

# National Association *of* Independent Schools

# NAIS / TABS Task Force Report: Educator Sexual Misconduct

# Why a Task Force?

- Our school leaders care deeply about student safety; as a community, we want to ensure that we offer safe and nurturing learning environments
- Unprecedented number of incidents of sexual misconduct reported
- A national group of experts can bring expertise to the table that would be difficult to replicate school by school
- As national organizations, we seek to support schools in both their prevention of and response to sexual misconduct

# Task Force Members

- Jetta Bernier, Executive Director, Massachusetts Citizens for Children
- Mike Brown, Head of School, Canton Country Day School (Ohio) (2017-2018)
- Gregg Dwyer, Director, Community and Public Safety Psychiatry Division, Medical University of South Carolina
- David Finkelhor, Director, Crimes Against Children Research Center
- Lisa Friel, Senior Vice President of Investigations, National Football League; former sex crimes prosecutor, New York City District Attorney's Office

# Task Force Members Cont'

- Mike Hanas, Head of School, San Francisco Friends School (California)
- Siri Akal Khalsa, Executive Director, Northwest Association of Independent Schools; NAIS board member
- Miguel Marshall, Interim Executive Director, Independent School Health Association
- Susan Nelson, Head Emerita, The Webb Schools (California); chair of the TABS board
- Susan Perry, Assistant Head of School for Student Affairs, Ravenscroft School (North Carolina)
- Charol Shakeshaft, Professor of Educational Leadership, Virginia Commonwealth University
- Whit Sheppard, Consultant and Writer on issues of sex abuse in schools

# Staffing

The Task Force was assisted by these members of the professional staff at NAIS and TABS:

- Caroline Blackwell, Vice President of Equity and Justice Initiatives, NAIS
- Myra McGovern, Vice President of Media, NAIS
- Sarah Myers, Program Manager, TABS
- Donna Orem, President, NAIS
- Peter Upham, Executive Director, TABS
- Debra P. Wilson, General Counsel, NAIS

# Background/Assaults – United Educator Data

- More than 30% of assault claims resulted in a loss
  - 58% peer-to-peer sexual assault
  - 42% involved an adult educator – 90% of dollars paid
- 90% of claims perpetrator was a male teacher, coach, or religious leader
- 75% of claims the victims were female

# Background/Sex Abuse in Independent Schools

- Unprecedented number of stories
- Spotlight team
- NYT
- Regular letters and investigations
- More and more complex situations as investigations overlap





# Background/Effects of Abuse

- Guilt, shame, blame
- Low self esteem
- Intimacy/relationship issues
- Depression
- PTSD
- Chemical dependency
- Suicide
- Dissociation



# NAIS/TABS Task Force Report

- Will raise some standards
- Will be picked up by the press
- Final report soon
- Advocates a risk management approach.



# Background/Report Process

## **Draft Recommendations**

- Published August 2016
- Public comment period through September. Extended to mid-October
- Received close to 100 comments / suggestions from variety of constituencies
- Consulted with attorneys, insurance executives, other state and regional association leaders
- Now in final revisions.

# Feedback / Selected Areas of Revision

- Committee structures
- Recommendations on space review, principle of “observable and interruptible,” further contextualized to account for age of student, type of institution, and various practical realities
- The role of the Board
- Technology recommendations
- Organization

# Prevention

- **Managing the Risk: Who at Your School Owns Child Safety and Protection?**
- **Policies**
- **Supervision and Training**
- **Hiring**
- **Reporting**
- **Advance Work for Responding to an Allegation of Abuse or Reason to Suspect Abuse**

# Prevention/Ownership & Policies

## **Managing the Risk: Who at Your School Owns Child Safety and Protection?**

- Can be a team, pre-existing or newly appointed
- Can be an individual

## **Policies**

- Establish and update written student safety protocols
- Establish and maintain clear and appropriate professional boundaries between students and adults
- Employ and enforce a code of conduct for all staff and volunteers
- Periodically review the school's physical spaces
- Develop appropriate policies related to the use of technology

# Prevention/Overall Review

- Identify team to manage risk
- Team identifies all child activities school engages in, supports, etc., including what kinds of adults might interact with them
- Review all policies and procedures for student interaction, oversight, particularly high risk
- Meet with stakeholders to identify particular risks, including physical plant
- Improve policies and programs, train, repeat

# Prevention/Target Students

- Students who are perceived as weaker, loners, less socially tied
- Students with busy parents who need someone to fill in the gaps
- Students who may need / desire that one on one time with adult and respond accordingly
- School protocols for identifying and tracking these students.



