

## Chronic Sexual Misconduct

### Background

School districts are responsible for the safety and well-being of students in their care, even during after-hour extra-curricular activities and tutoring sessions. Schools can be held liable when it is determined that they or a member/members of its faculty breach that duty of care.

### Scenario

A student was sexually assaulted by her high school history teacher during the beginning of her junior year. The teacher and the student engaged in a pattern of sexual contact, including kissing and inappropriate touching. The student stated that the sexual contact and assaults continued throughout the school year. During deposition, school staff revealed that multiple teachers and staff members knew about the relationship and abuse, however, failed to report it to the school district's leadership or to the State of Connecticut Department of Children and Families (DCF).

### Investigation and Damages

- The male teacher had been teaching at the high school for three years prior to the incident and, during this time, had developed a friendly relationship with the principal.
- In early May, a parent sent an email to the male teacher, and copied in the principal, which stated to “keep his hands off” of her daughter (**Student One**).
- The principal immediately contacted the parent of **Student One** and advised her to contact the police; however, she insisted that the police not be involved. The principal then confronted the teacher, who stated that he grabbed **Student One** by the arm in an effort to get her to stop touching him. The principal advised the teacher to be more professional, **yet no other investigation or disciplinary follow up was conducted.**
- In late May, teacher's union representative and the accused male teacher went to the principal to discuss concerns that someone was spreading a rumor around the school about a relationship between the male teacher and a female student (**Student Two**). The principal admitted that he had heard of the rumors.
- The principal then contacted the Director of Human Resources and Deputy Superintendent, who advised the principal to conduct an investigation.
- A few days later, the investigation was initiated and it was discovered that the teacher and **Student Two** had texted each other on a few occasions to discuss how **Student Two** was doing following some traumatic events that occurred in her life. Both the teacher and **Student Two** denied any misconduct.
- As a result of this investigation, **no disciplinary action was taken**; however, the teacher was advised that he should change his cell phone number and refrain from giving his personal number out to students.
- Later that month, a third female student (**Student Three**) met with the principal and reported that she was concerned because one of her friends alleged that she had been kissing the male teacher.
- The principal told **Student Three** that she was basing her claim on hearsay and additional evidence needed to be provided before he acted on a potential rumor.
- In June, **Student Three** became so concerned about her friend's relationship with the teacher that she contacted the vice principal as well and told him what she reported to the principal the month prior.
- The next week, a gym teacher and history department chair reported to the vice principal that they had disturbing information regarding the male teacher and **Student Two**, specifically regarding rumors of an inappropriate relationship between the two parties. The gym teacher admitted to not reporting the incident in a timely manner due to fears of being wrong.
- Following the vice principal's meeting with the gym teacher and history department chair, he spoke with the Superintendent and Assistant Superintendent to advise them of the situation. These individuals consulted with the district's legal counsel, who advised them that they need not make a report to DCF and could wait until the following Monday to investigate the rumor further.
- Over the weekend, the police were notified by the gym teacher and history department chair. The local Police Department commenced their investigation.

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- The School Board refrained from any further investigation on their part so as to not taint the police investigation.
- During the police investigation, **Student Two** admitted that she had kissed the teacher multiple times during the school day and in the classroom. **Student Two's** old cell phone was found and voluntarily given to the police. On the phone, police found multiple inappropriate text messages sent by the male teacher.
- After about a two-week police investigation, law enforcement applied for and was granted a warrant for the arrest of the male teacher.
- The teacher ultimately pled no contest to two charges, for which he was sentenced to two years' probation and two years suspended sentence. He was also required to register as a sex offender, surrender his teaching license, and undergo psychiatric evaluation and treatment.
- The principal clearly erred in not investigating the possibility of an inappropriate relationship between the male teacher and **Student Two** when the incidents were first reported to him.
- There was a 30-day period that passed from when **Student Two** reported the second alleged incident to the Principal and when the school actually started their internal investigation. As part of civil proceedings initiated by the victims' families against the school district, **CIRMA was responsible for paying a claim that ultimately settled for \$400,000.**

## Lessons Learned

- Establish and communicate policies and protocols to all staff on a regular basis on the importance of reporting suspected misconduct or allegations of misconduct.
- Establish and communicate a Code of Professional Responsibility to all staff, including:
  - A staff Code of Ethics
  - An Administration Code of Ethics
  - A policy on Student & Staff Relations
- Educate staff on the parallel investigation protocol that incorporates internal (district) and external (law enforcement and DCF) parties.
- Provide staff with required Mandated Reporter Training as required by Connecticut General Statute 17(a)-101.
- Create and promote a culture where misconduct and inappropriate relationships are not acceptable.

For more information on this topic, please contact your CIRMA Risk Management Consultant. Visit our training schedule at [CIRMA.org](http://CIRMA.org) for a list of current training programs.