

## Employee to Student Sexual Abuse

### Objectives

The objectives of this edition of the CIRMA School Announcement Series are to:

- Examine three (3) CIRMA liability losses that resulted from inappropriate relationships between a female educator and three (3) male students.
- Develop specific risk management best practices to either prevent or mitigate future losses for members based on lessons learned.

### Incident Background

The losses occurred as a result of three (3) inappropriate relationships between an educator and multiple high school students. The female high school teacher (educator), a 14-year employee of the CIRMA Member school district, engaged in a series of communications both online and in-person with three (3) of her current male students over the course of about 9 months. Such communications culminated in an inappropriate physical relationship with one of the students.

### Incident Investigation

- In the spring of 2014, the three male claimants (Student A, Student B, and Student C) were students in the female teacher's (Teacher) high school class, and were also on the high school football team where Teacher served in a coaching capacity.
  - Student A was 14-years old;
  - Student B was 17-years old;
  - Student C was 15-years old
- Sometime during the spring of 2014, Teacher began engaging in a “flirtatious” relationship with Student A and started having one-on-one meetings that took place within the school and then later carried over into social media messaging.
- Over the course of a few weeks, the online messages between Teacher and Student A progressed to more private and sexual topics.
- Throughout the summer of 2014 and into the fall, Teacher pursued Student A by:
  - Paying special attention to him at football practices;
  - Summoning him to her classroom approximately twenty (20) to thirty (30) times;
  - Sending him a bagel with a note attached while he was in another class; and
  - Sending him dozens of sexually explicit online messages and photographs through social media platforms.
- Also during the summer of 2014, Teacher began to develop a similar relationship with Student B, who observed the special attention that Student A was receiving in school and during extracurricular activities.
- During the fall of 2014, Teacher and Student B exchanged social media contact information and began engaging in conversations that were sexual in nature.
  - Student B was also summoned by Teacher at least five (5) times during school hours in the fall of 2014, and conversations revolved around the passing of Student B's father and the Teacher's marriage.
  - At one point during the winter of 2014, Student B received a social media message from Teacher inviting him to her classroom during a free period, during which she closed the blinds, locked the door, kissed him and performed a sexual act on Student B.
- Teacher also began a similar flirtatious relationship with Student C in the fall of 2014. This relationship prompted Student C to be called to Teacher's classroom at least six (6) times during school hours for conversations regarding Teacher's private life, her marriage, and her fantasies.
- Throughout this time, rumors circulated throughout the school regarding the relationship between Teacher and Student A.
  - This prompted at least one occasion where another educator in the same department confronted Teacher directly about the rumors of the flirtatious relationship and one-on-one meetings with students.
  - Further investigation revealed that Teacher would wear revealing clothing during football practice, with at least one other coach testifying that he believed Teacher was trying to get the attention of the male students.

- In the fall of 2014, Student A attempted to end his contact with Teacher; however, Teacher persisted in sending him messages until January 2015.
- In January 2015, Student A and Student B reported Teacher to the high school principal.
- Teacher was arrested and charged with second-degree assault and risk of injury/impairing the morals of a child.
  - Teacher was later found guilty of unlawful restraining, reckless endangerment, harassment and threatening, ultimately leading to a 3-year sentencing.

## Injury and Damages

As a result of the events that occurred, the families of Student A, Student B, and Student C filed negligence lawsuits against the school district, claiming that the students were injured by the defendants' failure, among other things:

- To prevent and/or interrupt Teacher's inappropriate relationship with the plaintiffs and her participation in extracurricular activities involving the physical training of male students;
- To report Teacher's conduct to the proper authorities in violation of their ministerial duties under the board reporting policy and the mandatory reporting statutes, given their "constructive notice" of her conduct because multiple teachers had reasonable cause to believe that she was sexually abusing the plaintiffs;
- To monitor Teacher's social media usage to ascertain whether she was violating policies concerning communications between teachers and students; and
- To properly train and supervise their employees, particularly with respect to the warning signs of inappropriate relationships between students and teachers, and the use of classrooms and hallways.

After a series of negotiations, these claims were ultimately settled for **\$350,000** inclusive of attorney fees.

## Key Recommendations/Action Items

CIRMA Risk Management recommends that each member consider the following:

- **Policies and Protocols:** Establish and communicate policies and protocols to all staff regularly regarding the importance of reporting suspected misconduct or allegations of misconduct.
- **Code of Professional Responsibility:** Establish and communicate a *Code of Professional Responsibility* to all staff, including:
  - A staff Code of Ethics;
  - A policy on Student and Staff Relations
- **Ongoing Staff Training:** Continue to educate staff on recognizing and responding to suspicious patterns of possible abuse or misconduct. Consider utilizing the *Child Sexual Abuse and Prevention (CSAP)* series of trainings available on CIRMA's E-learning portal, powered by Vector Solutions. Reach out to CIRMA Risk Management for assistance in getting staff signed up with online learning credentials.
- **Encourage Reporting:** Consider encouraging students and staff to report warning signs of possible harmful behaviors and potential threats to staff, and consider exploring the availability of anonymous reporting to the student body. Recent studies have highlighted the benefits of making anonymous reporting available to students and integrated into the school culture.<sup>1</sup>
- **Culture:** Create and promote a culture where misconduct and inappropriate relationships are not acceptable.

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<sup>1</sup> <https://www.tandfonline.com/doi/full/10.1080/15388220.2022.2105858>