Addressing Allegations of Student Sexual Abuse: Proactive Strategies for the School and the Board

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NYSAIS Governance Conference 2018
# 1 Priority is Safety and Security of students
- failure to consider safety of students = negligence

Hardwire protection of students
- Accreditation process = NYSAIS’ *new guidelines*

Administration:
- sets policies and procedures to comply with Principles of Good Practice

ZERO risk is a myth

Culture is Key
- acting outside of culture is recipe for disaster
- “acceptable behavior” in *OUR* school
  - can teachers text students?
alumni abuse: how did we get here?

- numerous reports by “alumni” around the country
  - spotlight articles in Boston Globe
  - Boy scouts, catholic church, summer camps
- all ages, all types of schools, all areas of country
- dating back to the 50’s 60’s 70’s 80’s
- Schools are notified in many ways
  - email, letter, calls, social media
  - Alumni Facebook page, Survivors websites, blogs
  - don’t ignore statements or whispers (reunions)
- employee named in public report
  - An previous or current school employee identified in a public report
- keep up to date
  - “Great is the truth,” NAIS/TABS report, a school’s report
- no one is immune
task force and crises management plan

- Establish a task force
  - **Scope**: Alumni? Current student? Other?
  - **Choose Members**: Head, CFO, trustees, legal counsel, other administrators, communications
  - **Bylaws** authorization to establish task force

- Create crises management plan
  - In writing
  - Method to determine if allegation within scope
  - Calling meeting of task force
  - Reviewing allegations
  - Investigation methodology and interactions
  - Strategy following investigation: communication to community, victims, offering support
**engaging professionals**

- **Attorney**
  - Represents the School
  - Employees may need to engage private attorney
    - Question of Knowledge of Abuse
  - Consider appointment by insurance
  - Advisor vs. defending legal claims

- **Investigator**
  - Conduct independent and complete investigation
    - School’s knowledge of abuse
    - Abuse by other employees
  - Engaged by legal counsel (privilege)
  - No relationship to school, board members, other school employees, attorney for school

- **Crises Management Firm**
  - Can assist with strategy, press, communications
  - Engaged by Counsel
steps to ensure safe faculty and staff

- Complete and thorough vetting process
- Comprehensive written hiring policy
  - Use written application
  - Criminal background & sex offender registries
  - Careful review of
    - recommendations, loss of teaching license, work and education history, eligible for rehire
  - Google and other social media search
    - Parents and students do this
  - Train those involved in hiring to look for signs
- Training on appropriate behavior and boundaries
  - Appearance is often worse than reality
- Consider Areas of risk with students
  - Social Media: Texting, following/friending
  - Contact with Students: meeting students off campus, visiting homes, tutoring, “baby” sitting
  - Field trips and other travel: Student/Chaperone ratio, sleeping arrangements, drinking and other duties
review policies, procedures and documents

- Social media policy /both Student and Employee
  - Interactions between students and employees
  - Proper boundaries at various times; off site?
  - Types of technology considered

- Code of Conduct
  - Always serve as a representative of the school
  - Reputational impact on school

- Field trip and international trip procedures
  - Role of chaperone and obligations of chaperone
  - Look to areas of exposure: student/adult ration; behavior by adult such as drinking; sleeping arrangements

- Evaluations, reviews, discipline and other oversight
  - Full notice that abuse is grounds for termination
  - Appearance of impropriety and boundaries also subject to termination
sexual misconduct by students

- SUBSTANTIAL INCREASE IN BEHAVIOR
- School obligated to monitor student behavior
  - Discipline and act on inappropriate behavior
- Often off campus or unsupervised times at school
  - 24/7 vs. during school and school events
  - Bathroom, after school, between classes
- Examples
  - Allegations of rape while student intoxicated
    - Question of “consent”
  - Kindergarteners touching in bathroom
    - “age appropriate” vs “bullying/forcing”
  - Distribution of sexts to wider audience
  - Inserting items in behinds of new team members
  - Taping of student in bathroom via hidden camera
  - Sexual assault of student by “friends” in stairwell
  - “Grading tools” and points for “achievements”
student vetting

- Education history (on application and in interview)
  - all history not just last 2/3 years
  - reasons for departure
    - Invited to return
  - carefully review dates of attendance (month and year)
  - inquire into any disciplinary issues – sexual misconduct
  - inquire into gap in attendance

- Google and or Facebook search?

- Criminal Background Checks

- School Recommendations
  - recent teachers
  - form also completed by school administration
    - teachers rarely know full story
    - reason for departure, allowed to return, disciplinary history, discipline on transcript

- Focus on International Students
parents, guardians & relatives

- do we “vet” parents, guardians & relatives?
  - proper vetting would reveal danger

- difficult issue
  - message to applicant families, impact on pool

- if parents on sex offender registries
  - come on campus, notify community, allow play dates

- responding to signs of bad behavior
  - suspicion of abuse; children’s services reporting
  - appearance of being under the influence
  - close relationship with student not his/her child
  - drinking parties at homes

- question on application:
  - parent or other adult associated with this applicant convicted of a crime involving inappropriate contact with a minor

- consider as part of check with previous school
Miscellaneous adults

- **neighbors**
  - checking offender registries of neighbors
  - Notice to families, other actions to protect students

- **facilities use – renters**
  - use of pool, gym, other facilities
  - security and vetting of visitors

- **entry to school – visitors**
  - screening machine
    - background check based on driver’s license
    - generally just sex offender registries
  - badges or other name tags
  - purpose of visit and chaperoning to destination

- **contractors**
  - include screening standards in contract
  - make it condition of continued engagement
  - indemnification for breach
review of space, facilities & access

- Conduct physical plant and supervision security audit
- Review all areas of the campus
- Consider supervision during non-structured times
  - Recess, bus rides, field trips, following dismissal
  - After school programs
- Areas of concern:
  - Dorms, locker rooms, theatre changing areas, stairwells, bathrooms
  - Unvisited locations on campus
- Entry to property
  - security at door, signing in/out, name tags
- Engage help of “support staff”
- Cameras
  - where are they located
  - who monitors the tapes
  - do we maintain the tapes
Access to All Power Points:
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the road ahead is bright