states have defined penalties for not reporting (GAO, 2014). Despite these laws, school employees are apprehensive about reporting school employee sexual misconduct to authorities for a variety of reasons, including the potential stigma and loss of reputation for the school or district, as well as fear of legal repercussions and liability for monetary damages (Grant, 2011; Hendrie, 1998; Shoop, 2004). Thus, despite clear policies and laws requiring reporting and potential legal consequences for failing to do so, only an estimated 5% of school employee sexual misconduct incidents known to school employees are reported to law enforcement or child welfare personnel, (Corbett, Gentry, & Pearson, 1993; Finkelhor, Hotaling, & Yllo, 1988; Kenny, 2001). A 1994 study in New York State found that only 1% of the 225 cases superintendents disclosed to researchers were reported to law enforcement or child welfare and resulted in license revocation (Shakeshaft & Cohan, 1995).

Many of the unreported cases were handled in unofficial ways; school administrators sometimes seek to avoid the consequences of reporting by entering into confidentiality agreements or negotiating private settlements with offenders (Shakeshaft & Cohan, 1994; Shoop, 2004; Stein, 1999). Furthermore, collective bargaining clauses often allow for scrubbing of personnel files, so no record is left once an offender leaves the system. These practices, allowing known sexual predators to quietly leave the district, potentially to seek work elsewhere, have become known

as "passing the trash" or "the lemon dance" (Hobson, 2012). With no criminal conviction or disciplinary record, predators can obtain new jobs—and move on to other victims. On average, a teacher-offender will pass through three different districts before being stopped, and one offender can have as many as 73 victims in his or her lifetime (GAO, 2010).



A teacher-offender can be transferred to three different schools before he or she is reported to the police, according to a 2010 Government Accountability Office Report. This practice is called **"passing the trash."**

Many state policies do not require schools to train staff, students, and parents

According to a 2014 GAO report, 18 states required school districts to provide awareness and prevention training to school employees. No states required training for parents; it is unknown how many states require training for students. Of the 18 states that require training, fewer than half require training for nonlicensed employees such as Title IX coordinators, cafeteria and janitorial personnel and bus drivers, and 10 of the 18 states require training for coaches.

Investigations may be compromised

When an incident of sexual misconduct is reported, school administrators may conduct their own internal investigations, which can result in administrative action against an offending school employee. Although these investigations are usually well intentioned, district administrators often do not have the training to conduct investigations effectively and do not have the authority or knowledge to confiscate and protect key evidence. As a result, these internal investigations can interfere with child welfare or law enforcement investigations. For instance, administrators' investigative efforts can tip off an offender to likely law enforcement actions, prompting him or her to destroy important evidence or intimidate victims to keep them from providing testimony. The resulting loss of critical evidence can affect the ability of law enforcement to prosecute a case, potentially allowing the offender to escape criminal consequences. Further, the proliferation of separate investigations and offender attempts to intimidate victims may require victims to be interviewed multiple times, potentially exacerbating their trauma.

The Study

This study was designed to **examine how districts that experienced an incident of school employee sexual misconduct in 2014 defined, interpreted, and implemented key elements of Title IX before, during, and after the incident.** The study investigated district strengths and challenges in the dealing with an incident, analyzed what policies districts have in place, and examined what steps they are taking to prevent and respond to cases of school employee sexual misconduct.

The study used a qualitative case study design (Yin, 1982, 2004) with a purposeful sample of five districts, each of which experienced a case of school employee sexual misconduct in 2014. A purposeful sample was selected for this study because of 1) the sensitive nature of the topic,

2) the anticipated difficulty of randomly recruiting sites for participation, and 3) the need for participants to have been directly or indirectly involved with a case of school employee sexual misconduct. Each of the five districts were recruited from a database of 459 districts who experienced a case of school employee sexual misconduct in 2014. See Appendix C for complete sampling methodology and description of the sample.

The study was conducted between January 2016 and September 2017. Data collected included: 1) various district documents, 2) 41 interviews with primary actors (school employees and county officials directly involved in responding to the incident), and 3) 10 focus groups with 51 secondary actors (school employees who were not directly involved with the incident but who might have been indirectly affected by it). Documents reviewed included written policies and protocols, training materials and handbooks for staff and students, case documents, and other guiding documents as applicable. Researchers applied a document review checklist to each of the documents gathered for this study which included items on policy type, scope, purpose, definition, enforcement, and procedures. In a few select instances researchers collected and reviewed versions of documents from before and after the incident, but for the majority of documents collected and reviewed there were no changes from before or after an incident. In interviews and focus groups, participants were asked to discuss their knowledge of district policies and procedures, to describe the dissemination of and any changes to these policies and procedures, and to provide recommendations for improvement (see Appendix D for interview protocols and document review checklist).

To protect the confidentiality of study participants, the study was approved by the New England Institutional Review Board. All district and participant identifying information is confidential and has been removed from any reporting. Sites and participants are not identified by name and are referred to by unique site or participant numbers. Participants were offered \$25 Amazon gift cards to compensate them for the time required to participate.







To analyze data from the interviews and focus groups, researchers applied the technique of analytic induction (Erickson, 1986) using the qualitative analysis software program Atlas.ti. This technique was deemed most appropriate for this multiple-case study because it allows for a systematic and exhaustive examination of limited cases in order to generate cross-case themes supported by confirming evidence (Erickson, 1986). Using Atlas.ti, researchers divided data into segments, attached codes to the segments, and found and displayed all instances of similarly coded segments for analysis (Miles & Huberman, 1994). Researchers began the coding process by reviewing a sample of interview and focus group transcripts to identify common themes relevant to the research questions. Once preliminary codes had been determined, researchers independently coded data and then engaged in a process to establish inter-rater agreement in which the codes were compared for consistency. Codes fell into several categories, including policies and practices, trainings, implementation, reporting, investigations, perceptions, and other challenges.

Preliminary coding revealed a strong alignment to the Title IX guidance documents referenced on page 4. Thus, researchers synthesized the guidance from these Title IX documents into the “Key Elements of Title IX Guidance” including six overarching areas 1) comprehensive policies and procedures, 2) prevention programs, 3) training for staff, students, and parents, 4) processes to ensure timely reporting, 5) thorough and coordinated investigations, and 6) effective response procedures (see Appendix A). Codes addressing each of the six key elements of Title IX were applied to the collected documents, interviews and focus groups. For each of the codes, sites were rated as “yes” = fully meeting Title IX guidance requirement, “somewhat” = meeting some parts of the guidance but not all, or “no” = not meeting the Title IX guidance requirement (see Appendix E for Title IX guidance codes).

FINDINGS

This section describes the findings generated from interviews, focus groups, and document review across five K–12 school districts that experienced a case of school employee sexual misconduct in 2014. Findings are organized according to the six key elements of the Title IX guidance; a summary of findings, challenges, and recommendations is provided in Table 1 below.

Table 1. Study Findings, Challenges, and Recommendations, by Key Elements of Title IX Guidance

Key Element of Title IX	Finding	Challenges	Participant Recommendations
 POLICIES AND PROCEDURES	School district policies and procedures did not address all key elements of Title IX guidance.	Challenges include a lack of model policies, difficulties addressing technology use, and ill-defined boundaries around physical contact.	Have clear, written policies, especially around technology and social media use, and provide guidelines for appropriate behaviors.
 PREVENTION	All districts experienced an increase in awareness of school employee sexual misconduct and behaviors that can help prevent it in the wake of an incident.	Participants were reluctant to believe an incident had occurred in their districts, and school employees and administrators were uncomfortable and hesitant to discuss the topic.	Be proactive in reporting suspicious behavior, encourage accountability, and improve district leadership.
 TRAINING	Four of the five districts had various trainings for staff, but none offered training for students or parents.	Training programs face a variety of challenges, including limitation in budget, time, and parental engagement, and a greater training need for younger teachers.	Offer annual, in-person staff, student, and parent trainings and include real-world examples.
 REPORTING	Participants indicated being more likely to report future incidents due to improved awareness of reporting requirements, and increased use of technology to facilitate reporting.	Reporting may be stifled by a number of factors, including fear of community and media response, student and staff reluctance to report, and difficulty identifying warning signs.	Have clear guidance for reporting and encourage staff, students, and parents to make reports.
 INVESTIGATIONS	Three of the five school districts improved their investigation processes and strengthened collaborations with criminal justice and child welfare agencies after experiencing an incident.	Challenges in executing investigations included poor communication, competing roles, interference between internal and external investigations, and challenges with technology.	Proactively develop collaborative relationships with criminal justice and child welfare and consider the use of school safety officers on school campuses.
 RESPONSE	Districts took various actions to respond to incidents, but none of the five districts engaged in all of the responses recommended by Title IX guidance.	Some administrators struggled with how to provide support to staff, students, and parents and how to respond to community and media requests in the wake of an incident.	Provide support to staff, parents, and students; develop protocols for proper responses to an incident; and establish accountability measures.

Policies & Procedures



POLICIES AND PROCEDURES

Study Finding

School district policies and procedures did not address all key elements of Title IX guidance.

Description of Challenges

Challenges include a lack of model policies, difficulties addressing technology use, and ill-defined boundaries around physical contact.

Participant Recommendations

Have clear, written policies, especially around technology and social media use, and provide guidelines for appropriate behaviors.

Findings

Key policy elements of Title IX are not well implemented and school employees, students, and parents are unaware of Title IX requirements

All five districts' policies, examined after the district had experienced an incident of school employee sexual misconduct, did not contain one or more of the key policy elements outlined in Title IX, as shown in Table 2. Three of the districts had policies that covered school employee sexual misconduct specifically and grievance procedures, but only one district provided examples of boundary-crossing behaviors and only one included a notice of nondiscrimination in its policy. Two districts had implemented only one key policy element, the designation of a Title IX coordinator. In the two small, rural districts, some participants noted that staff generally know what to do in a small community and therefore do not need written policies, although larger communities might need written procedures.

Awareness of requirements, and of the district's implementation of those requirements, was inconsistent. Some employees said during interviews they were aware of their district's Title IX policy, slightly more than half (58%) of staff interviewed did not know who their Title IX coordinator was. In addition, staff said that students would not know who the Title IX coordinator is. At one site, district administrators could identify their district-level Title IX coordinator, but no school-level employees could.

Across the five participating districts, policies and updates to policies were made available in staff and student handbooks and communicated via email, websites, and teachers' union materials. In three of the five districts, participants also reported relying on principals or human resources personnel to discuss the policies at staff meetings and meetings held at the beginning of the school year. Participants reported that these in-person meetings included verbal examples of boundary-crossing behaviors, such as "being alone with a student" or "driving a student home."

Table 2. Presence of Key Elements of Title IX Guidance by Site After an Incident of School Employee Sexual Misconduct

Key Title IX Policy Elements					
	Covers school employee sexual misconduct	Provides example of boundary-crossing behaviors	Includes grievance procedures	Includes a Title IX coordinator	Includes notice of nondiscrimination
District 1	—	—	—	●	—
District 2	—	—	—	●	—
District 3	●	—	●	—	—
District 4	●	—	●	●	—
District 5	●	●	●	—	●

Note: ● = element included in policy, — = element missing from policy

District policy changes after an incident varied from extensive to none

“Before the incident, we were much more haphazard about how we did this. We are much more thorough and formal now about how to implement policies.”
—Study Participant

Two of the five districts implemented policy changes as a result of the incident, including introducing policies on boundary-crossing behaviors and technology use. One district adjusted its policies for after-school activities (for example, requiring that students not be alone in a classroom without a tutoring pass and forbidding one-on-one tutoring). Prior to the incident, the participant said, “It was normal for kids to be in and out of classrooms. I don’t think people thought it was weird.” After the incident, student activities after school became “highly monitored.”

In another district, administrators developed a comprehensive technology use policy to guide and monitor use of the district’s network or technology. The policy, which was the result of multiple revisions and incorporated elements of other policies from state and national searches, prohibits private student/teacher contact via technology (i.e., cell phone, social media, email). To communicate with students, staff must use the district-sponsored learning platform, so that administrators and parents can see all communication.

In the other three districts, participants stated they have not noticed any changes to policies or practices since the incident.

Challenges

There is a lack of model policies around school employee sexual misconduct

Participants noted that there was “surprisingly little out there right now” in regard to model policies around school employee sexual misconduct. They indicated it would be helpful if the

state department of education assisted districts with developing or identifying model policies for school employee sexual misconduct. One participant said, “We looked at a lot of policies inside the state, and there wasn’t much . . . There wasn’t a model that people were using. We did our best to pull from those the things we liked [and] outlined what was important.”

It is difficult to keep policies current with ever-changing technology

Participants in all five districts discussed how it is difficult to address boundary-crossing technology use through policies as technology evolves continually. Participants discussed 1) challenges and difficulties in developing a comprehensive technology policy, and 2) the positive and negative aspects of technology monitoring.

First, participants in all districts mentioned the challenges and difficulties in attempting to address technology use through school policies. One participant said, “[Technology/social media is] definitely [a challenge] because they’re ever-changing and [we have to make] sure that we’re on top of that so that we know what kids are using and how they’re using that and how teachers and perpetrators can use it as well.” Other participants noted, “This is evolving technology that none of us had experience with,” and “it is definitely a challenge.” Another participant indicated that overall, district policies are “outdated” and do not account for the tools provided by smartphones. Multiple participants discussed the difficulty of establishing a policy that encompasses all potential inappropriate technology use.

Second, participants were mixed on whether districts should have technology monitoring systems (such as Internet or application-based monitoring) and whether those systems would be effective. Multiple participants talked about their fear of social media and continually developing technology. As one said, “We can’t police social media. That is the scariest part.” Further, many participants discussed difficulties in monitoring social media use, especially when accounts are private: “Someone to monitor social media would be helpful, but drama and feuds, while a lot of that is public, a lot is private, unless it is reported by another student. Even if you have an appointed person in the district, there will be a big road block.” Participants were also concerned about parent reactions to constant monitoring of technology and social media.

It is difficult to maintain boundaries with students while also providing personalized support

Participants said that it is difficult to maintain strict boundaries in teacher-student interactions, yet also provide emotional support for students who need it. As an example, teachers are cautioned against a variety of behaviors, such as giving students rides home, closing classroom doors, tutoring students one on one, and being alone with students. One interviewee noted that the boundaries between inappropriate behavior and being a caring, emotionally supportive teacher “can be a little confusing.” The interviewee continued, “We have a lot of students who need attention or who need extra support, who want to come and give you a hug.” The interviewee noted that there was a “grey area” between inappropriate behavior and just being cold to students. Many participants discussed the possible consequences of being afraid to interact with students, including not providing enough support to students, especially those with special needs. Some participants feared the loss of connection with students: “You don’t want teachers who are robots.” One teacher said, “Some [students] don’t have an adult advocate who cares and loves in appropriate ways. [We] love them like they are our own.” Fear of crossing boundaries, these teachers feared, could interfere with those important relationships.

Participants also mentioned being fearful of being accused of sexual misconduct and limiting their interactions and “connections” with students as a result. Some teachers discussed being

“scared you will be labeled as something” as a result of being alone with a student after school or after a school-related event. Overall, participants reported that policies limiting physical contact may not be realistic and can be offensive to teachers.

Some participants (15%) did not believe that policies would make a difference in preventing school employee sexual misconduct. One participant said, “If someone is determined to do something wrong, having the policy won’t stop them. It will help prosecute them but not stop them.” Another participant said, “If someone really wants this to happen, it will happen. They are sick and will be sick no matter what.”

Recommendations

Participants recommended having clear, written policies, including around technology and social media use, and providing guidelines for appropriate behaviors.

