



Stop the Grooming

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How can you
help protect children
from sexual misconduct
by school employees?

School districts that want to protect students from sexual misconduct by staff should consider ways to prevent “sexual grooming,” a task that is difficult because such grooming often is only evident after the fact.

In most sexual misconduct cases, a form of “grooming” takes place. Preventing it can be very difficult, in part because sexual grooming can be quite subtle and similar to innocent behavior. In fact, many experts are not willing to label conduct as “sexual grooming” until intent has been established by actual molestation. However, the best way for school districts to prevent the grooming is by stopping inappropriate boundary invasions.

Even though this makes common sense, it's a fairly novel idea in both law and schools. Only one state—Texas—and a handful of school districts have specific board policies addressing boundary invasions.

Our recommendations for dealing with this issue are based on hundreds of litigated cases involving allegations of childhood sexual molestation and listening to testimony of victims and experts such as Timothy Kahn, a private clinician who specializes in sexual behavior and deviancy and is recognized as an expert in court cases relating to sexual predators. It also is based on the experiences of other sexual offender counselors who have listened to hundreds of offenders tell their stories.

State regulations on professional conduct, combined with board policies and practices, can accomplish the goal of stopping inappropriate boundary invasion behavior. Boundary invasion concepts are important to understand because of personnel situations, collective bargaining investigations, and instances in which board members and superintendents need general advice and guidance.

As the public understands more about how the molestation of students occurs, districts will increasingly be deemed to have “notice” of inappropriate behavior. If this occurs in your district, you could face potential liability, so the time to act is now.

Extent of the problem

The prevalence of employee sexual misconduct with students is difficult to gauge accurately. Certainly, media accounts illustrate that a problem exists, but peer reviewed studies of the problem's prevalence are few.

In 2004, at the request of the U.S. Department of Education, researcher Charol Shakeshaft summarized studies then available in *Educator Sexual Misconduct: A Synthesis of Existing Literature*. Shakeshaft, who carefully selected research that could provide valid data, concluded that the findings of a study published by the American Association of University Women in 2000 likely were the most accurate; in that report, 9.6 percent of female students said they were harassed or abused by a school employee.

The process of sexual grooming involves finding a vulnerable student and engaging in increasingly persistent boundary invasion behaviors. The invasions reveal which students may be taken advantage of, and also get particular students used to growing encroachment of their personal space and personal lives.

Sometimes students welcome the adult's initial attentions. By the time the boundary invasions have become inappropriate, a special relationship exists in the student's mind that justifies them.

Your employees must understand that boundary invasion conduct is not appropriate because it does not have legitimate educational or health reasons. Other employees who see this

type of behavior should report it to administrators, who will determine whether a problem exists and what needs to be done about it.

About boundary invasions

For our purposes, there are two kinds of boundary invasions—those that are appropriate because they have educational and health reasons, and those that are inappropriate. The key is for administration to be able to make a distinction between the two, monitoring the former and taking action concerning the latter.

This distinction is important because boundary invasions are not necessarily the same thing as sexual grooming. Some boundary invasions must take place in the school setting and are justified. Examples include: a teacher or aide changing a kindergartener's pants after a toileting accident; touching students while coaching wrestling, football, or gymnastics; and having a student assistant stay after school to help for a presentation the following day.

Problems sometimes begin to occur when the pattern of such contacts gets out of hand and begins to take the form of a “special” or “secret” relationship. In order to determine whether sexual grooming is taking place, it requires evidence of sexual intent, which can mean that you wouldn't be able to say if grooming was occurring until after a student was molested.

All sexual grooming is comprised of boundary invasions, but not all boundary invasions constitute sexual grooming. Obviously, we do not want to wait until molestation has occurred to prevent sexual grooming merely because of problems with definitions. To avoid that problem, administration must be aware of both appropriate and inappropriate boundary invasions occurring at school to determine when a teacher may be going too far.

Our goal is for school districts to focus on inappropriate boundary invasions by employees. Keeping this distinction in mind is useful in dealing with employees and unions. It is far less explosive to discipline an employee for boundary invasions than to accuse the staff member of sexual grooming. The grooming label could be unfair and create a sideshow of resistance that detracts from the message that needs to be delivered—that the employee's inappropriate invasion of boundaries must stop.