# Prevention/Special Scenarios

- Coaches, physical therapists, etc.
- All volunteers, campus consultants, trip leaders, other third parties
  - Assistant coaches, extracurricular leaders, camps
- Contracts and insurance
- Background checks
- Supervision
- Insurance

# Prevention/Online

- Conduct regarding tech communications with students (texting, emails, chat rooms)
- Social media
- Personal computers
- No porn, sexually suggestive communications, etc., while on duty and/or while using school computers, systems, etc.

# Prevention/Supervision, Training & Reporting

## **Supervision and Training**

- Create and maintain an internal reporting system
- Provide regular required training about preventing sexual abuse

## **Reporting**

- Establish procedures to respond to, report, record, and track suspected cases of sexual abuse

# Prevention/Ongoing Supervision

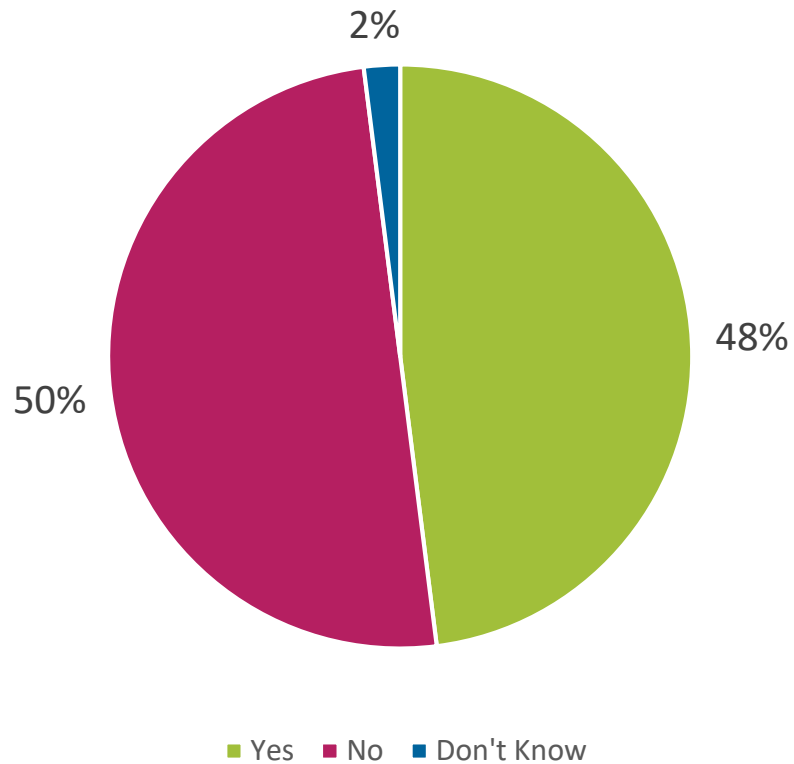
- Check-in process for tracking students
- Check-in process for feedback to adults
- Special focus on probation / early working period
- Document anything unusual, create tracking and follow up system.