Clear, written policies are needed

“When we are talking about student safety...The policy should not be lodged between internet policy and lunch program policy. It needs to be at the forefront and addressed.”
- Study Participant

Many participants remarked on the need for “a simple bulleted policy,” that is “multifaceted,” “longitudinal,” and “detailed.” One participant recommended that districts “start with a written policy that everyone has access to, “so there is something to refer to.” A policy should be “simple [and] explicit. We want people to read it and understand what’s going on. This is our commitment to preventing harm to your children. These are the consequences.” Another participant suggested making all policies available on the website so parents are aware of them, saying “there is no excuse when this information is out there and available.” In addition, some participants believe that using example model policies would be a good strategy for creating a policy; as one stated, “Don’t reinvent the wheel. Look to share information and policies.”

Boundaries for technology use and social media use need to be established

Participants recommended various components be included in a technology use policy for staff and student interactions, including:

- Expectations for social media use and for specific applications, such as Instagram, Snapchat, and Facebook;
- Clearly outlined expectations for phone and text messaging contact between students and staff;
- Clearly outlined guidelines for appropriate school and personal use of email (for example, school employees only emailing students through school-sponsored systems or applications); and
- Never sharing personal email or passwords with students.

As an example, one participant stressed that “there needs to be a formal policy in place [for text messaging]. There should be a window of time for texting, to limit communication as much as possible.” Another said, “Never text only one kid. Everything has to be a group message and that group message should include the parents.” Participants recommend that social media

expectations be made very clear: “You have to be incredibly clear on how we don’t cross the social media line.”

Guidelines for behaviors need to be defined

Providing clear guidelines for teacher-student relationships and appropriate behaviors was highly recommended. Participants acknowledged that the boundary between caring engagement and inappropriate behavior can be a “blurry line.” Participants said that teachers and other staff may struggle with that boundary and said having guidelines would help, focusing on the importance of “cleaning up the grey lines” and “clearly defining the boundaries between teacher and students, through a professionalism or ethics policy” that provides steps on how to recognize inappropriate behavior and what to report. Additionally, participants suggested the possibility of having a separate, more in-depth policy for coaches, mentors, and tutors, who may be in closer contact with students.

To mitigate this uncertainty, participants recommended that boundaries be defined in the policy. At one district, participants made a list of suggestions for what to tell staff, including: 1) do not put yourself in a situation where you and a student are alone, 2) do not friend students on social media, 3) keep all communication to email, and 4) do not use a personal cell phone to communicate. One interviewee noted, “Your job is not [to] socialize out of school. [There is] no reason to be one-on-one. Put yourself in safe situations.” Specifically, participants addressed the importance of never driving students home, although some participants noted that a rural district with limited transportation options may have more challenges with this.

Prevention



PREVENTION

Study Finding

All districts experienced an increase in awareness of school employee sexual misconduct and behaviors that can help prevent it in the wake of an incident.

Description of Challenges

Participants were reluctant to believe an incident had occurred in their districts, and school employees and administrators were uncomfortable and hesitant to discuss the topic.

Participant Recommendations

Be proactive in reporting suspicious behavior, encourage accountability, and improve district leadership.

Findings

All districts experienced heightened awareness as a result of the incident

“There’s more of an awareness. Something you wouldn’t think twice about, now, they [the staff] are aware if situations look questionable.”

—Study Participant

“People are a lot more cognizant of what they say and how they say it and what they are doing.”

—Study Participant

Staff in all five districts mentioned that, as a result of the incident, they are more aware of what school employee sexual misconduct is and pay closer attention to the behaviors of staff and students. Some participants noted that after experiencing an incident, they realized their school or district is not immune to school employee sexual misconduct. Participants also said that they have become more aware of “the little things” as a result of the incident and pay closer attention to behaviors that “just don’t feel right.”

Participants also described changes to staff behaviors and generally noted being more careful with staff-student interactions that involve what could be considered boundary-crossing behaviors. Participants mentioned being careful about, for instance, keeping doors open, always having more than one adult in the room, not interacting with students on social media, only using group text messages, watching body language, being reluctant to enforce the dress code, and being more careful about the types of conversations they have with students. Administrators reported additional behavioral changes, such as watching staff, students, and coaches more closely, being more likely to have conversations around the issue, and being more likely to follow up on inappropriate behaviors.

“It has made me talk about safety and security for anything more than I ever had before it happened.”
—Study Participant

Participants also reported that students had a “heightened awareness.” According to one participant, “In the past, they [students] might not think anything about it. But now, if they saw someone in a room alone with a teacher they might tell their parents. It takes an incident like that to be aware.”

At one district, a new superintendent led the district to make improvements in prevention and communication of the topic, suggesting that a strong leader can help change the culture so that there is a “spirit of cooperation and team approach to all of this.”

Despite heightened awareness for most participants, some participants believed it would never happen again and that no changes needed to be made. One participant commented, “They are isolated. Anomalies, if you will. We are all shocked. It was highly abnormal for this environment.” This sentiment was shared in two school districts classified as rural; it may be more common in small, close-knit communities, where sexual misconduct incidents come as a particular shock.

Challenges

Staff and community members were reluctant to believe an incident occurred

“Nobody wants to believe a teacher is doing these things. We don’t need to believe it; we know it happens.”
—Study Participant

All of the districts included in this study had a documented incident of school employee sexual misconduct in 2014. Despite these reported incidents, some participants reported that staff, parents, and students were still reluctant to believe it had happened—or could happen again—making it difficult to take steps toward prevention. At all five sites, participants reported widespread shock and disbelief when the incident came to light. One participant noted the difficulties communities can have coming to terms with such incidents: “People just can’t believe it. What are our tendencies when something happens—to withdraw, deny—how do you train someone to push against that?” At one site, two participants shared that parents who had interacted with the offender tended to side with him or her because they didn’t want to believe that their children could have been victimized. Another participant pointed to challenges related to parents and students posting on social media about the incident, which generated rumors and speculation around the incident.

This kind of denial is detrimental to prevention efforts. If staff and parents are in denial that school employee sexual misconduct can occur, they will likely be unwilling to take steps to prevent it. In our sample, the smaller, rural districts were more likely to deny that school employee sexual misconduct could happen in their communities; participants from these districts were more likely to express a belief that these kinds of incidents happened only in larger districts.

Administrators and staff were uncomfortable discussing sexual misconduct

Administrators discussed challenges with training or communicating with staff and students about sexual misconduct because discussing any sexual topic is uncomfortable for administrators, teachers, and students. One participant said, “We can’t even say the word sex.

People get wigged out by that. I think as a whole culture we don't really know how to talk about that." Another participant reported that the district administrators and staff did not use the terminology "school employee sexual misconduct" because "we are uncomfortable." Another participant said, "I think anytime the word sex or sexual is brought up, it makes people uncomfortable, uneasy." This difficulty discussing the issue inhibits the development of preventive measures.

District leaders were hesitant to address school employee sexual misconduct

Administrators were hesitant to address school employee sexual misconduct because they felt they did not have the proper training, they were concerned about staff time, or they were fearful of what they might uncover. Most administrators said they had not received training on how to prevent school employee sexual misconduct. One participant said, "I don't think we have been trained . . . we don't have something that tells you about what you should be doing." Another administrator was worried about staff time: "The number of things staff deal with is overwhelming. So it's another thing we have to deal with." Others reported being worried about the public image of the school and feared "shining a light" on their community for fear of what they might find. One participant said, "We tend to scoot it under the rug and hope we can move on quietly." Another participant said, "I think we live in a day and age where people don't want to be bothered. Easier to turn your cheek and ignore it." These kinds of attitudes make it difficult, if not impossible, for administrators to engage with prevention efforts or to encourage staff and school communities to do so.

Recommendations

Be proactive

All participants emphasized the need to be proactive in preventing and responding to school employee sexual misconduct. For these participants, being proactive included 1) having a prevention plan, 2) discussing the issue before an incident occurs, and 3) having a process for managing media and other issues when an incident occurs. Participants stressed that districts should not delay in implementing a prevention plan and should not cling to the naïve idea that sexual misconduct could not happen in their districts. One participant put it bluntly: "Drop the notion that it can't happen to your colleague or your district." Another offered, "My advice would be you have to address school employee sexual misconduct proactively. [Other issues are] not as life-altering as a sexual relationship with a young person. Probably does not cut as many scars and wounds. This has to be at the top. It affects the whole community . . . it takes years to heal. I would advise others to make sure it is addressed and in a very aggressive manner." Many participants remarked on the need for staff and students to openly discuss the issue, and not to be afraid to talk about school employee sexual misconduct. One participant said, "Bring it fully to the table. That keeps it from being shameful." As many participants concluded, "The big message is: have the urgency before it happens [and] be proactive" and "don't waste time being afraid."

"Make sure you have something in place so that if you have to use it, it's there."

—Study Participant

“We need to be aware of this like we are aware of common core standards and our curriculum and give it the same level of importance. These kids are here on our watch. That is the biggest pill for me to swallow, that it happened on my watch.”
—Study Participant

Hold staff accountable for knowing and implementing policies

Another recommendation participants made repeatedly is the need for accountability for administration and district personnel. Participants recommended holding school employees to high professional standards. As an example, one participant said, “In every case, there was something that was unprofessional. Don’t be afraid to address it.” Overall, administrators called for districts to hold everyone—both teachers and administrators—to high professional standards and for every staff member to be more aware and observant of unprofessional behaviors.

Identify champions for change to support policy awareness and implementation

Participants said leadership or “top-down support” is a key both to preventing school employee sexual misconduct and to implementing policies and practices that enact cultural change. Participants said leadership from administration is necessary to create an atmosphere where it is safe for both students and staff to discuss their concerns around school employee sexual misconduct and related policies. That leadership is needed at several levels. Leadership from the Board of Education is as important as school leadership for changing culture, as the board must take the lead in building collaborations with other agencies and conveying mandatory reporting requirements to all personnel, as well as spreading conviction about the need to prevent, identify, and stop sexual misconduct. Leadership from district-level human relations functions is critical in establishing policy across schools and also for providing more informal support, by “making a point of knowing each person in all the schools by name” and providing the opportunity for informal conversations about the issue. Finally, having a champion who can highlight the issue beyond the schools can help to increase community attention and ensure offenders are prosecuted.

Trainings



TRAININGS

Study Finding

Four of the five school districts had various trainings for staff, but none offered training for students or parents.

Description of Challenges

Training programs face a variety of challenges, including limitation in budget, time, and parental engagement, and a greater training need for younger teachers.

Participant Recommendations

Offer annual, in-person staff, student, and parent trainings and include real-world examples.

Findings

Most districts lack adequate and frequent school employee sexual misconduct trainings for staff, students, and parents

While four of the five districts offered some training for licensed school employees, especially in the wake of the incidents, training for other relevant parties, including nonlicensed staff, students, and parents, was limited.

Table 3. Availability of Training at Each District

	Training			
	Licensed staff training	Nonlicensed staff training	Student training	Parent training
District 1	—	—	—	—
District 2	●	●	—	—
District 3	●	●	—	—
District 4	●	—	●	—
District 5	●	—	—	●

Note: ● = yes, ● = some, ● = unknown, — = no training

Four of the five districts implemented specific school employee sexual misconduct trainings for licensed school employees as a result of the 2014 incident. One district offered a one-time, in-person training and another created a 30-minute online training course to be completed each year. In two districts, participants had informal discussions about the issue at the start of the

year. One district indicated they still offered no formal training around school employee sexual misconduct. For nonlicensed staff, one district offered a specific training and another covered sexual misconduct as part of another training. Only one of the five districts reported having a formal student program and none had a parent training program other than website materials or information included in the student handbook (see Table 3).

Professional development programs for staff met with a range of reactions. In the school district that implemented a formal, in-person professional development program, many participants were enthusiastic about the program and believe it is helping to reduce the number of incidents. One participant said, “The general self-awareness was more so the goal of the training. I had a lot of teachers come out [and] say, ‘I never thought about that.’” Overall, staff found the training “effective” and “very beneficial”; most believe it should be done every year. Other districts used a 30-minute, online professional development program, offered by their insurance agency, that can be taken multiple times. Participant reactions to this program were mixed; some said it was effective and others suggested the need for an in-person training. One participant said online trainings are “effective and quick,” and “you can do [it] in [the] comfort of own home or office.” On the other hand, participants indicated the training was “a snoozer,” “not serious or effective,” and that participants can listen in the background and easily pass the quiz. Additionally, one participant noted that the training may not rigorously assess participants’ understanding of the issues: “I do not think it’s effective. If you don’t pass the test the first time, you just retake it.”

Other school districts used a form of informal discussion for their training. One school district now holds a preseason coaches meeting to cover proper boundaries with coaches and students. However, one participant said, “They don’t get into particulars, because people know what we are talking about.” In another school district, staff shared real-life stories to show how situations could appear to be inappropriate, to highlight that staff should consider the perception of others as they interact with students.

Finally, nonlicensed employees were largely overlooked. Most participants said nonlicensed employees such as office staff or bus drivers receive no orientation or training at all on what employee sexual misconduct is or how to identify it. One participant said, “I’ve been here a long time, I can’t identify a specific training.”

School employees lacked understanding and awareness of school employee sexual misconduct laws and policies

Across the five districts, many participants (83%) could not directly identify a policy specific to school employee sexual misconduct, said the district did not have a policy in place, or omitted policies from their definition. For example, one participant said that there is “virtually nothing.” Many participants said that the policy was never discussed: “We are not aware of one.” “We are not provided a copy of it if there is one.”

Of those participants who could not identify a specific sexual misconduct policy, 14% believed the topic might be covered under sexual harassment policies but could not say if those policies specifically cover school employee sexual misconduct. Another participant said that the district’s sexual harassment policy is “vague,” “too general,” and would need clarification to define where “the line” is. Other participants could not describe how they became aware of their districts’ policies and procedures. One participant assumed, “the school has a policy,” but could not recall what was in it. Some participants noted the student or staff handbook, but said it might not contain an explicit policy on this issue. A few participants referenced more general policies that did not cover school employee sexual misconduct.

“Many of us don’t know [the policies] the way we should, we don’t have anything concrete. If you ask teachers what it covers, I don’t think they would be descriptive and I can’t either.”

—Study Participant

“Unfortunately, until things happen we don’t talk about it, we don’t address it. We dust off [the policy] as need be.”

—Study Participant

Not everyone felt a policy was needed; 34 participants said a policy is not necessary because the issue can be addressed by “common sense.” One participant remembered administrators discussing ways to avoid boundary-crossing behaviors, such as not giving students rides home, avoiding being alone with students, and leaving classroom doors open, but the policy “was not written down . . . Just something you do. Something you understand.” Another participant said, “In my mind . . . it was so unimaginable . . . never felt anyone needed to say it to me directly.”

Parents and students may be unaware of policies

The majority of participants responded that the policies were either not communicated or communicated only somewhat well to parents (82.35%) and students (72.22%). Some participants referenced student handbooks, but said they only covered sexual harassment in general, as opposed to school employee sexual misconduct in particular. One participant said, “Overall, I don’t think we do a good job of sharing information with parents or students in terms of how you prevent or what you do if it occurs.”

Challenges

Districts face various challenges in training school employees

Participants reported that it is challenging to deliver effective training programs on school employee sexual misconduct for a number of reasons. Two districts said finances are a barrier to providing effective professional development. Other districts highlighted the many competing requirements for teachers’ professional development and the limited time for additional professional development. Others wanted to avoid addressing an “uncomfortable subject.”

Parents are difficult to engage

Many participants discussed challenges with engaging parents in trainings or discussions about school employee sexual misconduct. These challenges were both logistical—parents not having access to technology to receive electronic information or had difficulty scheduling in-person meetings—and affective with parents. As one participant said, “It’s hard to get them in and people don’t like to talk about this stuff.” Participants said there is a delicate balance in informing parents because people may be offended or upset if you talk about child abuse by a teacher. One participant said, “You don’t want to hype it too much but you want to inform . . . You don’t want to bring alarm but you have to enlighten people.”

