

# PREVENTION *and* RESPONSE

Recommendations for  
Independent School Leaders  
*from the*  
Independent School  
Task Force on Educator  
Sexual Misconduct

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The National Association of Independent Schools (NAIS) and The Association of Boarding Schools (TABS) partnered in the summer of 2016 to form the Independent School Task Force on Educator Sexual Misconduct. The goal of the Task Force was to contribute to a broader understanding of educator sexual misconduct in independent schools and to identify specific strategies that independent schools can take to prevent and respond to misconduct effectively.

*Look Online for More Resources*

This report is not intended as a detailed, stand-alone tactical plan for schools to address sexual abuse and educator sexual misconduct. Rather, it frames broad strategic actions for every school. A [comprehensive and curated list](#) of relevant resources is posted online as a companion to this report. NAIS and TABS plan to update this list regularly, and we welcome your suggestions about other relevant resources we should include.

Find these resources at [www.TABS.org](http://www.TABS.org) or [www.NAIS.org](http://www.NAIS.org).



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***The statements herein are recommendations, not mechanical mandates. Schools need to thoroughly review their policies, practices, procedures, and plans to ensure that they are taking the steps needed to prevent abuse.***

***The information provided in this report should not be construed as legal advice, nor should it be used as a substitute for consulting with legal counsel. Schools should work with legal counsel as well as individuals or entities with expertise in child protection for institutional-specific advice.***

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## INTRODUCTION

The education of young people is based implicitly on trust. Embedded in that principle is the fundamental expectation that schools will provide a safe environment for students. Educator sexual misconduct undermines bedrock expectations and the central purpose of schools. Independent schools are not immune from this problem. Headlines in the media and public reports released by schools have shown both recent and past cases of sexual abuse and misconduct at a number of independent boarding and day schools.

Educator sexual misconduct is profoundly unethical. In all cases, it violates the educator-student relationship and abuses the inherent power and influence an educator has over a student. Educator sexual misconduct harms a young person and may have both short- and long-term health consequences. Contrary to furthering the legacy of lifelong learning, achievement, and meaningful service for which independent schools are known, sexual misconduct committed by an educator confers a legacy of distrust and harm that can affect every facet of a person's life.

The independent school community cannot permit such a legacy to occur. Indeed, it's axiomatic that independent schools have a moral and legal responsibility to ensure that their students do not suffer harassment or abuse. Thus, it is incumbent on school leaders to recognize and acknowledge that abuse and misconduct can and do occur on independent school campuses, and it is imperative that schools take decisive steps to prevent and respond to educator sexual misconduct to the fullest extent possible.

## About the Task Force

To contribute to a broader understanding of these challenges, and to identify specific steps that independent schools can take to address them effectively, the National Association of Independent Schools (NAIS) and The Association of Boarding Schools (TABS) partnered in the summer of 2016 to form the Independent School Task Force on Educator Sexual Misconduct.

Drawn from scores of nominations and selected with a focus on assembling a multidisciplinary team with deep expertise and wide-ranging experience, the Task Force was composed of school leaders, abuse survivors, and investigators, as well as advocates and scholars whose work focuses on issues of sexual abuse prevention and mitigation.<sup>1</sup> The Task Force included these members:

- Jetta Bernier, Executive Director, Massachusetts Citizens for Children (MassKids)
- Mike Brown, Head of School, Trinity Episcopal School (Texas) (2016-2017); Head of School, Canton Country Day School (Ohio) (2017-2018)
- Gregg Dwyer, Director, Community and Public Safety Psychiatry Division, Medical University of South Carolina
- David Finkelhor, Director, Crimes Against Children Research Center
- Lisa Friel, Senior Vice President of Investigations, National Football League; former sex crimes prosecutor, New York City District Attorney's Office
- Mike Hanas, Head of School, San Francisco Friends School (California)
- Siri Akal Khalsa, Executive Director, Northwest Association of Independent Schools; NAIS board member

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<sup>1</sup>The Task Force also asked a group of other experts to review a draft of this report. For that invaluable assistance, we greatly thank Pauline Lo Bailey, Chief People Officer and Director of Co-Curricular Programs, Punahou School; Bambi Betts, Director, Principals' Training Center for International School Leadership; Sunitha Menon Cofield, Director of Consulting Services, Rape, Abuse & Incest National Network (RAINN); Leslie M. Gomez, Member and Vice Chair of the Institutional Response Group, Cozen O'Connor; Kati Lake, Vice President of Consulting Services, RAINN; Jane Larsson, Executive Director, Council of International Schools (CIS); Constance Neary, Vice President for Risk Management, United Educators; and David Wolowitz, Director and Co-Chair of Education Law Group, McLane Middleton. They made numerous improvements and refinements. However, any remaining deficiencies, omissions, and mistakes in the report are the responsibility of the Task Force, not the volunteer reviewers.

