Educator Sexual Misconduct: A Synthesis of Existing Literature

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U.S. Department of Education
Rod Paige
Secretary

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TABLES

Preface

Any adult misconduct or sexual abuse in schools is of grave concern to students, parents, educators, and the Department of Education. This literature review of *sexual abuse* and *sexual misconduct*

“Molestation,” “rape,” “sexual exploitation,” “sexual abuse,” “sexual harassment”—

2.0 DESCRIPTION OF EXISTING RESEARCH, LITERATURE, OR OTHER VERIFIABLE SOURCES

2.1 Categories of discourse. The co ations identified can be categorized as:

•

Table 1. Empirical Studies of Educator Sexual Misconduct	
Study	**Description**
Abuse and Disability Project (1992). Edmonton, Canada: University of Alberta. Edmonton, 1992.	Analysis of 162 cases of sexual abuse of children or adults with disabilities in Canada. Reports on abuse by transportation workers.

Table 2. Summary of Practice-Based, First Person Reports, and Third Person Reports	
Source	**Description**
Sherry B. Bithell (1991). *Educator Sexual Abuse.* Boise: Tudor House Publishing.	Summary of information on child sexual abuse necessary for educators to effectively intervene. Portrayals of offenders based upon interviews, observations, and court records. Written by an educator with 26 years in the public schools who also developed a statewide program in child abuse prevention.

2.4

When the *Seattle Times* asked the Bellevue School District for

National Youth Victimization Prevention Programs: A National Survey of Children's Exposure and Reactions.

- Youth Risk Behavior Surveillance System, Centers for Disease Control, National Institutes of Health.

enforcement agencies. A typical example of how studies tmrom either child welfare or law

Table 3. Continued

Study	Description

3.0 PREVALENCE OF EDUCATOR SEXUAL MISCONDUCT

3.1 Sources and methods. Studies documenting child sexual abuse by any adult are conducted using two approaches. Incidence studies examine child sexual abuse official reports to child protective or criminal agencies. Prevalence studies ask children or adults if they have ever been sexually abused as a child by an adult**.** Incidence rates are generally lower than prevalence, since many more children are sexually abused than report this abuse to authorities. Only 5 to 6 percent of child sexual abuse cases become known to social services or the police (Kelly et al., 1991).

Results of prevalence studies differ based upon definitions of sexual abuse, sample, and data collection methods but range from 13 to 34 percent of females and 7 to 16 percent of males (Freel, 2003). Gorey and Leslie (1997), in a review of prevalence studies where they controlled for response rates and operational definitions concluded that 15 percent of women and 7 percent of men :a-n sexually abused ae childred

“occasionally,” “rarely,” “never,” or “don’t know.” The 14 stems were developed by an

report only noncontact sexual miscondu miand 6.7 percent experienced only contact miscondu m. (These total to more than 9.6 percent because some students reported both types of miscondu m.) Of students who experienced any kind of sexual miscondu miin schools, 21 percent were targets of edu ators, while the remaining 79 percent were targets of other students.

To get a sense of the extent of the number of students who have been targets of edu ator sexual miscondu m, I applied the percent of students who report experiencing edu ator sexual miscondu m to the population of all K-12 students. Baserien the assumption that the AAUW surveys accurately represent the experiences of all K-12 students, more than 4.5 million students are subje m to sexual miscondu m by an employee of a school sometime between kindergarteniand 12th grade.

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Did anyone do any of the following to you when you didn't want them to in the last school year?

- Touch, pinch, or grab you.
- Lean over you or corner you.
- Give you sexual notes or pictures.
- Make suggestive or sexual gestures, looks, comments, or jokes.
- Pressure you to do something sexual.
- Force you to do something sexual.