Information overload was also an issue. As one participant said, “A handout that you can give during registration is good, but they get so much paperwork they don’t read half of it. All of this is in there, they just sign it and give it back.” Other participants mentioned extreme poverty and lack of access to technology among many parents as a barrier to establishing meaningful communication with parents.

Younger teachers need more training

Other participants discussed the particular challenges associated with younger teachers and the importance of providing targeted training for these new teachers. Participants said younger teachers may have more difficulty establishing boundaries with students, as they may be as comfortable with such applications as texting and social media as their students are and they may not have much age differential from students. One participant said, “It is generational. They don’t really see the boundary like we do. The more social media part, they may not see the threat or boundary as much as we would because they figure everyone does it.” The lack of boundaries may be intensified in cases where the teacher previously attended the school. Participants also noted that teachers do not receive training on school employee sexual misconduct during undergraduate teaching/counselor training and often arrive at the district without any previous training.

Recommendations

All five school districts offered recommendations for training staff, students, and parents as well as suggestions for the frequency and methods of training for each of these stakeholders.

Provide annual training for all school employees

Participants in all school districts noted the importance of training and education on school employee sexual misconduct for staff; many recommended specific discussion of “what it looks like and what it is and why [it is] not appropriate.” Additionally, participants emphasized the need for training for *all* staff and administration, not just licensed employees. As one interviewee said, “[It is] not just [for] teachers. [You] have to reach out to janitors, secretaries, cafeteria workers, everybody should be trained.” Another noted the need for administration “to be trained as much as teachers.”

Many participants emphasized the need to conduct training on a “frequent basis.” One participant said, “Yes, you might hear it one hundred times but better to hear it over and over than not to hear it at all.” Due to high turnover, one participant said, “It needs to be on the radar every year.” Another interviewee emphasized that there needs to be *ongoing* training: “It’s not a one-time deal. It’s multiple times throughout the year. It’s in different avenues and different venues, different people doing the same training . . . doing it over and over again is the key.”

Several participants had recommendations about training venues and methods for staff. Some participants felt in-person training is more effective than online. In-person trainings were commended for their ability to spur engagement and discussion amongst staff. Online training programs were praised for being quick, affordable, and trackable. Participants also suggested video trainings and engaging presentation, such as interactive exercises or training delivered in collaboration with other agencies such as child welfare or law enforcement.

Provide annual training and education for all students

Overall, participants felt that districts needed a mechanism to educate students on what school employee sexual misconduct looks like and how to file a report. Generally, interviewees felt that high school and middle school students are mature enough to handle training or discussion about this topic: “I think juniors and seniors in high school, it’s very age-appropriate. With social media now, there’s nothing kids haven’t seen or heard, so let’s talk about it.” Participants suggested methods of training that would get students’ attention, such as “a video with

someone like Taylor Swift to engage them” or a video with “scenarios of proven cases where things went wrong.” Some participants noted the need for continued training for students as “the student body is constantly changing. We are a few years along [from the incident] and half of the students who were here when it happened are gone.” Overall, participants stressed the need to reach students on this issue.

Provide annual training and education for all parents

Several participants remarked on the need to educate parents about school employee sexual misconduct and get them involved in some capacity. One participant said, “I am a proponent of educating parents to protect students. I think we need to help parents keep their kids safe. I think it’s an area we need to address more.” One recommendation was to communicate intentionally and conscientiously to all parents, “not to scare them that this is happening all the time, more of an awareness, deliver it in such a manner that they are not on guard but more in terms of support from school and security officers.” Some participants thought it would be a good idea to go over with parents such areas as grooming behaviors and warning signs. Several suggested having links on school websites to resources for parents. One interviewee noted the importance of being open about the issue, asking parents about it and answering their questions rather than being scared to address it.

Use real examples

Participants emphasized the need to make sure that training is meaningful and thorough by using real examples in trainings. One district administrator described that district’s “expanded trainings. [We] step[ped] up aggressiveness and [are] blunt about it. At orientation, we are very honest with [staff].” Another school district interviewee said that “the topic should be point blank. It needs to be said.” In addition, participants stressed that training needs to be thorough, addressing “how to recognize warning signs and educating staff and students on the issue and what the boundaries are.” Another participant suggested:

We found that talking about real scenarios works best. “What would you do in this situation?” And, “Here’s what the real answer is of what you should do.” Maybe looking at cases that are not particular to our district but from other areas and dissecting those. Is there something that could have been prevented? Something where we didn’t act the way we should have? Having those kinds of conversations with administrators and teachers and even bringing in some students.

One interviewee wondered about opening training with presentations by offenders: “We need a professional development where a teacher that went to prison and got out [speaks] and says, ‘It will affect your life.’ They [teachers] need to see it more in your face. I want someone to see them [offenders] and know it can happen to you and we have the technology to catch you doing it.”

Reporting



REPORTING

Study Finding

Participants indicated being more likely to report future incidents due to improved awareness of reporting requirements, and increased use of technology to facilitate reporting.

Description of Challenges

Reporting may be stifled by a number of factors, including fear of community and media response, student and staff reluctance to report, and difficulty identifying warning signs.

Participant Recommendations

Have clear guidance for reporting and encourage staff, students, and parents to make reports.

Findings

Participants were more likely to report incidents

Participants said they were more likely to report questionable or inappropriate behavior after the incidents occurred. Some participants said they used to “sweep things under the rug” or “handle on the down-low” but now “the atmosphere of protection is gone.” For example, one participant said, “People are more sensitive to anything that is even questionable” and staff understand “not to investigate” and to “report immediately.” Participants also reported that there was more awareness of mandatory reporting and a higher likelihood that incidents would be reported to law enforcement immediately. They also noted a decrease in the occurrence of school-level investigations; staff were, participants said, more likely to “err on the side of caution” and “would rather be overboard than under board” with regard to reporting. Participants also mentioned that it may be easier for teachers in smaller districts to report because they may have a better relationship with their administrators, which would make them more comfortable reporting than employees in larger districts.

“We used to hear that somebody knew and didn’t report. But that’s not the case now. If they get a whisper of anything they call.”
—Study Participant

One participant said “now there is a huge leap in the right direction. We are not sitting on a child’s disclosure for two or three days.” Another participant said, “We do a better job of reporting now than we’ve ever done.” In another district, a participant said, “School employees have a really good understanding of what and when to report. I don’t think they understood before.”

Districts also looked for new avenues for reporting. One district implemented an anonymous student survey that is delivered to athletes at the end of each season. One participant told interviewers, “That is one avenue for people to report after the fact. I think they are trying to communicate to students, this is how you can report it, and to whom.” For instance, one of the questions asks about comfort level with coaches. However, to date, no one has used the survey to report issues and the participation rate is low. Also, some administrators mentioned concerns about implementing the survey because the surveys could potentially be public record and people may use them inappropriately (for instance, to get a coach fired if they aren’t getting enough playing time). Others were concerned that asking students about a coach’s behavior was “planting seeds” and could increase the potential for false reports.

“With technology, cell phone and video capability . . . they don’t get away with it anymore. Things come to light . . . they think they are having a private conversation but they aren’t. It’s a whole different ball game. I think it’s much harder for people to get away with sexual misconduct now than 20–30 years ago.”
—Study Participant

Increased use of technology both facilitates reporting and hinders discovery

Although findings show that technology facilitates private communication between school employees and students, participants also mentioned that technology has also made it easier for staff, students, and parents to report misconduct. One participant said that students may be “more apt to tell us [of an interaction] because in their minds they’re not getting somebody in trouble they’re just telling us how they communicated.” Other participants said technology makes it easier for parents to identify issues. For example, one participant said, “I think people are reporting more because of social media. A lot of things that occur, either photograph or sexting or texting. And that may tend to get discovered more by parents or guardians.” In contrast, one participant said they thought incidents are not reported as often as they occur because some technology makes it easier to hide communication: “There are probably still incidents floating out there. I think that is because they [staff] are finding more ways to hide it. It would be easy when you had home phones to check records. Now people have cell phones. It’s just not caught.”

Challenges

Mandatory reporting laws are difficult to enforce

Criminal justice participants reported challenges enforcing mandatory reporting laws. County officials were unaware of anyone who had been charged with or prosecuted for failing to report an incident. One participant said, “I’ve never known it to actually be enforced. I’ve never seen the commonwealth’s attorney waste their time with that.” When asked about the consequences for not reporting, one participant said that no one has been formally prosecuted but that will likely happen in the future.

Students are reluctant to report

Twenty-one participants noted the many challenges around student reporting, including that many victims don’t realize they are victims. Participants also noted that students may not view sexual misconduct by a school employee as inappropriate. As two participants said, “They did not see this as sexual abuse” and, “They don’t understand what sexual abuse is.” Even when students know they are being abused, participants noted, they may not want it to stop.

“Personally, I am sure there are things that happen that we don’t know about, simply because there wasn’t a way to know about unless a student comes forward. A high percentage of children, things happen and they don’t report it.”
–Study Participant

Often, students who are being groomed or abused receive gifts, money, rides home, and attention; particularly if their home circumstances are difficult, they may welcome the attention. Children who are being abused may also be reluctant to rupture the relationship. As one participant said, “Teenagers perceive [abuse] as a sincere relationship with teacher” and, “They believe that these people care about them,” so, “they don’t want to hurt that person.” Participants also mentioned that students may be fearful to report incidents, seeing such a report as a violation of the student “code of silence”; student attitudes about talking to law enforcement, participants said, can make it difficult to catch incidents. One participant explained, “I think they understand how and when to report. The biggest problem we encounter is students not wanting to be known as snitches. . . . It’s very unfortunate because this is

going on and there are innocent victims that do not report something.” Another participant said, “The pressures of adolescence sometimes make students hesitate about coming forward. I think at this age, people are worried about being liked, being a starter on the team, and being accepted.” There is also a reluctance of students and teachers to report due to embarrassment or shame.

Administrators may hesitate to report out of fear of community and media response

Participants also discussed the challenge of managing community and media response to incident. Seven participants noted the fear of dealing with the media and the public perceptions or judgments about the school. In general, participants worry that these incidents make their schools or districts look bad in the media; that fear creates a disincentive to report incidents to law enforcement, where they become public record. In order to keep the media out, several participants noted that incidents were handled internally or offending teachers were given an opportunity to resign.

Participants described how incidents were minimized to protect the school or district. One participant noted that the message was, “Keep your mouths shut so you don’t add to [the] mix of things.” Another said the main goal was to “protect the school’s reputation,” “cover up/save face,” and “don’t create drama in your school.” One administrator listed personal reasons for “keeping the dust down,” including not wanting “another parent screaming at me,” “the Internet blazing away,” and “people leaving and going to home school.”

It can be difficult to identify warning signs

“Some of these cases, Stevie Wonder could have seen it. A lot of these things could have been stopped or challenged.”
–Study Participant

Participants also discussed the challenges of identifying warning signs. Often warning signs are recognized only in hindsight. As one participant said, looking back at the incident, there were “little things here and there,” and, “now [we are] a little more aware that there were signs that I just didn’t see.” Another participant said, “The student was regularly given a pass by [the perpetrator] excusing her from class. This is not normal protocol and should have been looked at closer.”

Administrators discussed the challenge of knowing when to investigate inappropriate behaviors and acknowledged the difficulty of telling the difference between teachers who are providing support for students who need it and those who are grooming students.

Participants reported struggling with how to tell if the teacher was helping the student or “crossing the line.” Administrators said they struggle with immediately reporting boundary-crossing behaviors, because “it could be a teacher you really respect and you would never expect it. That’s the tough part.” Another participant admitted, “It is often a challenge to know when to report an incident as inappropriate”; incidents that fall into the “grey area,” the interviewee said, rarely get reported.

School employees fear the impact to their reputation and retribution

“They only suspect so they are racked with guilt about messing up this teacher’s and student’s life. The information is so unsure and the costs are so high.”

—Study Participant

Another challenge that creates a barrier to reporting is school employees’ reluctance to report colleagues due to fear of retribution, a desire to protect colleagues, and fear of being wrong.

In interviews, 11 participants discussed being fearful to report an incident due to “fear of retribution.” One participant said, “It’s going to bring a spotlight on you, people are fearful of getting fired although I don’t think we have ever fired someone for reporting it. There’s a general reluctance from people. It’s the Sandusky thing, where you wish you didn’t see it but you did.” Other participants discussed the fear of getting sued for reporting something that ends up being false.

Other participants mentioned being reluctant to get colleagues “in trouble” and not wanting to create waves at the school or for the profession. One participant said there is a “natural tendency to protect your own, your colleague or people that you trust.” Another participant agreed, “There is always a certain sense of self-preservation of teachers protecting each other. . . . It is more of a not wanting to rat my friend out or maybe we can work through this without getting law enforcement involved . . . there is that sense of camaraderie between coworkers that they are going to try to help them get through.” Another participant said, “[The] hardest part is you need to be jaded enough to think that your friends and colleagues could be capable of something like that.”

“I think there is protection of our colleagues. We don’t want to be the one to snitch or tell on our colleagues and cause them to lose their jobs or families. We turn our face or shield ourselves from that information, for fear of harming that individual or for retaliation from their colleagues.”

—Study Participant

Finally, 12 participants noted the challenge of false accusations, stating they do not believe incidents are reported as often as they occur and staff may be hesitant to report because false accusations can “ruin a teacher’s career or reputation,” “are very damaging”, and are “grossly unfair to the teacher.” One participant said, “Once there is an investigation, people judge you completely. A lot of people are hesitant to bring that against a person or risk the liability of slander.” Another participant remarked, “I did have [a false report] at an old district. I watched that teacher go through hell for a month and eventually it came out that the student lied. You have to be so careful. I’m on board about protecting kids, but until we know what is going on, it’s going to stay with the teacher forever. Everybody in his district knows.” Another participant said that people may rationalize not getting involved, saying, “She’s a good teacher, he’s 17. What’s the harm?”

Recommendations

Encourage staff and students to report

With regard to school staff, participants recommended stressing the importance of proper mandatory reporting protocol, communicating who to report an incident to, and offering education around the importance of reporting. One critical piece is emphasizing the correct reporting process, so that suspicions or knowledge of an inappropriate interaction are reported to Child Protective Services rather than investigated at the school level. One county official said that school staff should “let CPS decide”: “It isn’t your decision to determine if it is or isn’t [abuse].” Another official added, “If something doesn’t look right, report it. Don’t worry about the teacher getting in trouble.”

Participants also stressed the importance of having someone to report to who teachers and staff are comfortable with. For example, one participant said, “I know I can go to my administrator with anything, but in larger districts [teachers] might not be as comfortable reporting.” Some focus groups noted a need for teachers to have a safe person to report to. “Need to have teachers know who is a safe adult to go tell what you have seen. There are some adults I would not tell.”

Participants also recommended educating students, providing them information about who to go to with an issue and making available multiple avenues for reporting. One participant said, “I think with students I would highlight that they need to report any kind of suspicion right away. . . . It is essential to communicate to students that they have to speak up if they are uncomfortable.” One participant noted that students are usually aware of incidents before anyone else, in large part due to social media: “I think it’s communicating properly to the students, they have an avenue to say something if they see something inappropriate.” Participants in one district mentioned the importance of developing a school culture where there is at least one adult every kid can feel comfortable going to for any reason. Participants also mentioned the importance of educating students about the consequences of false reporting.

To encourage reporting by both staff and students, several participants discussed reporting mechanisms and the potential of an anonymous reporting process. One participant said, “At some point, we need to put an anonymous tip process in place for students, staff, parents. There are many benefits. I think a student might know their peer has crossed the line and some kids will be more apt to report to an anonymous hotline. By not having that, we are missing some tips that otherwise will continue to fester and grow into a bigger problem.” An administrator felt staff would also appreciate having a confidential place to share suspicions; such an avenue could reduce worry about unfounded claims and encourage reporting of warning signs.