# Prevention/Hiring

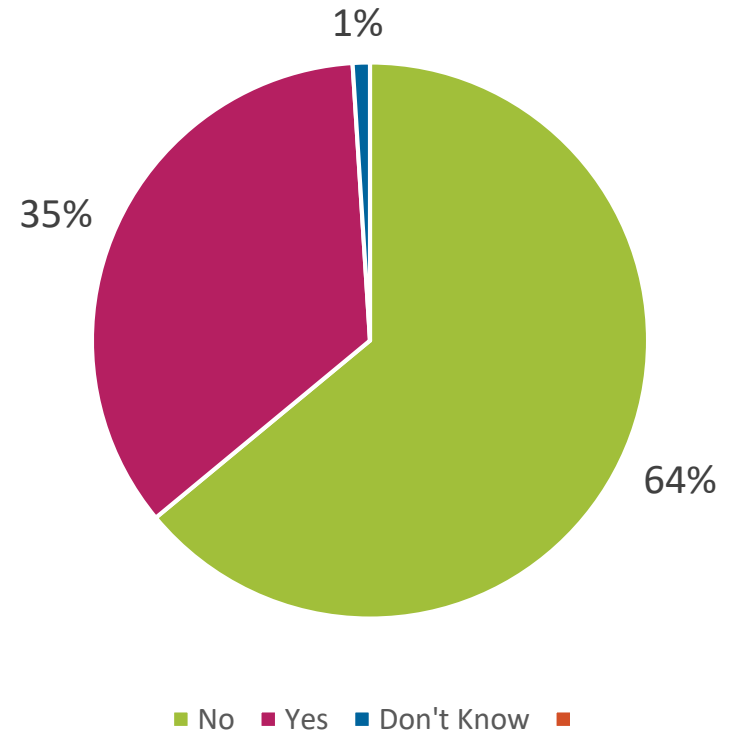
- Create overall policy
- Improve the screening of prospective employees
  - Interviewing
  - Reference checking
  - Background checks
- Develop policies for providing references and information on former employees

# Prevention / Hiring Risks

Do you have a written process for hiring?

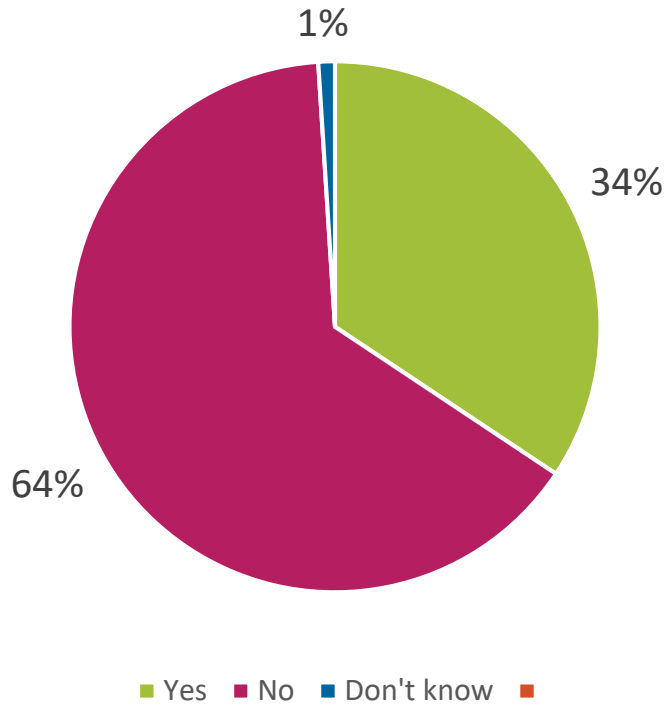


Provide effective interview training for staff?

