Educator Sexual Misconduct in Schools: Implications for Leadership Preparation

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Abstract

School leaders face increased responsibility for recognizing and preventing sexual misconduct among faculty, staff and students yet understanding of its prevalence in schools is limited. This paper briefly summarizes recent studies of sexual misconduct, including variations, prevalence, prevention measures, and offers implications for leader preparation.

Significance

Sexual misconduct against underage persons is not new, but the recent surge in the number of reported incidences has dominated the national and international news over the past few years reflecting an increasing menace to children in their homes, churches and schools (Alexander & Alexander, 2001). The public trust in the nation’s schools is longstanding as is the expectation that educators are ethical and trustworthy, protecting the best interests of the students in their care (Bithel, 1991; Fossey, 1991; Hardy 2002). The escalation of educator sexual misconduct involving students is a growing concern to all within the education profession, and urgency to respond effectively to this growing crisis has prompted development of numerous state, district and school level policies (Office of Civil Rights, 2001; Parks, 2003).

This paper briefly explicates and summarizes the current state of affairs surrounding sexual misconduct in schools, exploring particularly the role and preparation of school leaders. The paper highlights the recent escalation in the number of reported incidences and, more importantly, what school leaders can do to prevent or effectively respond to this illegal and immoral behavior.¹ Educator sexual misconduct, defined as any behavior of a sexual nature that may constitute professional misconduct (Cairns, 2006; Shakeshaft, 2004), has been studied very little. The No Child Left Behind Act (NCLB) of 2001 (U.S. Department of Education, 2004) amended the Elementary and Secondary Education Act of 1965, precipitating the call for a
national study of sexual misconduct in schools. Underreporting of sexual misconduct is probably
due to the inadequacy of research studies, absence of consistent data on its prevalence, differing
definitions and interpretations of sexual misconduct, as well as failure of schools, districts and
victims to report such misconduct for a variety of reasons (McGrath, 1994; Shakeshaft, 2004;
Wishnietsky, 1991). Even when cases are reported, many school district leaders are reluctant to
make information accessible to researchers in an effort to minimize additional distress for
victims, circumvent legal liability, or avoid negative publicity for their schools (Shakeshaft &
Cohen, 1995; Shoop, 2000). Almost 10% of the students surveyed had encountered some form of
sexual misconduct in their school careers (Shakeshaft, 2004), and other crucial statistics also
high the potential for sexual misconduct in schools:

- Nearly 43% of all educator sex offenders have been women.

- Educators who performed roles that required them to have contact with students outside
  the normal school day were more likely to develop inappropriate relationships with
  students. (Hendrie 1998; Shakeshaft, 2004; Sutton, 2004)

Thus, salient factors surrounding prevalence of sexual misconduct revealed in recent
studies include (1) that the occurrence of sexual misconduct is underreported, (2) that the
occurrence and/or the rate of reporting is rising perhaps due to media attention, and (3) that the
number of reports of female perpetrators against male students is rising. Though still poorly
understood, sexual misconduct is a problem that challenges educators to develop preventative
strategies, as well as effective guidelines and policies for responding to such incidents.

**Purpose**

The UCEA Annual Convention themes for 2006 focus research and practices needed for
educating school leaders who are prepared to support the learning of all children in a
psychologically safe and nurturing environment as well as on the power of media in focusing educators' attention on problems of practice. Within these guidelines, the paper briefly “unpacks” the issues of sexual misconduct in schools focusing on (1) defining variations and prevalence, (2) clarifying mixed responses to female predators, (3) disclosing recommendations for preventative actions by school leaders, and (4) uncovering implications for leader preparation. The potential impact of media attention for stimulating these actions and responses is also considered.

