

# Why soldiers would walk into a battlefield unprotected

[Society](#), [Child Abuse](#)



Sexual Misconduct in Schools on the Rise Sable Jiles University of Phoenix

Sexual Misconduct in Schools on the Rise Inappropriate sexual behavior among educators and students comes in various degrees — sexual abuse, sexual misconduct, and sexual harassment. Sexual misconduct between a teacher and student covers a broader scope than sexual abuse and may include some forms of sexual harassment. Studies conducted on sexual misconduct revealed a continuing rise in cases as awareness and improved reporting methods were introduced. Some acts of the misconduct were attributed to insufficient hiring policies, inadequate awareness training, and lack of legislation addressing the problem. As more preventive measures and tougher legislation are established, increased cases of sexual misconduct should be prevented, thus affording a safer academic environment for students.

**Sexual Misconduct Defined** Whereas sexual abuse is the legal term used by the Department of Education (2004), Dr. Carol Shakeshaft, a Hofstra University School of Education professor contracted by the Department to study the issue, reported the behavior as sexual misconduct. Her 2004 report examines sexual misconduct in order to encompass all sexually inappropriate behavior that may have eluded the legal system, such as gestures, notes, e-mails or text messages. According to an article by Shakeshaft and Cohan (1995), two levels of sexual abuse are identified. Level I non-contact sexual abuse is visual and includes such actions as exhibitionism, showing sexually explicit pictures, or making gestures. Level II non-contact sexual abuse is verbal and includes making sexual comments, jeering or taunting, and asking questions about sexual activity. (p. 3, ¶ 1)

The act of contact abuse on each of these levels involves more serious

behavior including touching, stroking, sexual affection, and intercourse. The non-contact levels of behavior have not fallen under a specific class of abuse. In Shakeshaft's 2004 report for the Department of Education, she more clearly defines these cases as sexual misconduct. Two types of sexual misconduct occur in the school environment. Quid pro quo, Latin meaning "this for that," takes place when an academic employee approaches a student for sexual gratification — verbal, nonverbal, or physical — perhaps in return for better grades or a position on an athletic team. The student is warned against telling anyone. Hostile misconduct involves unwanted sexual verbal or physical contact that is persistent and affects the student's performance in normal school and extracurricular activities (Goorian, 1999). Robert Shoop (1999) writes that sexual misconduct usually begins with a teacher grooming his target by telling sexual jokes and making inappropriate sexual conversation. When the teacher's behavior goes unreported, he then moves on to inappropriate hugging, touching, flirting, and even stroking the child's hair as if comforting (§ 4). Further tolerance or non-reporting by the student can lead to further misconduct and abuse. Who is Involved Education Week (1998) conducted a six month study identifying 244 cases of sexual misconduct and concluded that " more than seven out of ten suspects were teachers, but principals, janitors, bus drivers, and librarians were also among the accused" (Data on Problem section, § 2). Most suspects were men with up to 20% reported being women, all known to gain children's trust easily. The highest rates occurred among coaches and band directors due to more one-on-one contact and added time spent with students in after school activities. Shakeshaft's study (2004) indicates that upwards of 10% of the

students from kindergarten to twelfth grade have been affected by some type of sexual misconduct, translating to over four million students across the country. Far more cases almost certainly exist due to non-reporting.

**Reasons for Occurrence** Many reasons exist that lead to the prevalence of sexual misconduct in the academic environment. The gap between student and teacher maturity is shrinking. Some students, especially females who are affected most often, are dressing in a more adult, and sometimes revealing, manner. Access to private communications through e-mail and cell phones allows more opportunities for sexual misconduct to occur.

Inadequate hiring practices and legislative loopholes have allowed some teachers, who may be a threat to students, continue in their roles as educators. The line that constitutes what implies sexual misconduct may also be misunderstood due to lack of awareness by teachers, students, and investigative officials. Excessive actions of attention between a teacher and student can be an indication of behaviors leading to sexual misconduct.

Nathan Antrim, 35, coach at Cooper High School pled guilty to criminal sexual misconduct with a 16-year-old student after the student's father noticed inappropriate behavior between his daughter and her coach. The coach bought the teenager a cell phone and iPod and often drove her home. Previous to this case, Antrim's police record included several offenses, including driving without a license, violation of a restraining order, and bookings on several other offenses. While the screening showed no felonies or instances of inappropriate conduct with children, the other offenses would have been reason for pause in the hiring process. A more thorough background check of Antrim could have derailed his hiring (Simons, 2008). A

Sarasota Herald-Tribune investigation in 2007 showed systematic failures with the handling of teachers accused of physical and sexual abuse. The Herald -Tribune reviewed 14, 000 teacher misconduct cases and found that abusive teachers are regularly allowed to return to a classroom where their monitoring may not be guaranteed (Davis, 2007). This study also uncovered other breakdowns in the hiring processes, including the fact that a quarter of the 28 school districts polled did not use a state website set up to flag teachers with a troubled past. (Davis, 2007). Had this basic background check been conducted, most of those teachers would not be employed. Missouri's definition of child molestation was one example of a loophole that contributed to allowing teachers who had sexual relations with students face dismissal but not necessarily a crime. Prior to 2001, the state of Missouri considered a child to be under 14 years of age. When David D. Davis, a middle school teacher, admitted to kissing a 14 year old student and sharing his sexual fantasies with her was not charged with sexual misconduct, he lost his state teaching license but was not charged with a crime. Since then Missouri has increased the child molestation age to 17, but the school districts were still not required to conduct criminal background checks (Sultan, 2001). Although increased media coverage has improved awareness, holes still exist in many states' legislation. As reported in the Deseret Morning News (2006), " in 225 cases of admitted sexual abuse by educators in New York, no teacher was reported to authorities and only 1 percent lost their licenses" (§ 12). Of that number, " 15 percent were fired or not rehired, and 20 percent got formal reprimand or suspension" (§ 13). These statistics reveal that as cases continue, the abusers remain in the