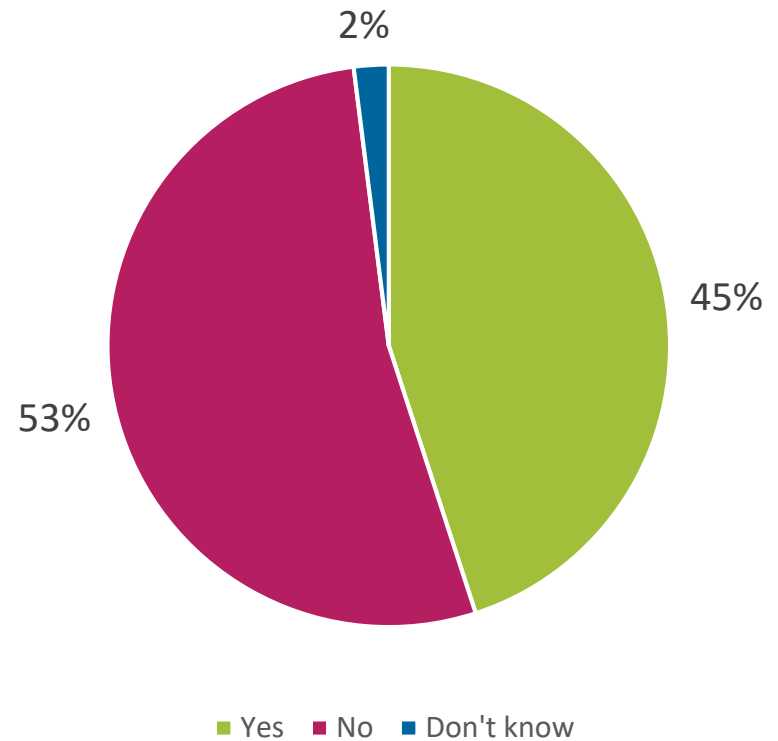


# Prevention / Hiring Risks

Does your school provide reference questions that must be asked of each reference?



Policy about who in the school may provide references?



# Prevention/Applicant Screening

- Prior convictions
- Pending criminal charges
- Disciplinary action by licensing org
- Removal from any position due to allegations of misconduct
- False or misleading info = discipline or termination
- **Written authorization and waiver for references**



# Prevention/Interview Questions

- Why do you want to work with children?
- How would you respond if... (boundary question, colleague question, etc.)
- What about this position appeals to you?
- You have been provided with a copy of our code of conduct, do you think this will affect your teaching style?

# Prevention/Reference Questions

- Do you have any concerns about this individual working unsupervised with children?
- Who else should we contact regarding this individual's history working with children?
- Have you seen this person work with children?
- Do you feel this person is mature enough to handle this position?
- This is our Code of Conduct, do you feel this will be difficult for this person to follow?

# Prevention/Hiring: Things to look for...

- Gaps you cannot fill
- Frequent changes of location, particularly international
- Holes in supervisor contact information
- “Loner” mentality
- History of overly close relationships with individual students

# Prevention/Advance Work on Responding

- Identify in advance a “Response Team” to respond to allegations of misconduct and abuse
- In advance, evaluate the school’s insurance policies regarding educator sexual misconduct.

# Response

- **Fundamentals**
- **Initial Notification**
- **Investigation**
- **Communications**
- **Afterwards**

# Response/Fundamentals

- Know and follow the law without exception
- Never dismiss an allegation as the false complaint of a troubled child
- Protect the confidentiality and privacy interests of the reporter and other potential victims

# Response/Initial Notification

- Respond quickly and compassionately
- Listen and respond with empathy to the person reporting the abuse
- Activate your response team as soon as you receive an allegation
- Establish a procedure that you will follow to deal promptly and equitably with a person accused of abuse or misconduct.

# Response/Investigation & Communications

## **Investigation**

- As appropriate, retain an outside third party investigator with subject matter expertise to investigate allegations of abuse
- Conduct a prompt, equitable, and thorough investigation

## **Communications**

- Plan how you will report on the investigation
- Communicate with transparency

## **Afterwards**

- Help survivors heal
- Help the community heal



# Response/Communications

- Transparency is really what you need to be ready for, while protecting privacy of victims
- Single voice communications
- Letters to community
- One spot for reporting past issues
- Identification of steps school will take in terms of reporting
- Constantly circling back

# Response/Older Reported Abuses

- Take report in
- Report / document
- Statutes of limitations?
- Internal documents and knowledge
- Investigation – outside expert
- Be aware of past cultural acceptance of sexual behavior
- Take steps to prep for all of above

# Response/Reparations

- Counseling
- Financial
- Public support in statements
- Working with victims on school approaches and policies
- Community statements
- Follow up support, communications.

Let's Hear from You

Questions