Investigations



INVESTIGATIONS

Study Finding

Three of the five school districts improved their investigation processes and strengthened collaborations with criminal justice and child welfare agencies after experiencing an incident.

Description of Challenges

Challenges in executing investigations included poor communication, competing roles, interference between internal and external investigations, and challenges with technology.

Participant Recommendations

Proactively develop collaborative relationships with criminal justice and child welfare and consider the use of school safety officers on school campuses.

Findings

School districts, criminal justice, and child welfare agencies have different roles and requirements in responding to cases of school employee sexual misconduct

“We are like a wheel with a bunch of spokes. We all have our own spoke.”
—Study Participant

“You educate. [Law enforcement agency] investigates. I prosecute. I am not an educator and you are not an investigator or prosecutor. We all have individual roles.”
—Study Participant

There are three primary entities involved in a school employee sexual misconduct investigation: 1) school districts, 2) criminal justice, and 3) child welfare. Each of the entities has different requirements for conducting its investigation, different timelines for completing its work, and different thresholds for pressing charges or pursuing sanctions.

School districts need to evaluate whether a school employee's behavior violates their code of conduct, and, to protect other students, they need to make immediate decisions about whether and how to remove a teacher from the classroom. Criminal justice agencies, on the other hand, must meet strict requirements with regard to levels of evidence and the presumption of innocence. Law enforcement personnel are trained investigators whose goal is to collect enough evidence to prosecute the offender successfully. They do not have a defined timeline for action; the investigative process can be lengthy, as they must prove the case “beyond a reasonable doubt.” Child welfare agencies such as CPS, by contrast, must only show that a “preponderance of evidence” supports their finding, or in other words, that it is more likely than not that abuse occurred. Child welfare agencies generally have between 30 and 60 days to process a case. All of this is made more confusing by the fact that, as one interviewee stressed, “[law enforcement and CPS] are doing separate investigations. They’re

just working together . . . all the contact with witnesses and victims happen at the same time but they're conducting separate investigations.”

Interagency relationships strengthened following an incident

Study participants discussed the different roles and responsibilities of education, child welfare (i.e. CPS/DCFS), and criminal justice (law enforcement) with regard to school employee sexual misconduct and the challenges of working together. After experiencing an incident of school employee sexual misconduct, participants in all five school districts reported working in a closer more sustained way with criminal justice; only three school districts said they work closely with child welfare agencies. Some school districts reported going directly to criminal justice before conducting any internal investigation and all school districts said they report criminal justice convictions to state departments of education (see Table 4).

Table 4. School District Relationships with Criminal Justice and Child Welfare Agencies

	Interagency Relationships			
	School district employees work closely with criminal justice	School district employees work closely with child welfare	School district employees coordinate with law enforcement prior to conducting internal investigations	School districts report convictions to state DOE
District 1	●	—	●	●
District 2	●	—	◐	●
District 3	●	●	●	●
District 4	●	◐	◐	●
District 5	●	●	◐	●

Note. ● = yes, ◐ = some, — = no

Participants in smaller, rural districts mentioned that they have good relationships with law enforcement because “we are a small town.” One participant said, “The nice thing about a small district, it doesn’t take much to get people together. We have an advantage from that point, I can call them and they show up in two minutes.” Many administrators in the smaller schools said they were comfortable calling law enforcement for guidance; at three of the five sites, the school board of education office was located near the police department or sheriff’s office.

Some districts implemented Memoranda of Understanding (MOUs) with criminal justice and child welfare agencies in the wake of incidents

“We were getting such a large number of sexual abuse allegations involving teachers, and that was the major thing that pushed for change in saying we all need to work together. It’s all of us, looking at a community approach rather than everybody just working it separately.”
—Study Participant

As a result of school employee sexual misconduct incidents, two districts reported improved relationships and the development of memoranda of understanding (MOUs) between CPS, law enforcement, district officials, and the commonwealth attorney’s office to help manage a coordinated response to incidents. One participant explained, “When we really started looking at how much it was occurring, that’s when the community got together and said we need to do something together to stop this.” In the first district, when the incident was reported, county officials were not notified immediately of the allegations and an administrator was legally charged with failing to comply with mandatory reporting laws. This action resulted in a change of administration and improved relationships and cooperation between school employees and county officials. The second district experienced improved relationships between the board of education, the sheriff’s office, the Department of Children and Families, and the district attorney’s office. One participant noted the change: “Years ago there was a feeling that people handled things within the school. I would investigate and I might even meet with the child’s parents. But, now, incidents are reported to law enforcement right away. That is yesteryear in our district.” Overall, participants reported that now (after the 2014 incidents), “we cooperate fully with CPS and the police department, and we want their investigations to be good and thorough” and, “as a result of everything that has happened, we have all pulled together more to work on it. There have been times when people were unsure, but now we are much more of a team and have clarity about how to prevent it.”

Challenges

The need to coordinate and collaborate across investigating agencies can create challenges

Participants reported that the multiple roles and agencies involved in an investigation of school employee sexual misconduct can introduce substantial challenges. Participants said investigating an allegation can be “difficult and painful” and “patience is important because the school, legal, and human resources world all have their own timelines resulting in challenges for working together.” In one district, a participant said, “Everyone here is so much in their own silo . . . People need to work in conjunction with everyone.” School district administrators were frustrated by being required to hand over investigations, noting that “allowing outside agencies to come in isn’t easy.”

A lack of trust of other agencies, particularly CPS, also made coordination and collaboration difficult. Multiple participants said that CPS is underfunded, understaffed, and overburdened, resulting in poor response times and failure to investigate all cases; 11 participants indicated that CPS is “very overwhelmed,” “takes too long,” or doesn’t take cases that it doesn’t consider serious. Another participant said she doesn’t have a lot of faith in CPS and is “reluctant to turn this hypersensitive issue to someone who really didn’t handle it so well last time.”

“We are educators, not police.”
—Study Participant

Competing roles and timelines among the various actors in an investigation can make it difficult to coordinate efforts and outcomes. Law enforcement personnel focused on the importance of maintaining the integrity of the investigation and keeping evidence “pure and uncorrupted.” One law enforcement participant explained that educators are “not trained on what questions to ask,” which can be detrimental to an investigation and they could “spend a week or two doing the investigation” instead of abiding by mandatory reporting laws and making an immediate report to law enforcement or child welfare. In one district, an active teacher union primarily concerned with protecting the teachers’ rights worked to make much information confidential, keeping it from being shared with law enforcement and thus hampering investigations.

School districts were frustrated by responses from criminal justice and child welfare agencies

School districts found it frustrating to work with criminal justice and child welfare agencies for a number of reasons, primarily the time required for those bodies to bring an investigation to a close. When an allegation is made, districts are focused on removing an offending school employee as soon as possible, to save the district money spent on paid leave and substitute teachers. The length of time required to carry out the legal process, and, sometimes, the lack of visible results in terms of punishment, particularly when evidence doesn’t rise to the level needed to support legal action, can interfere with this goal. As one participant said, “We wish we could resolve things sooner but legally it is hard to do.” Some administrators discussed their frustration with CPS and the legal process: “We have sometimes gotten frustrated with the legal end of it because it takes two or three years to go to trial but we can’t worry about that. That is on the system itself.” These frustrations contribute to districts’ tendency to conduct their own investigations. A participant said his or her district “would prefer to handle [investigations] in-house” because, the participant noted, “It can take months or years before they are finalized [in the legal system].” Participants also vented frustration with plea bargains and low sentences; in one district “neither [offender] served at all.” Administrators saw these low or nonexistent punishments as a challenge for reporting. As one participant said, “If they feel like nothing is going to happen anyway then people might think why should I bother to say anything.”

School district investigations can compromise legal investigations

On the other side of the coin, criminal justice and child welfare personnel noted that a school district investigations can present difficulties for the legal investigation because school administrators are not trained to conduct investigations and do not have the proper resources. One participant expressed challenges associated with principals starting a school-level investigation that alerted the offender: “Unfortunately, by getting everyone to write a statement and tipping the person off, it can tamper with the evidence and ruin the ability to prosecute an offender.” Another interviewee said, “People deny it, get rid of evidence, tell the victim to be quiet, etc. That was a part of the problem.”

Furthermore, county officials pointed out, they can conduct more thorough investigations and preserve records such as emails, phone logs, and social media data, which is something school districts cannot do. This means, as one participant said, “The quicker we are involved the better.” County officials said there are challenges gathering evidence and almost never any DNA or witnesses to use as evidence when prosecuting a case. County officials also noted that internal investigations can be harmful for the victims as well. One participant said, “In the past, agencies

did not work together during investigations. This meant the victim was interviewed more than once and information was not shared among all parties.”

In some cases, participants acknowledged, the school district is the only one who can investigate. In cases where the victim is over the age of consent, law enforcement cannot get involved, and in cases where the student is over the age of 18, CPS cannot get involved. These circumstances leave the school district as the only investigating party.

Evolving technology use presents new challenges for investigations

“The danger isn’t as apparent with technology. Technology, cell phones, and social media have changed how relationships themselves develop. It’s made it easier to happen yet easier to prosecute.”
—Study Participant

Some participants noted how the growing ubiquity of social media has changed the investigatory process, presenting both challenges and opportunities. One participant noted that social media has made identifying offenders easier because their communication is tracked and archived, creating more evidence in the event of an allegation. On the other hand, another participant stated it has made investigations more challenging: “We’re trying to find out which social media they have been on, their usernames, the offender’s usernames and the social media is ever-changing. Some are easier to obtain than others.”

Recommendations

Develop collaborative relationships with criminal justice and child welfare agencies

The school districts in our sample recognized the benefits of having support and a coordinated response from criminal justice and child welfare agencies. Collaborative relationships built on good communication, regular meetings, and immediate reporting to each other allows schools to draw on agencies’ ability to act (e.g., by pulling social media accounts, phone records, and other kinds of evidence not available to districts). Building relationships between teachers and law enforcement is recommended as a starting point for building trust. One participant said, “[We] need to gain trust and build bridges.” District administrators suggested that “being transparent with law enforcement is a must.”

Participants stressed the importance of making sure all agencies are on board with how to handle cases; this coordination can be established, participants suggested, in a “collaborative meeting”: “Bring all the parties to the table, have a sit down, this is how we are going to do it.” Participants suggested having “open lines of communication” and “getting to know each other really well” before an incident arises. Participants described the benefits of this kind of interagency collaboration, such as reducing the need for the victims to tell their story more than once and being able to prosecute cases in the courts.

Mostly, participants saw this kind of ongoing, open collaboration as critical to stopping school employee sexual misconduct. One interviewee made the point vividly:

I would be fearful if a district is not proactive. If you are not following the protocol and involving CPS and law enforcement you are not going to find out what is really going on and you are letting some things that are really bad continue to happen. You are putting yourself at risk with liability with what you are supposed to be doing. I would be so

concerned if you treated it the other way. I would be. There are problems that are life-altering for people if you don't.

Use school resource officers

Several districts that had school resource officers in their schools recommended the practice of having law enforcement active in schools, to facilitate communication between agencies and to provide a visible law enforcement presence. One participant stated, "When you hit obstacles then information is delayed getting to you but having an officer readily right there is key." A school resource officer noted, "We're really active in the schools. . . . We're very much a presence in the schools, we very much go into the schools, talking about bullying and sexting and all of those things. I definitely think we make the effort." Additionally, as a participant noted, having a school resource officer or police officer who is known to the school community can help build trust among staff and students, increasing the likelihood that someone will be comfortable making a report.

Response



RESPONSE

Study Finding

Districts took various actions to respond to incidents, but none of the districts engaged in all of the responses recommended by Title IX guidance.

Description of Challenges

Some administrators struggled with how to provide support to staff, students, and parents and how to respond to community and media requests in the wake of an incident.

Participant Recommendations

Provide support to staff, parents, and students; develop protocols for administrator responses to an incident; and establish accountability measures.

Findings

Some school districts took action to respond to an incident but none engaged in all Title IX recommendations for response

Response is a key element of Title IX; effective response includes taking steps to end the harassment, prevent its reoccurrence, and remedy its effects. Title IX recommendations for response include 1) providing victim services, 2) training and retraining employees, 3) developing materials on sexual violence, 4) conducting prevention programs with students, 5) issuing updated policy statements, 6) conducting a climate check, and 7) developing a protocol for working with law enforcement.

While some school districts took action to respond to an incident, none engaged in all of the recommended response activities; Table 5 shows what responses districts made. None of the five districts reported providing victim services, which would include providing needed services, such as counseling, and protecting victims and their families from future harassment and retaliation. Three of the five sites developed materials on sexual violence, issued updated policy statements, or developed a protocol for working with law enforcement. Two districts administered limited prevention programs with students and four of the districts reported training school employees. Only one district conducted a climate check by administering a student survey to a limited student population; this was the district's only response that aligned with the Title IX recommendations.

Table 5. Title IX Recommendations for Responding to Incidents

Recommended Responses							
	Providing victim services	Training and retraining employees	Developing materials on sexual violence	Conducting prevention programs with students	Issuing updated policy statements	Conducting a climate check	Developing a protocol for working with law enforcement
District 1	—	—	—	—	—	●	—
District 2	—	●	—	—	—	—	—
District 3	—	●	●	●	●	—	●
District 4	—	●	●	●	●	—	●
District 5	—	●	●	—	●	—	●

Note: ● = yes, ● = some, — = no

Challenges

Administrators struggled with how to respond to staff, students, and parents in the wake of an incident

“I think they [school staff] were eager for . . . some movement in the right direction. A response: This is what we are going to do about this.”
—Study Participant

School district participants said administrators struggled to understand how to support staff, students, and parents in dealing with inquiries from outside the affected school (for instance, from teachers from other schools, media, and others). Participants noted a lack of response or slow responses from district leaders and highlighted their desire for leadership and guidance in dealing with the incident. One participant said, “To be at an event the next day with other districts where people were making comments and not knowing what can and cannot be said, felt very squashed.” Many participants said the administration did not give talking points and staff were simply told not to discuss it.

School employees struggled with responses to media reports

Participants struggled with how to respond to media reports. Many participants described the media involvement in negative terms, with one participant indicating it was “very inappropriate” and another describing media involvement as “sensationalist.” Others noted that the media portrayal of an incident can greatly affect the public image of the school. One administrator said, “It’s a feeding frenzy, [the media] love it. Especially with this school system with so many incidents. It looks bad on the system, and it makes the teachers and faculty feel ashamed to work here.”

Cases of school employee sexual misconduct can negatively affect school culture

Ten participants described how the stigma associated with an incident of school employee sexual misconduct affected school culture long after the incidents were resolved. One participant said, “Honestly, it is devastating. It makes you so mad. Even after years gone by it is still there. It will always be that way. It split the community and school, some believed it and some didn’t.” One participant noted that information about the incidents was readily available online, which presents ongoing challenges as the case can continue to reflect poorly on the school and impact student and staff morale. Another district participant added how challenging the incidents had been for the community, saying, “99.9% of teachers go way above and beyond. They took a black eye for what was being said about our county.”

Recommendations

Many sites described ways to respond effectively to an allegation by supporting the staff, students, and parents involved.

Provide counseling and support for staff

Participants recommended providing support for staff after an incident by offering counseling services. One participant said, “Regardless of how you feel about the situation, there is a sense of loss. This happened in my building . . . how did I not know or see? . . . Having that support for people to talk about it and share their concerns so that they can heal and move on and be a support of one another.” Another district administrator emphasized the importance of offering counseling or discussion groups for teachers following an incident: “I think there were a lot of staff members that were shaken up by this.”