**Definitions of Key Terms**

Understanding the relevant terminology is necessary for clarifying the complex issues involved in educator sexual misconduct. Investigators, journalists, attorneys, authors, and others tend to use *sexual abuse, sexual harassment, sexual exploitation, and sexual misconduct* interchangeably partly because some definitions include others and legal meanings differ from state to state (Shakeshaft, 2004; Shakeshaft & Cohen, 1995). The operational definition recommended in the Shakeshaft (2004) report is *educator sexual misconduct*. This phrase encompasses a larger set of unacceptable and unprofessional behaviors, including any behavior of a sexual nature that may constitute professional misconduct:

- Any conduct that would amount to sexual harassment under Title IX of the U.S. Education Amendments of 1972 (20 U.S.C., Sect. 1681, 34 C.F.R. part 106).  

- Any conduct that would amount to sexual abuse of a minor person under state criminal codes.

- Any sexual relationship by an educator with a student (regardless of the student’s age), with a former student under 18, or with a former student (regardless of age) who suffers from a disability that would prevent consent in a relationship. All students enrolled in the school and in any organization in which the educator holds a position
of trust and responsibility are included.

- Any activity directed toward establishing a sexual relationship such as sending intimate letters; engaging in sexual dialogue in person via the Internet, in writing, or by phone; making suggestive comments; or dating a student. (Cairns, 2006, p. 16)

Prevalence of Sexual Misconduct

The prevalence of sexual misconduct in schools is difficult to estimate (Shakeshaft & Cohen, 1995). Many educators believe that “sex between teachers and students is an uncommon and uncharacteristic occurrence,” not warranting the level of attention it sometimes receives (Sutton, 2006). However, one landmark study of 1,600 middle and high school students reported that about 10% of the males and 25% of the females were victims of some form of sexual misconduct (ranging from inappropriate comments to sexual intercourse), but of those who identified themselves as victims only 7% claimed to have reported the incident to someone at the school and only 23% reported telling their parents (Hendrie, 1998; Shakeshaft & Cohan, 1995). A similar study showed that 57% student victims cited male perpetrators while 42% cited female perpetrators (AAUW, 1993).

Reviewing data relevant to school-based coaches, who have more individual extracurricular time with students, also reveals disquieting findings. In Washington, state officials stated that 159 coaches of girls’ sports had been fired or reprimanded within one decade, and in Texas an investigation found more than 60 instances of high school and middle school boys’ and girls’ coaches losing jobs resulting from allegations of educator sexual misconduct within a 4-year period (Dougherty, 2004).

Female Sexual Predators

The traditional view that male teachers are the most frequent abusers of female students
continues to be invalidated by a number of well-publicized incidents of sexual misconduct by female teachers who sexually abuse male students (Goorian & Brown, 2002). The publicity around female sexual predators is notable. For example, in the state of Tennessee v Pamela Rogers (2005), a 28 year-old Warren County Public School elementary teacher and coach pleaded guilty to four counts of sexual battery for having a sexual relationship with a 13 year-old male student-athlete. Rogers’ confession permitted her to avoid a public trial with a potential conviction and 16 years in prison. She served 189 days in the county jail, and, upon her release, continued to sexually assault the same student by sending him nude photos and videos via the Internet. She subsequently was sentenced to 7 years in a Tennessee state prison. Female sexual predators have also surfaced within halls of private schools. In the case State of New York v Geisel, Sandra Beth Geisel, 42 year-old mother of four and English teacher at Christian Brothers Academy in New York pleaded guilty to one count of third-degree rape for having sex with a 16 year-old student. Geisel served 4 months of a 6-month jail sentence and is now currently serving 10 years of supervised probation.

Arguably the most infamous female teacher abuser is Mary K. Latourneau whose victim was Villi Fualaau. Their relationship became sexual when he was 12 and she was a 34-year-old married mother of 4 (Washington State v. Letourneau, 2000). She was pregnant with Fualaau’s first child when she was arrested in 1997 and sentenced to 7.5 years in prison. Within weeks of her release, she was caught having sex with Fualaau in her car. She gave birth to the couple’s second daughter while serving time. Latourneau’s status as the “leading lady” in this new wave of role reversal among teachers who violate the public trust is tenuous at best in light of more recent high-profile incidents. Enter Debra Lafave, a 23 year-old middle school math teacher in Florida who pleaded guilty to having sexual relations with a 14 year-old student on two separate
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occasions, once at her apartment and the other in the backseat of a vehicle in the presence of another minor. Lafave, whom the media declared a “blonde, blue eyed bombshell,” pleaded guilty to all charges against her, which in turn ignited national debate regarding judicial double standards for female and male abusers. Lafave was able to avoid jail time in two separate jurisdictions within the state of Florida. In an appearance on MSNBC’s *Dateline*, she admitted that she deserved to have been imprisoned for her crime while also denouncing the identification of herself as a predator and hence her criminal predatory status (Lauer, 2006).