While grooming includes or at least implies sexual intent, “inappropriate boundary invasions” address professional judgment and how to behave professionally around students.

What school districts can do

Without laws, state regulations, or board policies and procedures in place, a school district may have difficulties disciplining a staff member who engages in boundary invasion misconduct. Such laws, state regulations, or board policies are crucial to provide full protection to students while being

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fair to employees at the same time.

If state law or board policy does not contain definitions and prohibitions of inappropriate boundary invasions, you need to provide a letter and directives to an employee. Unfortunately, this approach wastes resources with grievances and appeals contesting whether boundary invasions should be the subject of discipline.

Ideally, policies and law will educate employees and the public about inappropriate boundary invasions, including what is acceptable and what is not appropriate for school employees to be doing with students. If not, then work with teachers unions, employee groups, and legislators to assure fairness to educators and the protection of children.

As with any new solution to a problem, other issues may arise that must be fairly and adequately addressed. Unless boundary invasions are defined in legislation, state regulation, board policy, or a prior disciplinary letter, an employee may plead ignorance of the standard. This can lead to complications in attempting to impose discipline on the employee upon appeal.

Another potential problem is how you investigate complaints. Taken to the unreasonable extreme, too much of even a good idea can become a bad thing. If administrators are not properly schooled in distinguishing between appropriate and inappropriate boundary invasions, it may appear to be a witch hunt. Enforcement must be reasonable, based on the realities of what occurs in schools, and incorporate common sense judgment. It would seem that such schooling would best come from psychologists and counselors who deal with sexual offenders and victims.

Semantics are important in effectively dealing with the problem of sexual misconduct. “Sexual grooming” implies a sexual intent. “Boundary invasion” includes no such implication. Most boundary invasions may be nothing more than temporary lack of judgment. In younger teachers, it may be in getting used to the fact that meeting your social needs by interacting with students is not a good idea.

When an administrator discusses the issue with an employee, it is more effective to deal objectively with the situation by discussing “boundaries” rather than suggesting that the employee’s intent was sexual by the terminology used.

Outside the classroom, there are numerous non-school organizations that school employees supervise in their private lives, which can create dual relationships between the employee and the student. Most organizations have standards of conduct that leaders are required to follow.

Even though it is innocent, administrators should be aware when employees work with such groups. This helps administrators exercise appropriate judgment about what occurs at

school. When issues arise concerning such matters, there needs to be a nexus between the personal-life conduct and the educator’s work for the school to intervene in a disciplinary manner.

In remote and small communities it can sometimes be difficult to avoid dual and multiple relationships with students. A student may mow the teacher’s lawn, go to the same church, play on the teacher’s Babe Ruth baseball team, and be friends with the teacher’s children. Again, the administration needs to be aware of any dual relationships to exercise appropriate judgment and to be on the alert for potential problems.

What board members can do

Board members should educate themselves about the issues of sexual grooming and boundary invasions. Start with the bibliography of Shakeshaft’s study, which is available at www.ed.gov/rschstat/research/pubs/misconductreview/report.pdf.

Review state law to see if the boundary invasion issue is addressed; if it’s not, work with your union and legislature to enact a law. Also, lobby for changes in your state’s public records act to make discipline of school employees for inappropriate conduct with children a public record. Seek state laws that require districts to receive written references from all prior school districts where the employee worked to determine whether sexual misconduct, abuse, or boundary invasions with a student occurred.

Board members also should lobby for laws requiring all staff to report physical or sexual abuse of students to administration when they become aware of such matters. Include a requirement that boundary invasions also be reported so that administrators may determine whether inappropriate behavior has occurred.

Finally, you should inventory your own district and determine whether inappropriate boundary invasions are addressed in board policy and procedures, employee handbooks, the annual notice to parents, and employee training. Make changes that are necessary to bring your district into line with best practices.

This is especially critical because sexual abuse is better understood now than at any time in history. This has helped both professionals and the public learn how predators victimize children. It is up to school leaders—board members, administration, union leadership, state offices of education, and legislators—to use this information to protect children. Once you take effective action with law and policy, schools will become even safer places for students than they already are. ■

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