Develop a coordinated response for parents and student victims

Along with support for teachers and administrators, some interviewees focused on parents and how to help them and student victims through re-entry after the incident. One suggestion was to have a policy on how to handle the student’s education after the incident and create an individualized plan to protect the family and the student. For example, one participant said, “Counseling and therapy and many things [for the family and victim]. There was no discussion. Even all the teachers should have been meeting after school and discussing [how to handle it].”

Address media coverage proactively

Another essential area of recommendation was managing community response. Participants suggested being proactive around media coverage of an incident. One participant said, “Learn to deal with the media directly, get out in front of it, give them facts, and do it right away.” Another participant suggested providing talking points to school employees and offering employees a chance to ask questions so they are equipped to respond if students or parents ask questions about a case.

Develop checklists for responding to an incident

“I mean when you leave grey area in something like this, it allows for interpretation and personal judgment; if the protocol is not very clear 1, 2, 3 . . . and [the administrators] don’t make a good decision, the ramifications are huge, enormous. It needs to be step one, step two.”
—Study Participant

Participants also noted the lack of formal guidelines for responding to allegations of school employee sexual misconduct and recommended developing a checklist. One participant suggested “having a packet of information to refer to. Steps you need to follow.” One participant noted, “We need an easy-to-understand protocol. For example, a fire drill or a bomb drill: we have a list of questions you should ask [for those]. We don’t have that kind of thing for this.” Another suggestion was a booklet similar to the handbook on lockdown procedures. Some participants felt that a checklist would serve as a way to assure that appropriate action has been taken: “My concern is that there is a breakdown. That we go to an administrator and it is not being addressed or investigated or if it is we don’t know. [We need] a paper trail.” One focus group participant suggested possible steps for such a checklist, including communicating with staff promptly in a face-to-face meeting in which staff receive talking points and information about the incident, have a chance to ask questions, and are reassured that “We are family, we are going to support each other and get through this together.” Other participants recommended providing classroom teachers with guidance on how to talk to students after an incident. As one remarked, “Our kids want to talk about it.”

STUDY LIMITATIONS

While this study provides an in-depth look at policy implementation in five K–12 school districts before and after an incident of school employee sexual misconduct, the results from this study are not generalizable to all K–12 schools and should be interpreted with caution. The five districts that participated in this study represent a purposeful sample of schools from different geographic locations, district sizes, and demographics that were willing and able to participate in the study. Findings do not represent policy implementation in schools that did not have cases of school employee sexual misconduct, districts that did not formally report cases to law enforcement or districts that had reported cases, but could not participate because of pending lawsuits against the offender and the school district.

Samples sizes for each district varied depending on the number of primary and secondary actors identified by the coordinating administrator and unanticipated circumstances during the time of site visits. At one site, a focus group was canceled because of a school lockdown and at another site, some interviews were canceled because of staff absences. In another district, the sample size was reduced to only interviews with the administrative team and county officials because of concerns about the study affecting the morale of school employees. These instances resulted in final sample sizes that were smaller than originally proposed. However, the final sample sizes for interviews and focus groups were sufficient to allow researchers to reach a point of saturation in the analyses (that is, having enough data for themes to emerge with smaller sample sizes, thus ensuring the research questions can be answered) (Guest, Bunce & Johnson, 2006; Morse, 1995).

In addition to the generalizability of findings due to sample size, it is important to note a few other study limitations related to conducting interviews and focus groups on sensitive topics. Responses to some interviews were inconsistent, which suggests that participants may be unable to recall policies and procedures from two to three years ago or may have been concealing information during interviews. Participants were less likely to share information at the start of the interview or focus group and more likely to share information towards the end of the session, which could indicate an initial reticence to share sensitive information about themselves or colleagues that they might have perceived as hurtful, stigmatizing, or incriminating. Participation was confidential and voluntary to allow participants to feel comfortable sharing details about themselves, their colleagues, and their schools' policies and procedures. However, focus groups consisted of participants in various school roles, including members of the administrative team and both licensed and nonlicensed employees. Due to the heterogeneous dynamic of the group, participants often looked to the leadership team to respond first and administrators tended to dominate focus group conversations. Thus, some focus group participants might not have fully expressed their experiences.

Lastly, access to relevant district policy and procedure documents was limited to what information was available on district websites and documents district representatives were willing to share with the research team. Although the research team asked to see copies of student and staff handbooks, policies, and procedures, district staff shared publicly available documents, but might not have shared other internal documents. Researchers had no way to verify if district staff shared all existing documents relevant to this study.

CONCLUSIONS

Given that an estimated 1 in 10 students experience the potentially detrimental life-long consequences of school employee sexual misconduct, it is critical that school districts implement all key elements of Title IX guidance. Proper implementation of key elements of Title IX guidance are intended to reduce the risk of school employee sexual misconduct and ensure a school districts' proper response when it does occur. Thus, the purpose of this qualitative case study was to examine Title IX policy implementation in five districts that experienced a case of school employee sexual misconduct in 2014.

Although districts in this study took some positive steps in response to incidents, the changes did not address many of the key elements of Title IX guidance, which include 1) policies and procedures that address school employee sexual misconduct, 2) prevention efforts, 3) training for staff, students, and parents, 4) timely reporting, 5) thorough and coordinated investigations, and 6) effective response. Districts made some changes to policies and procedures in response to the reported incident, such as defining boundary-crossing behaviors, documenting grievance procedures, identifying a Title IX coordinator, or displaying notices of nondiscrimination, but none of the five districts addressed all of the recommended responses. Districts reported improvements to their awareness of and communication about school employee sexual misconduct, as well as in the frequency of reporting, but they continued to experience various challenges that precluded some responses, including budgetary concerns, low parent engagement, fear of reporting, and poor responses by criminal justice and child welfare agencies. All of these issues hindered districts' implementation of the key elements of Title IX guidance.

Despite the Department of Education's Office for Civil Rights regulation and guidance for implementing Title IX, representatives from all five districts in this sample remained unclear about how to apply Title IX requirements. The requirements are comprehensive, but as district representatives noted and a review of the literature and resources confirms, model policies and procedures to guide local policy development and implementation are rare. Based on study findings and the limited level of Title IX implementation across participating districts, and the need to further study and understand the extent of the problem, researchers offer several recommendations for stakeholders, which are enumerated in Table 6.

Table 6. Recommendations for Key Stakeholders

Stakeholder	Recommendation
SCHOOL DISTRICTS	Access and review the key elements of Title IX to ensure district and school policies and procedures are compliant with Title IX guidance; review policies and procedures on an annual basis.
FEDERAL EDUCATION LEADERS	<p>Require state departments of education and legislators to establish legislation and accountability measures to address the key elements of Title IX guidance.</p> <p>Provide state departments of education with high-quality, low-cost trainings for school employees, students, and parents.</p> <p>Allocate funding for tracking of and research about school employee sexual misconduct cases.</p>
STATE EDUCATION LEADERS	<p>Distribute Title IX guidelines to school districts each year and require an annual evaluation of school district implementation.</p> <p>Provide high-quality, low-cost trainings for school employees, students, and parents.</p> <p>Establish accountability measures for background checks, employee screenings, and mandatory reporting.</p>
POLICYMAKERS AND LEGISLATORS	<p>Review and apply key elements of Title IX guidance and issue parameters for state education leaders to guide implementation.</p> <p>Advocate for evaluation, accountability, and funding for school employee sexual misconduct research.</p>
RESEARCHERS	<p>Collect student-reported prevalence data.</p> <p>Study victim and offender data from court documents.</p> <p>Study the effects of school employee sexual misconduct.</p> <p>Collect and study criminal justice responses to school employee sexual misconduct.</p> <p>Study the effectiveness of prevention strategies.</p>
INSTITUTIONS OF HIGHER EDUCATION	Include school employee sexual misconduct training curricula in teacher and administrator preparation programs.

REFERENCES







- American Association of University Women (AAUW). (2001). *Hostile hallways: The AAUW survey on sexual harassment in America's schools*. Washington, D.C.: AAUW Educational Foundation.
- Caldas, S., & Bensy, M. (2014). The sexual maltreatment of students with disabilities in American school settings. *Journal of Child Sexual Abuse*, 23(4), 345–366.
- Cameron, P., Proctor, K., Coburn, W. Jr., Forde, N., Larson, H., & Cameron, K. (1986). Child molestation and homosexuality. *Psychological Reports*, 58, 327–337.
- Corbett, K., Gentry, C., & Pearson Jr., W. (1993). Sexual harassment in high school. *Youth and Society*, 25(1), 93–103.
- Dube, S., Felitti, V., Dong, M., Chapman D., Giles, W., & Anda, R. (2003). Childhood abuse, neglect, and household dysfunction and the risk of illicit drug use: The Adverse Childhood Experiences Study. *Pediatrics*, 111(3), 564–572.
- EduRisk. (2016). *Educator sexual misconduct: A policy and audit guide for protecting children*. United Educators Insurance. Retrieved from <https://www.icmec.org/wp-content/uploads/2016/05/Policy-and-Audit-Guide-for-Protecting-Children.pdf>
- Erickson, F. (1986). Qualitative methods in research on teaching, in M.C. Wittrock, *Handbook of Research on Teaching*, pp. 119–161, New York, NY: Macmillan.
- Fazel, S., Sjostedt, G., Grann, M., & Langstrom, N. (2010). Sexual offending in women and psychiatric disorder: A national case-control study. *Archives of Sexual Behavior*, 39(1), 161–167.
- Felitti, V., Anda, R., Norenberg, D., Williamson, D., Spitz, A., Edwards, V., Koss, M., & Marks, J. (1998). Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults: The Adverse Childhood Experiences (ACE) Survey. *American Journal of Preventive Medicine*, 14(4), 245–258.
- Finkelhor, D. (1984). *Child sexual abuse: New theory and research*. New York, NY: The Free Press.
- Finkelhor, D., Hotaling, G. T., & Yllo, K. (1988). *Stopping family violence: Research priorities for the coming decade*. Newbury Park, CA: Sage.
- Ford, E., Robert, A., Edwards, V., Geraldine, P., Zhao G., Li, C., & Croft J. (2011). Adverse childhood experiences and smoking status in five states. *Preventive Medicine*, 53(1), 188–193.
- Gallagher, B. (2000). The extent and nature of known cases of institutional child sexual abuse. *British Journal of Social Work*, 30, 795–817.
- Geverdt, D. (2015). *Education Demographic and Geographic Estimates Program (EDGE): Locale Boundaries User's Manual* (NCES 2016-012). U.S. Department of Education. Washington, DC: National Center for Education Statistics. Retrieved from <http://nces.ed.gov/pubsearch>
- Google Alerts. (2014). 2014 list of reported cases of school employee sexual misconduct. Compiled by Dimple Gupta, Senator Toomey's office.
- Google Alerts. (2015). 2015 list of reported cases of school employee sexual misconduct. Compiled by Dimple Gupta, Senator Toomey's office.

- Government Accountability Office (GAO). (2010, December). *K-12 education: Selected cases of public and private schools that hired or retained individuals with histories of sexual misconduct*. Report to the Chairman, Committee on Education and Labor, House of Representatives. US Government Accountability Office. Retrieved from <http://www.gao.gov/assets/320/313251.pdf>
- Government Accountability Office (GAO) (2014). *Federal agencies can better support state efforts to prevent and respond to sexual abuse by school personnel*. Washington, DC: US Government Accountability Office.
- Grant, B. (2011). *Educator sexual abuse in Virginia: A policy study*. (Doctoral dissertation, University of Virginia). Retrieved from https://libra2.lib.virginia.edu/public_view/qn59q426c
- Grant, B. (2010, June 16). The challenges of keeping sexual predators out of the classroom. *Education Week*.
- Guest, G., Bunce, A., & Johnson, L. (2006, February 1). How many interviews are enough? An experiment with data saturation and variability. *Field Methods*, 18(1), 59–82.
- Hendrie, C. (1998, December 2). Sex with students: When employees cross the line. *Education Week*, 18(14), 1, 12–14.
- Hobson, C. (2012). *Passing the trash: A parent's guide to combat sexual abuse/harassment of their children in school*. Charleston, SC: CreateSpace Independent Publishing Platform.
- Hogan, J., & Mortimer, S. (1987). In loco parentis in the United States, 1765–1985, *Journal of Legal History*, 8(3), 260–274.
- Hornor, G. (2009). Child sexual abuse: Consequences and implications. *Journal of Pediatric Health Care*, 24(6), 358–364.
- Irvine, M., & Tanner, R. (2007, October 24). Sex abuse: a shadow over US schools. *Education Week*, p. 1.
- Jennings, D., & Tharp, R. (2003, May 4–6). Betrayal of trust. *The Dallas Morning News*.
- Kendall-Tackett, K. (2002). The health effects of childhood abuse: Four pathways by which abuse can influence health. *Child Abuse and Neglect*, 6, 715–730.
- Kenny, M. (2001). Child abuse reporting: Teachers' perceived deterrents. *Child Abuse and Neglect*, 25(1), 81–92.
- LaFond, J. (2005). *Preventing sexual violence: How society should cope with sex offenders*. Washington, DC: American Psychological Association.
- Lee, R., & Renzetti, C. (1993). *Researching sensitive topics*. Newbury Park, CA: Sage Publications
- Macmillan, R. (2001). Violence and the life course: The consequences of victimization for personal and social development. *Annual Review of Sociology*, 27, 1–22.
- Miles, M. B., & Huberman, A. M. (1994). *Qualitative data analysis* (2nd ed.). Thousand Oaks, CA: Sage Publications.
- Monnat, S., & Chandler, R. (2015, September). Long term physical health consequences of adverse childhood experiences. *Sociology Quarterly*, 56(4), 723–752.
- Morse, J. (1995). The significance of saturation. *Qualitative Health Research*, 5(2), 147–149.
- Moulden, H. M., Firestone, P., Kingston, D. A., & Wexler, A. F. (2010). A description of sexual offending committed by Canadian teachers. *Journal of Child Sexual Abuse*, 19, 403–418.

- Readiness and Emergency Management for Schools Technical Assistance Center (REMS). (2017). *A training guide for administrators and educators on addressing adult sexual misconduct in the school setting*. US Department of Education, Office of Safe and Healthy Students. Retrieved from <https://rems.ed.gov/docs/ASMTrainingGuide.pdf>
- Robins, S. (2000). *Protecting our students*. Ontario, Canada: Ontario Ministry of the Attorney General.
- Salter, A. (2003). *Predators, pedophiles, rapists, and other sex offenders*. New York, NY: Basic Books.
- Shakeshaft, C. (2004). Educator sexual misconduct: A synthesis of existing literature. US Department of Education, Policy and Programs Studies Service. Retrieved from <https://www2.ed.gov/rschstat/research/pubs/misconductreview/report.pdf>
- Shakeshaft, C. (2013). Know the warning signs of educator sexual misconduct, *Phi Delta Kappan*, 94(5), 8–13. doi: 10.1177/003172171309400503
- Shakeshaft, C., & Cohan, A. (1994). *In loco parentis: Sexual abuse of students in schools. What administrators should know*. Report to the U.S. Department of Education, Field Initiated Grants.
- Shakeshaft, C., & Cohan, A. (1995, March). Sexual abuse of students by school personnel. *Phi Delta Kappan*, 76(7), 513–520.
- Shattuck, A., Finkelhor, D., Turner, H., & Hamby, S. (2016). Children exposed to abuse in youth-serving organizations: Results from national sample surveys. *JAMA Pediatrics*, 170(2), e154493. doi:10.1001/jamapediatrics.2015.4493
- Shoop, R. J. (2004). *Sexual exploitation in schools: How to spot it and stop it*. Thousand Oaks, CA: Corwin Press.
- Stein, N. (1999.) *Classrooms and courtrooms: Facing sexual harassment in K–12 schools*. New York, NY: Teacher's College Press, Columbia University.
- Stein, N., Marshall, N.L., & Tropp, P. (1993) *Secrets in public: Sexual harassment in our schools. A report on the results of a Seventeen magazine survey*. Wellesley, MA: Wellesley Center for Women.
- Sullivan, P.M., and Knutson, J. F. (2000). The prevalence of disabilities and maltreatment among runaway children. *Child Abuse and Neglect*. Vol 24, No. 10, pp. 1275-1288.
- U.S. Department of Education (US DOE). (2014). *Public School Teacher Data File, 2011–12*. Washington, D.C.: National Center for Education Statistics, Schools and Staffing Survey (SASS).
- van Dam, C. (2001). *Identifying child molesters: Preventing child sexual abuse by recognizing the patterns of offenders*. Binghamton, NY: The Haworth Press.
- Willmsen, C., & O'Hagan, M. (2003, December 14–16). Coaches who prey. *The Seattle Times*. Retrieved from <http://old.seattletimes.com/news/local/coaches/news/dayone.html>
- Wishnietsky, D. H. (1991). Reported and unreported teacher-student sexual harassment. *Journal of Educational Research*, 84(3), 164–169.
- Yin, R. (1982). Studying the implementation of public programs. In W. Williams and others (eds.). *Studying Implementation: Methodological and Administrative Issues*, pp. 36–72 Chatham, NJ: Chatham House.
- Yin, R. (2004). *Case study research: Design and methods*, 5th ed. Newbury Park, CT: Sage Publications..