Thus, an emergent issue in the national conscience regarding female teachers who are sexual predators is the manner in which these offenses are addressed by the criminal justice system (Susteren & Estrich, 2005). There is emerging evidence that the legal framework behind these and related cases promotes a separate judicial standard for female and male sexual predators in addition to differing public attitudes or stereotypes regarding female predators (Sutton, 2006). Intense media coverage of legal proceedings for sexual predators provides strong evidence to support the perception that female offenders are disciplined less severely than their male counterparts. Closer examination of the criminal profiles of these predators may explain the perceived bias for female perpetrators because they typically have no criminal record. Variation in public opinion can be attributed to common perceptions of beauty, perceived vulnerability of females, and traditional views of males as sexually more aggressive than females. Further, the public response to these incidents included numerous comments from males that diminished the criminality of these sexual predators and lauded the good fortune of the young male victims (Susteren & Estrich, 2005).

**Preventative Actions**

All states in some form require criminal background checks as a part of the screening
process for certifying or hiring teacher candidates; however, “the recent rise in high-profile incidents of teacher misconduct involving students has given cause for school officials to develop a more formative and proactive approach to monitoring and shaping appropriate teacher-student relations beyond the initial employment phase, regardless of gender” (Sutton, 2004, p. 8). School board policies on sexual harassment and teacher-student relations appear to be insufficient to guide professional educators in their responsibility for protecting children from sexual misconduct. For example, none of the aforementioned court offenders displayed pedophile tendencies until after some years had passed in their professional roles. The initial screening process did not screen out these predators and, therefore, was inadequate for managing, predicting, and preventing sexual misconduct by these educators. Specific steps for screening, including more rigorous interviews and signed released forms from previous employers as well as other practical measures, are areas that clearly need improvement.

To complicate matters further, most cases of educator sexual misconduct take place in private (Goorian, 1999). Nevertheless, school leaders may be able to discern warning signs by attending to and scrutinizing more closely rumors, gossip, or indirect complaints from children and observant adults (Cairns, 2006). The school leaders can educate faculty and staff to look for warning signs of sexual harassment or child abuse (Bithell, 1991). One indicator may be overly affectionate actions such as prolonged hugging and touching. Predators may also engage in unprofessional conduct and telling sexual jokes and sexual teasing. Harassers that stare, comment on an individual’s attire and body, or make sexual remarks without reprimand may become emboldened and advance to intimately touching a student (Goorian, 1999).

“Schoolhouse” predators usually spend extraordinary amounts of time with children and may try to increase their contact with certain students beyond the school day (Shoop, 2000). We
have also learned that sexual predators often try to build relationships with students, thereby
gaining a student’s (and their guardians’) trust over time (Hendrie, 1998d, 1998e). Teachers
whose job description includes time with individual students (e.g., teacher aides, drama coaches,
coaches of athletic teams, music or band directors) are more likely to sexually harass or abuse
than other educators possibly because extracurricular programs and activities make areas
available such as locker rooms, activity offices, and rehearsal rooms where misguided educators
can act on their sexual desire for children (Hendrie, 1998d; Shakeshaft, 2003; U.S. Department
of Education, 2004). Thus, school leaders who know the patterns of predators and attempt to
raise similar awareness in staff, students and parents may be more effective in preventing
educator sexual misconduct.