classroom. Increase in Cases A 2007 Associated Press (AP) investigation surveyed educational sexual misconduct records throughout the country. The AP findings disclosed a disturbing number of cases, some reported, but ending without resolution and others unable to be proven. Some reports did not involve contact with a student, but included the viewing and circulation of child pornography (Irvine, Tanner, 2007). A New York state study conducted in 2005 discovered that cases between 2000 and 2004 had doubled, possibly due to improved reporting mechanisms and added awareness of recognizing the signs of sexual misconduct. Even with the increased rate, the data is likely skewed as unreported cases would add to those numbers. Lack of reporting may be due to administrators fearing bad press and lawsuits, educators not comfortable with reporting colleagues, and lack of awareness and training to recognize incidents of sexual misbehavior. The Herald- Tribune investigation uncovered the vast majority of complaints against teachers were dismissed by state investigators who had no formal investigation training or experience, (Davis, 2007). These teachers were then rehired at other schools. Closing legislative loopholes also may increase the numbers. California approved a bill that will revoke a license if a teacher was suspended or convicted in another state due to sexual misconduct. California law also authorized claims of misconduct against teachers to be sealed after only a year, where the investigation could take twice that long. A new bill is in progress to extend that window to five years as well as increase the statute of limitations for the violation (Williams, 2004). Kentucky and some states have broadened their scope and included not only teachers but “ anyone in authority over someone younger than 18” (Tanner, 2008, ¶ 1).

Privacy loopholes are also closing gaps as a bill in California, prompted by the AP investigation, would remove a teacher from the classroom and automatically suspend their certificate if they lost their license in another state (Williams, 2008). School districts around the country now have access to a national database, NASDTEC Education Information Clearinghouse, recording all licensing actions against teachers (Toomer-Cook, Erickson and Thomson, 2006). Tougher Measures Only 10 states have created harder laws for teachers who commit sexual abuse. Four other states are considering increasing measures. Some states, including Utah, are implementing preventive measures to reduce cases of misconduct. Background checks and fingerprinting identify incoming teachers who may have derogatory records locally or in another state. Any with a prior sex offense will not be certified. Utah also requires districts to report to the Utah Professional Practices Advisory Commission (UPPAC) any misconduct or dishonest behavior that leads to more than one week's suspension of the teacher. Report forms are available on UPPAC's website's home page. The form includes law enforcement reporting agencies for any alleged criminal activity (Toomer-Cook et al., 2006). The state of Maine now requires distribution of records to other states concerning any disciplinary action taken against its educators. Stronger laws have also been passed in Kansas, Minnesota, and Virginia reflecting Maine's changes. Other states including Delaware and Massachusetts are reviewing similar measures. Kentucky has expanded the scope of their laws by including administrators who do not report or address alleged sexual misconduct in their districts . A repeated offense results in a maximum five year prison term. The No Child Left Behind Act of 2001

requires that all schools administer policies preventing sexual discrimination. Under the Act, federal funding may be pulled from schools that do not properly address sexual harassment and misconduct. Sexual misconduct is now considered a form of sex discrimination violating federal law. Preventive Measures In addition to legislative changes, states and organizations are beginning to enact preventive measures to protect students. South Carolina implemented a training program that instructs more than 10, 000 school district employees to recognize the signs of misconduct and aid in the prevention of sexual abuse (Tanner, 2008). The National PTA offers a checklist for parents on its website with tips for parents in recognizing the signs (Alexander, 2002). Robert Shoop (1999) writes that obvious behaviors, like flirting, are oftentimes ignored or not considered inappropriate. Affectionate behavior can escalate to prolonged hugging or touching or use of inappropriate dialog and should be watched. Non-education related visits should also be scrutinized in cases where a teacher meets with a student outside of school hours in a non-school location, such as someone's home. In addition to raising awareness, schools should implement written policies intended to prevent sexual misconduct, require reporting of incidents, proper investigations, followed by appropriate disciplinary action. Policies should be clear in identifying behavior related to sexual misconduct. Teachers and any adults with access to the students should understand the policy through training, meetings, and discussions with colleagues, administrators, and parents. Students and their families should be made aware of the policy while also being ensured any reports are held confidential and the student is protected against retaliation. All staff should be required to initiate



complaints of suspicious behavior or suspected cases with an easily accessible reporting system. All reports should be addressed and investigated properly (Shoop, 1999). Conclusion Sexual misconduct covers the widest array of sexually inappropriate behavior between a teacher and student, beginning with what may be deemed as flirting potentially leading to more serious abuse. As reporting systems improve, the number of misconduct cases may continue to increase. Media and national organizations continue to raise awareness of this threat to students' safety as the country's government and state lawmakers work together to introduce tougher legislation to prosecute violators. Through this raised awareness, stricter laws, improved hiring practices, training, and written policies, the rising number of cases should face decline in the future.

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