APPENDIX A: KEY ELEMENTS OF TITLE IX

Table A-1. Key Elements of Title IX Guidance with Regard to Preventing School Employee Sexual Misconduct

Elements of Title IX Guidance		
	POLICIES AND PROCEDURES	Develop a clear school employee sexual misconduct policy that includes 1) discussion of grooming behaviors, 2) clear guidance on appropriate and inappropriate behaviors, 3) description of grievance procedures, 4) designation of a Title IX coordinator, and 5) notice of nondiscrimination. A pp. 16–18 B pp. 4, 14, 19–21 C pp. 6–9 D pp. 9–13
	PREVENTION	Take proactive measures to prevent sexual harassment and violence, such as developing preventive education programs, hosting orientation programs, and distributing rules and resources. B pp. 19 C pp. 14–15 D pp. 38–41
	TRAINING	Provide trainings to school employees, students, and parents regarding what school employee sexual misconduct is and ensure everyone understands what types of conduct are prohibited and how to respond when problems arise. B pp. 13, 21 D pp. 4–5, 16, 38–42
	REPORTING	Ensure that all employees know their reporting obligations and how to respond to reports of school employee sexual misconduct. Establish procedures to protect the identity of the complainant and victim. Develop procedures to comply with state and local mandatory reporting requirements. A pp. 15 B pp. 13–14 C pp. 13 D pp. 4, 14–19, 38
	INVESTIGATIONS	Designate an experienced, trained individual to conduct investigations. Conduct investigations promptly and coordinate efforts with criminal investigations. Consider entering into an MOU with law enforcement or victim service providers. Notify all parties in writing of the outcome of a complaint. A pp. 9–12 B pp. 13–19 C pp. 9–14 D pp. 24–28
	RESPONSE	Take immediate and effective corrective action to end the harassment and prevent any further harassment, including 1) providing victim services, 2) training and retraining employees, 3) developing materials on sexual violence, 4) conducting prevention programs with students, 5) issuing updated policy statements, 6) conducting a climate check, and 7) developing a protocol for working with law enforcement. A pp. 13–14 B pp. 10, 15–17, 42–43 C pp. 15–19 D pp. 4, 20, 34–37, 42

A- *Sexual Harassment: It's Not Academic*, US DOE, Office of Civil Rights, 2008

B- *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties*, US DOE, Office of Civil Rights, 2001

C- *Dear Colleague Letter: Sexual Violence*, US DOE Office for Civil Rights, 2011

D- *Questions and Answers on Title IX and Sexual Violence*, US DOE, Office of Civil Rights, 2014

APPENDIX B: RESOURCES FOR CONSIDERATION

Table B-1. Notable Documents and Literature

Resource	Agency/Author	Date	Link
A Training Guide for Administrators and Educators on Addressing Adult Sexual Misconduct	Readiness and Emergency Management for Schools (Department of Education)	2017	https://rems.ed.gov/docs/ASMTTrainingGuide.pdf
Considerations for School District Sexual Misconduct Policies	White House Task Force	2016	https://www.justice.gov/ovw/file/900716/download
Educator Sexual Misconduct: A Policy and Audit Guide for Protecting Children	EduRisk by United Educators	2016	https://www.icmec.org/wp-content/uploads/2016/05/Policy-and-Audit-Guide-for-Protecting-Children.pdf
Title IX Resource Guide	Department of Education, Office for Civil Rights	2015	http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf
Title IX and Sexual Harassment in K–12 Public Schools: Key Steps to Compliance	EduRisk by United Educators	2015	https://www.ue.org/uploadedFiles/Title%20IX%20and%20Sexual%20Harassment%20in%20K-12%20Public%20Schools.pdf
Questions and Answers on Title IX and Sexual Violence	Department of Education, Office for Civil Rights	2014	http://www.ed.gov/ocr/docs/qa-201404-title-ix.pdf
Child Welfare: Federal Agencies Can Better Support State Efforts to Prevent and Respond to Sexual Abuse by School Personnel	Government Accountability Office	2014	http://www.gao.gov/assets/670/660375.pdf
Know the Warning Signs of Educator Sexual Misconduct	Shakeshaft	2013	http://www.doe.virginia.gov/support/prevention/child_abuse/sexual_misconduct_warning_signs_shakeshaft.pdf
Dear Colleague Letter: Sexual Violence	Department of Education, Office for Civil Rights	2011	http://www.ed.gov/ocr/letters/collleague-201104.pdf
K-12 Education: Selected Cases of Public and Private Schools That Hired or Retained Individuals with Histories of Sexual Misconduct	Government Accountability Office	2010	http://www.gao.gov/assets/320/313251.pdf
Notice of Nondiscrimination	Department of Education, Office for Civil Rights	2010	http://www.ed.gov/ocr/docs/nondisc.pdf
Dear Colleague Letter: Harassment and Bullying	Department of Education, Office for Civil Rights	2010	http://www.ed.gov/ocr/letters/collleague-201010.pdf

Resource	Agency/Author	Date	Link
Sexual Harassment: It's Not Academic	Department of Education, Office for Civil Rights	2008	http://www.ed.gov/ocr/docs/ocrshpam.pdf
Preventing Child Sexual Abuse within Youth-Serving Organizations: Getting Started on Policies and Procedures	U.S. Department of Health and Human Services	2007	https://www.cdc.gov/violenceprevention/pdf/PreventingChildSexualAbuse-a.pdf
Educator Sexual Misconduct: A Synthesis of Existing Literature	U.S. Department of Education Office of the Under Secretary Policy and Program Studies Service	2004	https://www2.ed.gov/rschstat/research/pubs/misconductreview/report.pdf
Dear Colleague Letter: Title IX Grievance Procedures, Elementary and Secondary Education	Department of Education, Office for Civil Rights	2004	http://www.ed.gov/ocr/responsibilities_ix.html
Harassment-Free Hallways: How to Stop Sexual Harassment in School. A Guide for Students, Parents and Schools	American Association of University Women Educational Foundation	2004	http://history.aauw.org/files/2013/01/harassment_free.pdf
Sexual Exploitation in Schools: How to Spot it and Stop it	Shoop	2004	Book/Manual
Revised Sexual Harassment Guidance	Department of Education, Office for Civil Rights	2001	http://www.ed.gov/ocr/docs/shguide.pdf
Title IX Legal Manual	U.S. Department of Justice	2001	https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/ixlegal.pdf
Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School	American Association of University Women Educational Foundation	2001	http://www.aauw.org/files/2013/02/hostile-hallways-bullying-teasing-and-sexual-harassment-in-school.pdf
Title IX Regulations	Department of Education, Office for Civil Rights	1972	https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html

Table B-2. Trainings

Training	Description	Audience	Link
Trainings focused on school employee sexual misconduct			
Safe Schools	30-minute online training course	Staff	https://www.safeschools.com/authors/dr-robert-j-shoop/
McGrath Training Systems	Various trainings offered in person, online, or by video	Administrators, staff, students, parents	http://mcgrathinc.com
Making Right Choices	Online and instructor-led trainings	Staff	http://makingrightchoices.com/
Keenan	30-minute online training course	Staff	https://www.keenan.com/online-training/
General child sexual abuse prevention programs			
Darkness to Light	Various trainings offered in person, online, or by video	Staff	https://www.d2l.org/
Enough Abuse	Workshops and curriculum	Staff, parents	http://www.enoughabuse.org/the-campaign/training-tools.html
Child Lures Prevention	Instructor-led curriculum	Staff, students, parents	http://www.childluresprevention.com/
KidsSafe	Online and in-person training programs	Staff, students, parents	http://kids safefoundation.org
Lauren's Kids	Professional development curriculum	Staff, students, parents	www.laurenskids.org
BeSafeatLast	Online and in-person training programs	Staff, students, parents	http://besafeatlast.com
Sunflower House	Online and in person training programs	Staff, students, parents	Sunflowerhouse.org
Child Safety Matters	Online and in-person training programs	Staff, students, parents	https://mbfchildsafetymatters.org
Safe Child Program	Curriculum and videos	Staff, students, parents	http://safechild.org
Second Step	Curriculum, videos, and online resources	Staff, students, parents	www.secondstep.org
Kid Power	Workshops and curriculum	Staff, students, parents	www.kidpower.org
MBF Child Safety Matters	In-person curriculum	Staff, students, parents	https://mbfchildsafetymatters.org
Child Help	Online and in-person training programs	Students	www.childhelp.org

APPENDIX C: STUDY SAMPLE

Pooled Sample

There were 459 cases of school employee sexual misconduct cases that attracted media coverage in 2014. These cases were originally archived using Google alerts of online media sources by Stop Educator Sexual Abuse Misconduct and Exploitation (S.E.S.A.M.E.), a nonprofit organization dedicated to preventing school employee sexual misconduct. After reviewing the database, researchers conducted additional searches of online documents, published reports, and education demographic and geographic estimates from the National Center for Education Statistics (NCES) Common Core of Data (CCD) from the 2013-2014 school year for all 459 cases to confirm content validity of the S.E.S.A.M.E. information and to retrieve additional information related to the offenses, including 1) the schools or districts where offenders were employed, 2) details of the incidents, 3) characteristics of the offenders, and 4) characteristics of the victims. Cases in which the offender did not commit a crime against a student (e.g., a general education teacher was arrested for sexual acts with a family member who was a minor) were eliminated from the sample. As a result, 96 cases were removed, leaving a final *pooled sample* of 361 school employee sexual misconduct cases from 2014.

Across the United States, 49 states and the District of Columbia reported incidents of school employee sexual misconduct in 2014. Figure C-1

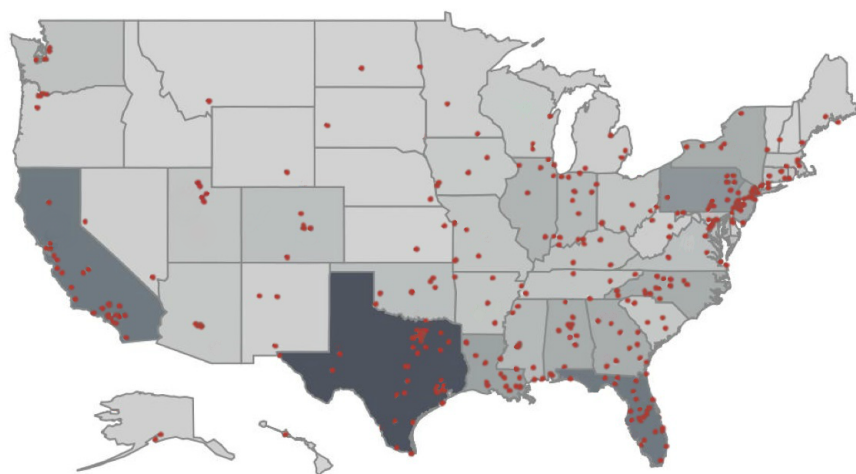


Figure C-1. School employee sexual misconduct incidents in 2014, by state

graphically depicts the geographic distribution of all 361 publicly documented school employee sexual misconduct incidents in 2014; each red dot represents an incident. States are shaded in gray to indicate the number of reports within the state, with darker shades indicating higher numbers of occurrences. Texas had the highest number of incidents in 2014, with 45, followed by California (27) and Florida (27).

Study Sample Selection Procedures

For this discussion, the *study sample* consists of five school districts purposefully selected from the pooled sample. For each of the 361 cases in the database, researchers collected the district superintendent's email and phone contact information. All superintendents were emailed an invitation to participate in the study and sent a follow-up email. Of the approximately 180 superintendents who responded, 120 said they would not participate and did not wish to discuss

their concerns. From the remaining 60, after phone conversations with the superintendent (or district lawyer) to address concerns, five agreed to participate. For about a quarter of the 55 districts not willing to participate, the persons who had been there at the time of the incident were no longer in the district to be interviewed. For the rest, many if not all of the of the district representatives were concerned about district confidentiality or were currently involved in civil or criminal litigation and had been advised against participation by legal counsel.

Study Sample and Pooled Sample Characteristics

The study sample consists of five school districts located in the Northeastern, Midwestern, and Southern regions of the United States. The districts are situated in various locales; two are in the suburbs, one is urban, and two are rural. Furthermore, the school districts range in size in terms of the numbers of schools, students, and teachers. Figure C-2 describes sample school district characteristics in more detail.

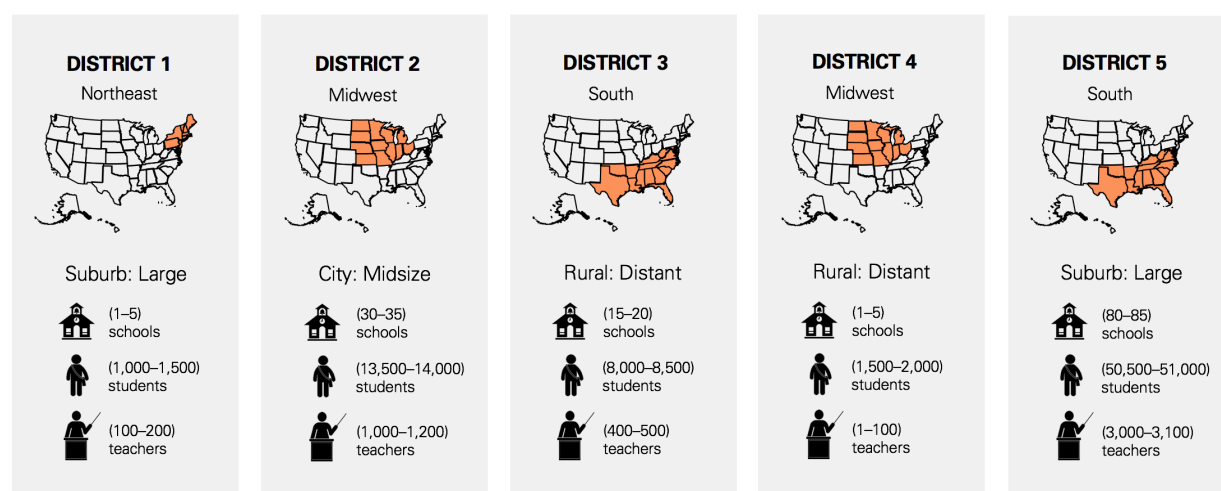












Figure C-2. Characteristics of school districts in the study sample

Note: Per NCES, the following definitions of locales were used for this study: “Suburb: Large” denotes a territory outside a Principal City and inside an Urbanized Area with population of 250,000 or more; “City: Midsize” is a territory inside an Urbanized Area and inside a Principal City with population less than 250,000 and greater than or equal to 100,000; and “Rural: Distant” refers to Census-defined rural territory that is more than 5 miles but less than or equal to 25 miles from an Urbanized Area, as well as rural territory that is more than 2.5 miles but less than or equal to 10 miles from an Urban Cluster (Geverdt, 2015)

Offender and Victim Characteristics

While no school employee sexual misconduct offender or victim is the same, the pooled and study samples provide information about who is commonly involved. For instance, offenders were more likely to be general education teachers than any other school personnel in both the study and pooled samples. Interestingly, most offenders were male while most victims were female in both the study and pooled samples. Victims’ ages and the likelihood that multiple victims were involved were also similar between the study and pooled samples. Table C- 1 provides full descriptive data for the offenders and victims in the study and pooled samples. In the study sample column, the number of orange dots represents the number of districts that satisfy that condition, the gray dots denote the number of districts that do not fulfill that condition, and gray dots with an X represent missing data.