Beyond school level efforts, state departments of education and school districts have
strengthened their laws, policies and procedures partly in response to increased prevalence
and/or national attention (Parks, 2003; Walsh, 1999). Jessica’s Law in Florida, for example,
requires that all visitors to schools, including university supervisors and vendors, wear a badge
and be fingerprinted. Many states have begun requiring that local school officials inform the
professional practice board if an educator leaves a teaching position as a result of suspicions of
educator sexual misconduct, even if not formally charged (Cairns, 2006; Hendrie, 2003). Official
databases of teachers who have left their jobs voluntarily or have been removed due to sexual
misconduct should enhance the initial screening process. The national register for sex offenders
may have the same effect.

In addition to more thorough, reliable, and rigorous screening methods and shared
databases of offenders, educators can (1) develop new and innovative methods to monitor
teacher–student relationships, and (2) provide more professional development for school
personnel in the area of professional practices and ethics. As Cairns (2006) explains, several kinds and levels of training appear to be in place in school districts, including state level mandated training as well as ongoing leader orientations and mentoring. In addition, most districts have handbooks in place for faculty and staff and have some training for secondary students. There is less evidence of systematic and widespread training for parents at any level or for elementary students. However, efforts to educate students themselves about appropriate and inappropriate adult behaviors at school and how to report these behaviors are proving to be effective (Cairns, 2006). Questions arise about who should receive such training (i.e., how young) and how to respond to parental concerns or objections to such training. Nevertheless, the need for increased and carefully planned training for both monitoring behavior and for preventing sexual misconduct is clear.

Much of the public attention that incidents of sexual misconduct attract is focused on the post perpetration phase, and school leaders are similarly immersed in the media frenzy that can accompany these accusations and charges. Emphasis in the media highlights response efforts and investigation of reports, thus focusing district and school administrators’ attention on these factors over prevention initiatives. Implementing and monitoring awareness and prevention strategies with students and their families needs more attention. Media hype can detract energy and resources from efforts of continual vigilance and preparedness for averting sexual misconduct in schools.

**Implications for Leadership Preparation and Inservice**

In a study of educator sexual misconduct in Florida, 10 secondary and elementary principals were asked about their readiness to handle sexual misconduct in schools. They reported a need for more step-by-step, practical knowledge to be offered by graduate level
administrator preparation in this area (Cairns, 2006) and relative to a number of other practical areas (Mullen & Cairns, 2001). The majority observed that even their school law courses, a natural fit for this topic, did not deal with sexual harassment or misconduct in a practical way. Most (80%) of Cairn’s (2006) principal-respondents reported that university training in sexual misconduct was inadequate, focusing mostly on law and legal cases and little on appropriate responses to such misconduct. These administrators were asked what might be included in university preparation programs to help aspiring leaders with incidences of educator sexual misconduct. They emphasized the need for attention to be placed on the practical implications of sexual harassment and on personnel issues, such as hiring and firing, what can and cannot be said by administrators, and seminar courses on special topics (e.g., school liability). Opportunities for administrator candidates to experience real life applications were also suggested (Mullen & Cairns, 2001).

Notably, these principals also described state and district inservice training programs as not particularly helpful, citing a lack of specificity of training in the procedural aspects of responding to sexual misconduct (Cairns, 2006). The most effective kind of training noted by these principals was through a leadership mentoring program in which they learned about numerous dimensions of school leadership in a one-on-one relationship with their mentor. Consequently, neither university nor state and district level training seem to provide adequate support to the principals in the area of educator sexual misconduct.

Preliminary research findings call for further research, but initial steps to strengthen leader preparation programs can include (1) reviewing state and district policies, (2) interviewing principals who have been involved with sexual misconduct cases, (3) building skills for accessing various educational and criminal data bases in the screening and investigation process,
and (4) designing specific training in conducting an investigation that protects both the victim and the accused. Similarly, state and district level training can incorporate many of the same elements. Finally, coordination between leadership preparation programs and state or district inservice training may provide the best solution to the reported lack of readiness to address sexual misconduct in schools. Moreover, parents and the general public trust and expect educators to be role models and strong advocates for the educational and psychological growth and safety of their children. Accordingly, measures to meet the public’s expectations and retain parental trust are clearly the responsibility of all adults who assume roles as educators.

**Authors’ Note**

1A more detailed version of the paper is currently in review. The citation is as follows:


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