Of the 4,200 girls in grades 2 through 600 7 Tj ET Q q 0.245975 846 Tm /F4.luntarily0.2sp

4.0 OFFENDER CHARACTERISTICS

Terminology used to identify offenders ranges from pedophile to molester to

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Table 7. Percent of Student Targets by Job Title of Offender

Job Title	Percent

Table 8. Sex of Offenders							
	AAUW and Shakeshaft secondary analysis	**Cameron et al.**	**Corbett et al.**	**Gallagher**	**Hendrie**	**Jennings and Tharp**	**Shakeshaft and Cohan**
Percent Males	57.2	57	85	96	80	87.3	96
Percent Females	42.8	43	15	4	20	12.7	4

targeted by educators are females, the proportions vary by type of study. As is illustrated in Table 11, the three studies that examine formal reports (Gallagher, 2000; Hendrie, 1998; Shakeshaft and Cohan, 1994) find a higher percent of female students as targets than do the studies that ask students directly. These findings suggest that abuse of females is more likely to be reported than abuse of males, but that the differences between the percentages of males and females who are abused may Tj an abuse of males, but th

the sample and 57 percent of the targets of educator sexual abuse. Females of color are

6.0 PATTERNS OF EDUCATOR SEXUAL MISCONDUCT WITH STUDENTS

Both qualitative and quantitative sources provide information on patterns of educator sexual misconduct (Table 15).

Table 15. Sources for Descriptions of Patterns
American Association of University Women (1993). *Hostile Hallways.* Washington, D.C.: AAUW Educational Foundation.

7.0 ALLEGATIONS AND RESPONSE

7.3 Investigative practices. Only one study (Shakeshaft and Cohan, 1994) has examined school district response to allegations. This study is limited but documents

8.0 EXTENT AND IMPACT OF LEGAL INITIATIVES

When referencing the legal principles noted below, case law and Title IX regulations address "sexual harassment", not "sexual misconduct." Therefore, the term

have had actual knowledge of the sexual harassment and the school district must have acted with deliberate indifference to its knowledge of the discrimination. The Court acknowledged, by contrast, the power of Federal agencies, such as the Department of Education, to effectuate Title IX's prohibition of sex discrimination, even under circumstances that would not result in liability for monetary damages.

In *Davis v. Monroe County Board of Education* (526 U.S. 629 (1999), the Supreme Court applied the stringent requirements found in *Gebser* to claims for monetary damages for student-on-student or peer sexual harassment. *Davis* is the first Supreme Court ruling that affirms that school staff members can be held liable for monetary damages for peer harassment under Title IX but only if a staff member with authority to take corrective action has actual knowledge of the harassment and responds with deliberate indifference to the victim. Additionally, in *Davis*, the justices ruled that to obtain monetary damages the harassment must be so severe, pervasive, and objectively offensive that it effectively bars the target student's access to an educational opportunity or benefit.

However, *Davis* left unclear a number of issues, including how "deliberate indifference" is determined.

Prior to interpreting Title IX coverage to include sexual harassment as a form of sex discrimination, there was little in the law that was available to victims of educatoF4.0 1 Tf (damages in schools, beyond criminal statutes that were unavailable) Tj ET Q c

Table 17. Suggestions and Recommendations from the Literature

9.0 EFFECTS OF EDUCATOR SEXUAL MISCONDUCT

The data collected by the AAUW studies offers student reports of effects of educator sexual misconduct, while the thsR SEXUAL MISCONDUCT

- Felt afraid or scared (36 percent).
- Felt confused about identity (29 percent).
-

10.0 CONSEQUENCES OF ALLEGATIONS OF EDUCATOR SEXUAL MISCONDUCT

The studies which include documentation of the consequences of educator sexual misconduct primarily focus on what happens after allegations are made. Most document the ways in which schools and districts fail to remove abusers from the classroom.

10.1 Consequences for abusers.

12.0 PREVENTION OF EDUCATOR SEXUAL MISCONDUCT

Educator sexual misconduct has not been systematically addressed in schools. While the advent of money damages to targets of sexual harassment, a result of Title IX

12.3 Screen employees.

not terminate investigation if employee resigns. Complete investigation and file report internally, with criminal justice authorities, and with state licensing entities.