Table C- 1. Characteristics of Offenders and Victims

Variable	Study Sample (N = 5)	Pooled Sample (N = 361)	
		<i>n</i>	<i>Percent</i>
<i>Type of Personnel</i>			
General Education Teacher*		247	68.42%
Coach*		79	21.88%
Music/Art Teacher*		33	9.14%
Assistant Teacher*		23	6.37%
Offender's Gender (male)		243	67.31%
Offender's Race (White)		94	78.33%
<i>Offender/Victim Genders</i>			
Male Offender, Female Victim		190	57.40%
Female Offender, Male Victim		92	27.79%
Gender of Victim (female)		201	55.68%
Multiple Victims Involved		315	33.33%
		<i>n</i>	<i>M(SD)</i>
Offender's Age	28.00 (4.74)	355	36.27 (10.83)
Age of Youngest Victim	14.33 (2.31)	288	14.88 (2.52)




Note: * denotes that an offender could be represented in more than one category; ⊗ represents data missing from the study sample; *M* = mean and *SD* = standard deviation. Because there were no study sample school employees represented, this graph does not include the 64 pooled sample school employees who identified with 12 additional personnel categories such as: substitute teacher (4.99%), exceptional education teacher (3.05%), physical education teacher (2.49%), elective teacher (1.66%), administrator (1.66%), extra non-school-affiliated position with children (1.11%), retired/former teacher (0.83%), custodian (0.55%), other school staff (0.55%), resource officer (0.28%), counselor/school psychologist/peer evaluator (0.28%), and contracted worker (0.28%). In addition, this graph does not include the 48 pooled sample school employees the identified with three additional offender/victim gender combinations: male offender, male victim (10.27%), female offender, female victim (4.23%), and male offender, male and female victim (0.30%).

Incident Characteristics

For both the study sample and the pooled sample, the majority of school employee sexual misconduct incidents involved physical contact (e.g., inappropriate touching or sexual

intercourse). In the study sample, most offenses occurred outside of school, while the pooled sample had similar numbers of occurrences outside of school and at school. Descriptive data providing insights into the types of actions and behaviors associated with school employee sexual misconduct is displayed in Table C-2.

Table C-2. Behavior and Location of School Employee Sexual Misconduct Incidents





Variable	Study Sample (N = 5)	Pooled Sample (N = 361)	
		n	Percent
Incident Involved Physical Contact		282	78.55%
<i>Location of Incident</i>			
Incident Occurred Out of School*		149	53.41%
Incident Occurred at School or School Event*		143	51.25%



Note: * denotes that an offender could be represented in more than one category; ⊗ represents data missing from the study sample. Because there were no study sample school employees represented, this graph does not include the 77 pooled sample school employees who had incidents involving nonphysical contact (13.93%) or both physical and nonphysical contact (7.52%) with their victim. In addition, this graph does not include the 53 (18.79%) pooled sample school employees who had an incident that occurred virtually.

Technology Characteristics

Given technological advancements in recent years, it should not be surprising that three of the five offenders in the study sample used technology to communicate with their victims, whether the actual offense occurred virtually or not. This is similar to the nearly three out of four offenders in the pooled sample who used technology. Most offenders from both samples used a mobile device to facilitate conversations with their victims; the study sample also included one offender who used a computer. Offenders also used applications beyond email; in the study sample, one offender used Snapchat and another used Instagram to communicate with victims. A full description of data specifying how technology was used by offenders for both the study sample and pooled sample is displayed in Table C-3.

Table C-3. Types of Technology Used by Offenders

Variable	Study Sample (N = 5)	Pooled Sample (N = 361)	
		n	Percent
Was Technology Used?		174	70.73%
Mobile Device (cell phone/tablet/iPod)*		129	52.44%
Computer*		15	6.10%
Was Application Used?		134	54.47%

Variable	Study Sample (N = 5)	Pooled Sample (N = 361) <i>n</i>	Percent
Snapchat*		10	4.07%
Instagram*		1	0.41%






Note: * denotes that an offender could be represented in more than one category; ⊗ represents missing data from the study sample. Because there were no study sample school employees represented, this graph does not include the 52 pooled sample school employees who used three additional sources of technology: device not specified (14.63%), camera/video camera (5.69%), and storage device (CD/DVD/USB/Cloud) (0.81%). In addition, this graph does not include the 143 pooled sample school employees who used 12 additional types of software applications: texting (35.37%), Facebook (7.32%), Kik (3.66%), email (3.66%), online chatting (not specified) (2.03%), camera application (1.22%), Twitter (1.22%), application (not specified) (1.22%), social media (not specified) (1.22%), Grindr (0.41%), Pinger (0.41%), Skype (0.41%).

Characteristics of School and State Responses to Offense

After an arrest of a school employee for sexual misconduct crimes, school officials and criminal investigators had to determine the next school-based and legal consequences for the offender. Most school officials in both samples placed arrested employees on paid administrative leave or the offender resigned immediately after arrest. Generally, in both the study sample and pooled sample, offenders were ultimately convicted of their crimes.

Table C-4 provides descriptive data for the arrests and subsequent outcomes in both samples.

Table C-4. School and Legal Consequences of School Employee Sexual Misconduct Offenses

Variable	Study Sample (N = 5)	Pooled Sample (N = 361) <i>n</i>	Percent
Offender Convicted of Crimes		191	89.67%
Required to Register as Sex Offender		71	39.23%
Offender Charged a Fine		23	13.37%
<i>Employment Status Immediately After Arrest</i>			
Administrative Leave (Paid)		101	35.56%
Resigned		68	23.94%
		<i>n</i>	<i>M(SD)</i>
Number of Total Counts for Charges at Arrest	4.00 (2.83)	356	3.41 (4.38)
Number of Charge Types at Arrest	2.20 (1.30)	356	1.81 (1.17)

Months Served in Jail/Prison/House Arrest	4.00 (6.93)	166	46.66 (65.30)
Months of Probation	78.00 (109.76)	169	49.72 (76.03)

Note: ☒ represents data missing from the study sample; *M* = mean and SD = standard deviation. Because there were no study sample school employees represented, this graph does not include the 115 pooled sample school employees who identified with one of five additional employment statuses: terminated (13.38%), suspended (unpaid leave) (12.32%), no longer employed (not specified) (7.04%), not teaching at time of arrest/retired (4.93), and reassigned (2.83%).

APPENDIX D: PROTOCOLS

1. Interview Protocol: School Employees Administrators and Central Office Staff
2. Interview Protocol: County Officials
3. Focus Group Questions for Secondary Actors
4. Document Review Checklist

School Employee Sexual Misconduct: Policy Implementation Study

Interview Protocol: School employees, Administrators and Central Office Staff

Interviews with educational actors (school employees, administrators, and central office staff) will be conducted in-person. The following protocol will provide guidelines for a typical interview.

Prior to the interview:

- Ask the participant if he/she would be willing to participate in a 45-60 minute interview about their understanding of school employee sexual misconduct policies. Inform the participant that their responses will be confidential and their name will not be used in any reporting. Confirm that the interviewee was employed at the school and aware of the incident at the time it occurred.
- If the participant is willing to meet, designate a time to meet in a quiet, comfortable location that is convenient for him/her.
- After the time and place for the meeting has been determined, send an email or note before the interview to confirm the date and time.
- The audio recorder should be tested to see that it is in working order and spare batteries or a charger should be on hand.

At the beginning of the interview:

- Introduce yourself to the participant and explain the purpose of the study. *Thank for your time today. My name is XX and I work for Magnolia Consulting. We're an independent educational research firm based in Virginia, and we're conducting a study with funding from the U.S. Department of Justice to review policies that govern sexual misconduct by school employees. For the next 12 months, we'll be conducting interviews, focus groups, and document reviews to get a complete picture of how existing sexual misconduct policies are being implemented, and how incidents are being reported. We'll analyze the data we collect and report our findings to the Department of Justice in September, 2017.*
- *Your district was selected as part of this study because this district has had experience dealing with an incident of school employee sexual misconduct. Your district has approved your participation in this interview. Today, we are not going to discuss the specifics of the incident, but as part of the study, we want to hear your perceptions about how well school sexual misconduct policies are understood and implemented. We will discuss the policies and procedures that were in place before the incident, what might have changed after the incident(s), and ask for your ideas about best practices for preventing and responding to school employee sexual misconduct.*
- *Before I ask you to sign the consent form, there are a couple of things I want to point out. This interview will last no longer than 60 minutes, and it will cover several areas of questions. There are no right or wrong answers, and all of your responses will remain confidential. Your name will not be used in any reports. To facilitate our note-taking accuracy, we would like to audio record this conversation today. Audiotapes will only be heard by researchers on the project and will be destroyed after they are transcribed. You will be given a \$25 stipend for your time.*
- *Here is a copy of the consent form. This document states that: (1) your information will be held confidential, (2) your participation is voluntary and you may stop and withdraw or you may indicate that you do not want to answer specific questions at any time, and (3) this study is intended to examine sexual abuse policies and procedures.*
- *Do you have any questions? if you agree, please go ahead and sign the form and we'll get started. Thank you for agreeing to participate in this study.*

Background Information

Record the following information before the start of the interview (not to be tape recorded).

Job title/description:

Location of participant's employment:

Gender:

Number of years as employee of the district:

Number of years in education:

Name of interviewer:

Date of interview:

Time of interview:

Interview location:

How did you first learn about the incident that occurred in 2014 (i.e. direct report, friend/colleague/newspaper or other media):

Were you personally involved in any phase of the identification and resolution?

To what degree would you say you were involved? 1=very little, 3= moderately, 5= very involved

Interview Questions

Note: The following questions provide a framework for the interview. You must ask these questions, but these questions should be expanded with more probing questions based on what the participant's answers are.

QUESTIONS FOR SCHOOL EMPLOYEES, ADMINISTRATORS AND CENTRAL OFFICE STAFF

Say: For the purposes of the following questions, I will refer to "school employee sexual misconduct" as sexual abuse or harassment of a student in grades K through 12 by any school personnel (teachers, coaches, administrators, counselors, bus drivers, and any other school employee).

Policies

1. Can you name or identify the school employee sexual misconduct policy(s) that is/are in place in your school/district? Are there others? [If yes, establish a list so you will know to which policy an interviewee is responding (if not each) in the questions that follow.]
 - a. Does the policy pertain specifically to school employee sexual misconduct?
☐ Yes ☐ No ☐ Don't know
 - b. How is the written policy communicated to a) staff members, b) parents, and c) students? Are there any other means of making each of these groups aware of the policy?

- c. Based on the policy, how does a potential victim make a formal complaint?
- d. Can you remember the policies before the incident? How are the current policies different, if at all, since the incident occurred in your district? Is this a result of the incident?
- e. How have communications/discussions with school employees about the policy changed, if at all, since the incident of school employee sexual misconduct in your district? Is this a result of the incident?
- f. [for administrators] What is your legal role, if any, in the a) development, b) dissemination, and c) enforcement of policies dealing with school employee sexual abuse?

Trainings

- 2. Are school employees trained specifically on what school employee sexual misconduct is and how to identify it?

☐ Yes ☐ No ☐ Don't know

If yes, which school employees are trained?

Have you been trained? ☐ Yes ☐ No ☐ Don't know

If yes, when?

- a. If yes, what does the training include? (i.e. review of policy, definition, how to identify, what to do if you think it is occurring)
 - i. How frequently do these trainings occur (i.e. once a year, never)?
 - ii. Who delivers the training?
 - iii. How long is it? (More than one session?) How long is a session?
- b. Do you think the current training(s) is/are effective? ☐ Yes ☐ No
Why or why not?
- c. How have district required trainings changed, if at all, since the incident of school employee sexual misconduct occurred in your district?

Reporting

- 3. What steps would an employee take if he/she observed or was told about sexual misconduct by a colleague or other staff member with a student?
[for administrators] What would an administrator do if he/she was told about an incident?
 - a. What are the requirements for school employees to report sexual misconduct to the police or child protective services for investigation? What is to be reported? And when?
 - b. What are the consequences for not reporting school employee sexual misconduct?

- c. (for administrators only) How does your district guarantee that cases are reported to law enforcement/CPS?
- d. (for administrators only) What are the requirements for reporting a convicted teacher to the state department of education?
- e. Have you increased knowledge of reporting requirements since the incident? As a result of policy changes?
- f. Are incidents reported as often as they occur? Why or why not? Are some things reported that shouldn't be?

Investigation [For administrators only]

- 4. Without giving me details of specific cases, how do school employee sexual misconduct investigation procedures work at your school/district?
 - a. Is there a person designated to conduct school employee sexual misconduct investigations at your school(s) and/or district(s)? ☐ Yes ☐ No ☐ Don't know
 If yes, what is his or her job title and what does his/her role entail?
 - b. Does your school/s work closely with law enforcement?
☐ Yes ☐ No ☐ Don't know
 If yes, please explain how they work together.
 On what basis do you involve law enforcement?
 - c. Does your school/s work closely with Child Protective Services (CPS)?
☐ Yes ☐ No ☐ Don't know
 If yes, please explain how they work together.
 On what basis do you involve child services?
 - d. Have these practices changed since the incident of school employee sexual misconduct?
☐ Yes ☐ No ☐ Don't know
 If yes, as a result of the incident? how have they changed?

Implementation

Say: Although policies and procedures may be in place in your district, their implementation can vary greatly depending on staff knowledge and understanding.

- 5. Overall, how were school employee sexual misconduct policies and procedures implemented *before* the incident?
 - a. *Think back to what things were like in your district before the incident occurred.*
 - i. Were warning signs identified? If so who were they reported to?

- ii. Were complaints reported directly to law enforcement?
- b. How has the implementation of school employee sexual misconduct policies and procedures changed since the incident occurred?
 - a. required trainings,
 - b. employee orientations,
 - c. monitoring mechanisms
 - d. new initiatives

Perceptions

- 6. What are the challenges or limitations with the existing school employee sexual misconduct policies?
 - a. What is missing? Not adequately covered?
 - b. What is too easily misunderstood? Confusing?
 - c. What doesn't work in practice?
- 7. What kinds of questions do you think some employees might have about what constitutes misconduct and what to do about it?
- 8. What are the barriers to effective implementation of employee sexual misconduct policies in your school/district?
- 9. In a list of best practices for how to better prevent and appropriately respond to school employee sexual misconduct --
 - a. What shouldn't be overlooked in a district policy for handling cases of school employee sexual misconduct?
 - b. What shouldn't be overlooked in a school employee training?
 - c. What crucial information should be provided to parents? To students?
 - d. What can administrators do to let employees know it's OK to report and it's required to report? Parents? Students?
- 10. [if policy is publically available, have a copy printed and ask the participate to confirm the policy is current]. Can you please provide a copy of your school's policy(s) for school employee sexual misconduct?