12.7 Educate employees. With rare exceptions, sexual abuse prevention training for educators and school staff—whether preprofessional or while on the job—does not include educator sexual misconduct. These programs focus on what to do when sexual or any other kind of abuse or maltreatment is suspected from a source outside the school. Therefore, additional training for educators and other staff about educator sexual misconduct is important. Training outlines the behaviors that are not acceptable so that everyone—both those who abuse and those who do not abuse—are working from the same set of expectations. By making expectations explicit and public, school decision makers are also helping educators understand their own responsibility in

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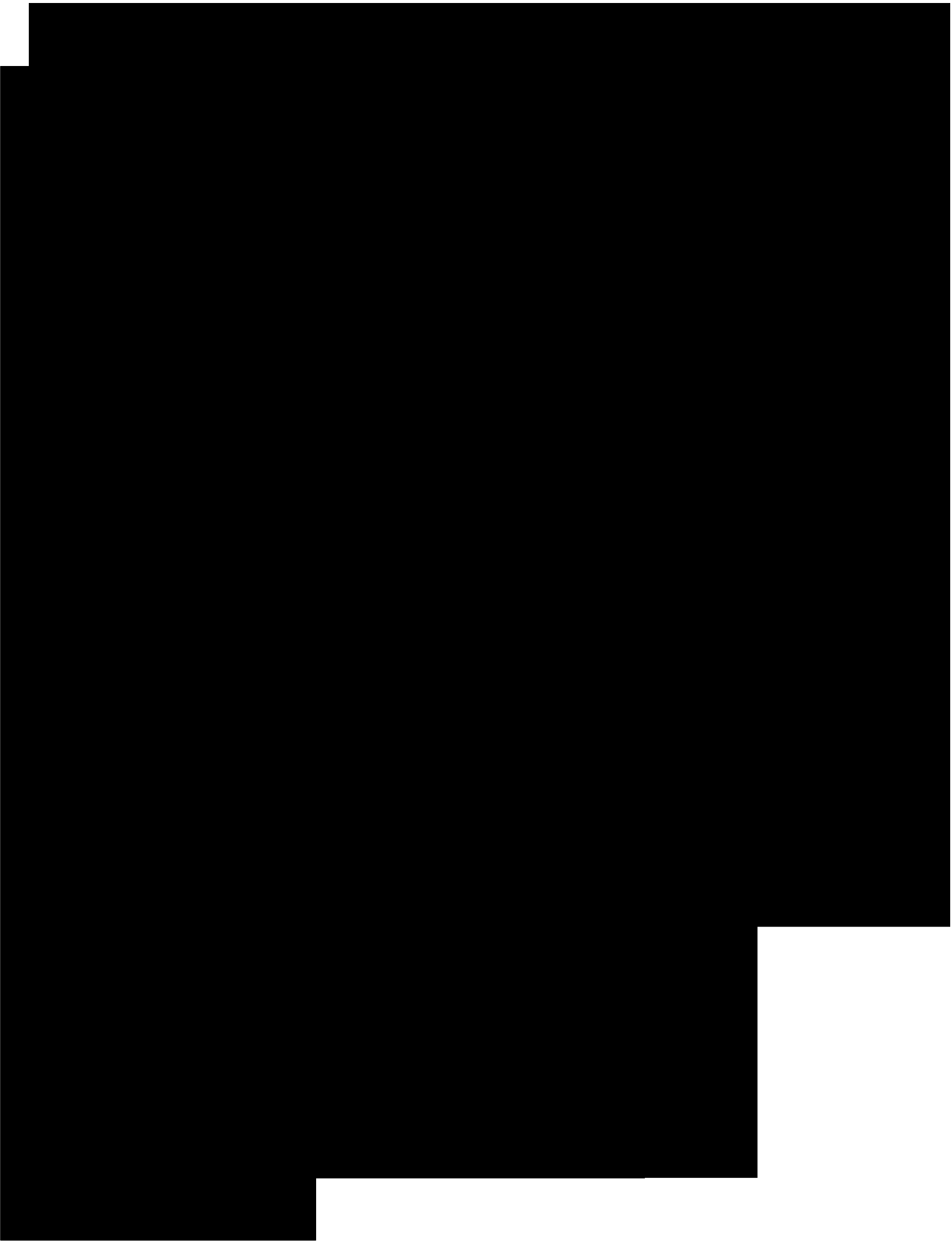

STUDY	DESCRIPTION	RELEVANT
Child Version (Straus et al., 1998)	aggression and physical assault scale, nonviolent discipline scale, scale for neglect, and questions on discipline methods and sexual abuse. Development included	

STUDY	DESCRIPTION	RELEVANTI(

STUDY	DESCRIPTION	RELEVANT
Violence Screening Survey 1990	Study of 1,011 students in 6s i0.24	

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