Notes from interview:

At the end of the interview:

- Record if policies are given to staff/students and if so, where they can be accessed.
- Record any post-interview comments.

- Thank the participant for his/her time, information and willingness to participate.
- Give interviewee contact information if they want to follow up with more thoughts.
- After the interview, send a thank you note or email to the participant.

School Employee Sexual Misconduct: Policy Implementation Study

Interview Protocol: County Officials

Interviews with county officials (Child Protective Services (CPS), law enforcement employees, and resource officers) will be conducted in-person. The following protocol will provide guidelines for a typical interview.

Prior to the interview:

- Ask the participant if he/she would be willing to participate in a 45-60 minute interview about their awareness and understanding of school employee sexual abuse policies, procedures and practices. Inform the participant that their responses will be completely confidential and their name will not be used in any reporting. Confirm that the interviewee was employed in their role at the time of the incident, and aware of the incident.
- If the participant is willing to meet, designate a time to meet in a quiet, comfortable location that is convenient for him/her.
- After the time and place for the meeting has been determined, send an email or note before the interview to confirm the date and time.
- The audio recorder should be tested to see that it is in working order and spare batteries or a charger should be on hand.

At the beginning of the interview:

- Introduce yourself to the participant. *Thank you for your time today. My name is XX and I work for Magnolia Consulting. We're an independent educational research firm based in Virginia, and we're conducting a study with funding from the U.S. Department of Justice to review policies that govern sexual misconduct by school employees. For the next 12 months, we'll be conducting interviews, focus groups, and document reviews to get a complete picture of how existing sexual misconduct policies are being implemented, and how incidents are being reported. We'll analyze the data we collect and report our findings to the Department of Justice in September, 2017.*
- Explain the purpose of the study to the participant: *Your county was selected as part of this study because this district has had experience dealing with an incident of school employee sexual misconduct. We are not going to discuss the specifics of that incident, but we do want to hear your views about the policies and procedures that were in place before the incident, what might have changed after the incident, and ask for your ideas about best practices for preventing and responding to school employee sexual misconduct.*
- *Before I ask you to sign the consent form, there are a couple of things I want to point out. This interview will last no longer than 60 minutes, and it will cover several areas of questions. There are no right or wrong answers, and all of your responses will remain confidential. Your name will not be used in any reports. To facilitate our note-taking accuracy, we would like to audio record this conversation today. Audiotapes will only be heard by researchers on the project and will be destroyed after they are transcribed. You will be given a \$25 stipend for your time.*
- *Here is the consent form we'd like you to sign. This document states that: (1) your information will be held confidential (2) your participation is voluntary and you may stop and withdraw, or you may indicate that you do not want to answer specific questions at any time, and (3) that this study is intended to examine sexual abuse laws, policies, and procedures.*
- *Do you have any questions? if you agree, please go ahead and sign the form and we'll get started. Thank you for agreeing to participate in this study.*

Background Information

Record the following information before the start of the interview (not to be tape recorded).

Role of participant/ job description:

Location of participant's employment:

Gender:

Number of years as employee of the county:

Name of interviewer:

Date of interview:

Time of interview:

Interview location:

How did you first learn about the incident that occurred in 2014 (i.e. direct report, friend/colleague/newspaper or other media):

QUESTIONS FOR COUNTY OFFICIALS (Child Protective Services (CPS), law enforcement employees, and resource officers).

For the purposes of the following questions, we will refer to “school employee sexual misconduct” as sexual abuse or harassment of a student in grades K through 12 by anyone who works at a school.

Laws, Policies and Procedures

1. Tell me what you know about the details of school employee sexual abuse laws that apply to schools in your county and/or state.
 - a. What's your understanding of who the laws apply to? All school employees or only certain groups (are bus drivers, volunteers, substitute teachers, contract workers included)?
2. What agency investigates allegations of sexual misconduct? How does that work?
3. Who is informed of the investigation, and what policies or protocols guide the investigation?
4. What kinds of discussions took place around law or policies after the 2014 incident? What updates or changes were made, if any.

Reporting

5. To your knowledge, what do students understand about how and when to report an incident? What do staff understand about reporting obligations? Have there been any updates to the policies or how they are communicated since the incident?

6. What do the policies/laws say is supposed to happen if a school employee suspects an incident of school employee sexual misconduct? Can you take me through it step by step?
 - a. What are the policy requirements for school administrators to report sexual misconduct to the police?
 - b. What are the consequences for not reporting abuse?
 - c. Have there been any updates to the process for reporting or the consequences for not reporting since the incident? As a result of the incident?

Investigations

7. Without giving me details of specific cases, can you describe how sexual abuse investigations work within local schools?
 - a. What other service providers are involved?
 - b. What measures are taken with regard to the alleged perpetrator, the alleged victim and his or her parents, and other students and parents who may have reason for concern?
 - c. Has this process changed since the incident?
8. Is there a person designated to conduct school employee sexual abuse investigations in your county? If yes -
 - a. What is their job title and what does their role entail?
 - b. Is this person trained specifically about school employee sexual abuse?
 - c. Can you explain their specific training? Can you refer me to any handbooks or training programs?
 - d. When a case of school employee sexual abuse is founded/convicted in your county, do you have any laws/policies/regulations or procedures for informing the State Board of Education?
 - e. Have there been any improvements to the designated role or their training since the incident? As a result of the incident?

Implementation

Although policies and procedures may be in place in your district, their implementation can vary greatly depending on staff knowledge and understanding. Think back to what things were like in your district before the incident occurred.

8. Overall, how were school employee sexual misconduct laws, policies and procedures implemented *before* the incident?
 - a. Were CPS/law enforcement personnel aware of the laws, policies and procedures?
 - b. Were school employees aware of the laws, policies and procedures?
 - c. Were warning signs identified and/or reported?
 - d. Were reports investigated internally – within the school first - or reported directly to law enforcement?
9. How has the implementation of school employee sexual misconduct law, policies and procedures changed since the incident occurred?

Perceptions

10. What are the biggest challenges to preventing and responding to school employee sexual abuse, in your opinion?
 - a. Existing school employee sexual abuse laws?
 - b. School-based sexual misconduct policies?
 - c. Reporting to the police?
 - d. School cooperation with an investigation?
 - e. Support for the victim and his or her family?
 - f. Understanding of policies by staff and students?
 - g. Gathering sufficient evidence?
 - h. Formally convicting an offender?
11. Are there specific things that could be done to make sexual misconduct policies more effective?
 - a. What should county officials be trained on?
 - b. How should parents be informed about laws, policies and reporting?
 - c. How can police/CPS help and support effective implementation?
 - d. What can law enforcement do to build community trust and support?
12. What else should I know about sexual abuse policy implementation in your county?

School Employee Sexual Misconduct: Policy Implementation Study
Focus Group Questions for Secondary Actors
(school employees, administrators and central office staff)

Introduction

- *Thank you all for being here. My name is XX and I work for Magnolia Consulting. We're an independent educational research firm based in Virginia, and we're conducting a study with funding from the U.S. Department of Justice to review policies that govern sexual misconduct by school employees. For the next 12 months, we'll be conducting interviews, focus groups, and document reviews to get a complete picture of how existing sexual misconduct policies are being implemented, and how incidents are being reported. We'll analyze the data we collect and report our findings to the Department of Justice in September, 2017.*
- *We're asking for your help today because this district has had experience dealing with an incident of school employee sexual misconduct. We are not going to discuss the specifics of that incident, but we do want to hear your views about the policies and procedures that were in place before the incident, what might have changed after the incident, and ask for your ideas about best practices for preventing and responding to school employee sexual misconduct.*
- *Before we ask you to sign the consent form, there are a couple of things we want to point out. This focus group will last no longer than 90 minutes, and it will cover several areas of questions. There are no right or wrong answers, and all of your responses will remain confidential. None of your names will be used in any reports. Audiotapes will only be heard by researchers on the project and will be destroyed after they are transcribed.*
- *Your feedback will help school districts as they seek to understand and improve their sexual misconduct policies, so please answer as completely and honestly as you can. We'll use a questioning format that we hope will lead to in-depth discussions from multiple viewpoints, so everyone is encouraged to participate even if your viewpoint is different than the majority. Please be respectful of other participants' opinions. And please respect the confidentiality of others. What is said here stays here. Of course, no one is compelled to participate and if at any time you wish to withdraw, you may.*
- *Here is the consent form we'd like you to sign. It states that: (1) your information will be held confidential (2) your participation is voluntary and you may stop and withdraw or you may indicate that you do not want to answer specific questions at any time, (3) you will receive a \$25 stipend for your participation, and (4) this study is intended to examine sexual misconduct policies, procedures, and prevalence.*
- *Do you have any questions? Is everyone okay with being part of the focus group? Okay, if you agree, please go ahead and sign the form and we'll get started.*

Questions

For the purposes of the following questions, we will refer to "school employee sexual misconduct" as sexual abuse or harassment of a student in grades K through 12 by any school employee—teachers, coaches, administrators, counselors, bus drivers, or anyone else who works at the school).

This focus group is comprised of teachers, administrators, and central office personnel who were in the school district prior to 2014). Let's start with each person saying your first name, title or role, and when you started with the school/district.

[Begin taping after introductions]

By show of hands, how did you first learn about the incident in 2014?

- from a colleague,
- from a student,
- from a parent,
- from a person involved in the investigation,
- from a written memo,
- from a published report,
- other

Let's talk about how things were before the incident occurred.

1. By show of hands, we would like to learn what you remember about school employee sexual misconduct policies *before* the incident.
How many of you clearly knew what kinds of activities would constitute sexual misconduct?
How many of you remember there being policies that required staff to report an incident if they learned of it?
How many remember the school or district providing training on responding to sexual misconduct?
2. Thank you. Now let's talk about how school employee sexual misconduct was handled *before* the incident.
 - a. How did your peers and colleagues discuss and respond to suspicions or concerns of school employee sexual misconduct before the incident?
 - b. How were warning signs identified or reported?
 - c. What did school leaders or others do to find out if concerns were justified? What kinds of internal investigations took place?
 - d. How or when did law enforcement become involved?
 - e. How did you become aware of policies and procedures about employee sexual misconduct?
 - f. How were other school employees made aware of the policies?
 - i. Students?
 - ii. Parents?
3. How do you think the response to suspicions of sexual misconduct would be different now, since the 2014 incident?
4. What changes were made in procedures and policies as a result of the incident?
5. What else has changed since the incident occurred?

- a. Has the school environment changed? If so, how?
 - b. How has the communication of policies and regulations to school employees, parents, and students changed?
 - c. Have conversations with your peers and colleague changed? If so, how?
- 6. What are the challenges that still exist with school employee sexual misconduct policies—in terms of policy limitations, communicating the rules, reporting misconduct, or implementing solutions?
 - 7. What could be done to improve reporting of misconduct and implementation of school employee sexual misconduct policies in schools and districts?







Thank you very much for your time today. Your participation is a very important part of this study. Results of this study will be disseminated to your staff in the fall of 2017. If you have any questions or anything you would like to add, please contact Dr. Billie-Jo Grant by phone 805-550-9132 or email bgrant@magnoliaconsulting.org.

Document Review Checklist <i>School Employee Sexual Misconduct: Policy Implementation and Effectiveness</i>
<i>Background</i> School employee sexual misconduct policy documents will be collected from all districts to the extent available and appropriate. School employee sexual misconduct documents will be collected from court clerks, Child Protective Services (CPS), district records, school records, school handbooks, and media archives. Documents will be collected by contacting school staff members, law enforcement officials, newspaper archives, and CPS staff. This document checklist has been developed to facilitate and aggregate the review of these documents. The purpose of the document review, is to identify formal and informal policies and procedures, compare them to existing literature, and conduct an analysis of how these documents reflect changes after an incident.
<i>Instructions</i> Complete one document review checklist for every document collected Fill out the sections that are applicable to the collected document Please check the box that applies to your review of each statement For each section note any key quotes, page numbers, or notes

Document Review Checklist <i>School Employee Sexual Misconduct: Policy Implementation and Effectiveness</i>						
Site: _____ Researcher: _____ Site contact: _____	Date collected: _____ Title: _____ Publisher: _____	Page # _____ Link: _____ Date: _____	Date Adopted _____ Policy Number _____			
Document Type			Notes/Key Quotes			
<input type="checkbox"/> Policy <input type="checkbox"/> Regulation <input type="checkbox"/> Employee Handbook <input type="checkbox"/> Student Handbook <input type="checkbox"/> Parent Handbook <input type="checkbox"/> Training	Scope	Does the document specifically cover school employee sexual misconduct? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA Does the document explain to whom the information applies? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA				
	Purpose	Does the document include a purpose statement that explains the rationale? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA Does the document align to federal requirements (i.e. Title IX)? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA Does the document align to state requirements? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA Are the key terms referenced in the document defined? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA				
	Definition	Is the definition of what constitutes sexual misconduct accurate? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA Are the penalties for the perpetrator clear? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA Are the penalties for those who don't report clear? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA				
	Style	Is the document clear and concise? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA Is active voice used throughout the document? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA Is the tone consistent? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA Is the document free of grammatical and spelling errors? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA				
	Enforcement	Does the document include enforceable language identifying responsibilities by position title only (i.e. shall, will, must, including but not limited to, etc.)? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA Does the document state who is responsible for enforcing the policy? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA Does the document state the consequence(s) for violating the policy? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA				
	Procedures	Does the document present clearly defined steps for reporting an incident? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA Does the document include contact information for key personnel? <input type="checkbox"/> Yes <input type="checkbox"/> Somewhat <input type="checkbox"/> No <input type="checkbox"/> NA				
	Public Records			Notes/Key Quotes		
	<input type="checkbox"/> Court Record <input type="checkbox"/> Media/Article <input type="checkbox"/> Meeting Notes	Case Information	Dates: _____ Offense(s): _____ Offender stats: _____ Victim stats: _____ Notes about investigation: _____			
		Culture	Victim support/blaming? _____ Offender support/blaming? _____			
		Policies and Procedures	Were policies followed? _____ Any mishandling of the case? _____			

APPENDIX E: CODES FOR KEY ELEMENTS OF TITLE IX GUIDANCE

Table E-1. Codes for Key Elements of Title IX Guidance with Regard to Preventing School Employee Sexual Misconduct

Elements of Title IX Guidance		Code
 POLICIES AND PROCEDURES	Is there a school employee sexual misconduct policy?	
	Do policies and procedures provide examples of boundary crossing behaviors?	
	Does the policy include grievance procedures?	
	Does the policy include a Title IX coordinator?	
	Does this policy include a notice of non-discrimination?	
 PREVENTION	Does the district take proactive measures to prevent sexual harassment and violence (i.e., developing preventive education programs, hosting orientation programs, and distributing rules and resources)?	
 TRAINING	Is training provided for licensed staff?	
	Is training provided for nonlicensed staff?	
	Is training provided for students?	
	Is training provided for parents?	
 REPORTING	Do district employees know their reporting obligations and how to respond to reports of school employee sexual misconduct?	
	Do reporting procedures protect the identity of the complainant and/or victim?	
	Are there procedures to comply with mandatory reporting requirements?	
 INVESTIGATIONS	Are investigations conducted by an experienced, trained individual?	
	Are investigations conducted promptly and coordinated with criminal investigations?	
	Are investigations conducted promptly and coordinated with child welfare?	
	Is there an agreement/MOU with law enforcement, child welfare, or victim service providers?	
	Are all parties (i.e., victim, offender, complainant, parents) notified in writing of the outcome of a complaint?	
 RESPONSE	Does the district provide victim services?	
	Does the district train and re-train employees after an incident?	
	Does the district develop materials on sexual violence?	
	Does the district conduct prevention programs with students?	
	Does the district issue updated policy statements?	
	Does the district conduct a climate check?	
		Does the district have a protocol for working with law enforcement or child welfare?