- Miguel Marshall, Interim Executive Director, Independent School Health Association
- Susan Nelson, Head Emerita, The Webb Schools (California); chair of the TABS board
- Susan Perry, Assistant Head of School for Student Affairs, Ravenscroft School (North Carolina)
- Charol Shakeshaft, Professor of Educational Leadership, Virginia Commonwealth University
- Whit Sheppard, consultant and writer on issues of sex abuse in schools

The Task Force was assisted by these members of the professional staff at NAIS and TABS:

- Caroline Blackwell, Vice President of Equity and Justice Initiatives, NAIS
- Myra McGovern, Vice President of Media, NAIS
- Sarah Myers, Program Manager, TABS
- Donna Orem, President, NAIS
- Peter Upham, Executive Director, TABS
- Debra P. Wilson, General Counsel, NAIS

The Task Force was also assisted in its work by writer and editor Stephen Pelletier.

The Task Force was charged with developing a set of recommendations for schools, both to prevent educator sexual misconduct and to respond justly, compassionately, and effectively to cases of educator sexual misconduct, past and present.

In August 2017, NAIS and TABS shared a draft version of this document for public comment. Over two months, we received almost 100 observations and suggestions from school administrators and teachers, abuse survivors and their family members, state and regional association leaders, and legal professionals, as well as anonymous commenters. The feedback we received helped shape the final revision. This feedback focused on four areas of concern. The first group of comments addressed the use of specific language and terms that could be problematic to schools that have systems already in place but do not use the same language. For example, a

The goal of this document is to provide a solid framework to assist schools in their child protection efforts.

school may use its crisis response team as its response team in a case of sexual abuse. The language in this report has been modified to make clear that schools should use systems or terminology appropriate for their operations but that incorporates those risk management components discussed in this report.

The second group of comments raised the issue of appropriateness of the standards for all schools and all ages of students. For example, a small school with four administrators, several of whom may also teach, is limited in the number of teams and structures it can create. Another example is the expectation around student supervision. Age and context do matter, and what is appropriate for elementary grade students is not necessarily appropriate for students in high school. The report recommendations have been modified to reinforce the understanding that school circumstances, the ages of students, and other contextually related issues matter when a school is developing policies and practices.

The third group of comments focused on the organization of the document. There was some concern that the report was overwhelming and somewhat duplicative in areas. Those concerns have been addressed through restructuring and streamlining. And, finally, there were comments about consistency of the language throughout the report, which we have addressed through additional editing.

While we recognize that no single document can frame a plan of action that will serve the unique needs of every independent school and community, the goal of this document is to provide a solid framework to assist schools in their child protection efforts.

## Background and Context

National research suggests that nearly one out of 10 students in the United States will experience at least one incident of educator sexual misconduct between kindergarten and graduation from high school.<sup>2</sup> (Educator sexual misconduct can range from harassment to rape.) To our knowledge, there are no peer-reviewed research studies documenting incidence rates in private independent schools and thus no reliable evidence to support a claim of incidence rates that are higher or lower than those observed in public schools.

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<sup>2</sup> Charol Shakeshaft, "Educator Sexual Abuse," *Hofstra Horizons* (Spring 2003): 10-13; online at [http://www.hofstra.edu/pdf/orsp\\_shakeshaft\\_spring03.pdf](http://www.hofstra.edu/pdf/orsp_shakeshaft_spring03.pdf).

But regardless of how often educator abuse occurs, all schools must be serious, forthright, and vigilant in addressing the problem.

Best practices in child protection, laws related to mandatory reporting, and conventions about discussing abuse openly have changed dramatically over time. For example, both criminal and child protective services laws have evolved significantly in the past 60 years. The first mandatory child abuse reporting laws, which focused on medical reporting of physical abuse, were enacted across the United States in the mid-1960s. The federal Child Abuse Prevention and Treatment Act (CAPTA) was not passed until 1974. During this time, pediatricians and medical professionals began to publish research about child abuse, focusing primarily on physical abuse and battered children's syndrome. It was not until the mid-1970s that discussion within the field began to focus specifically on child sexual abuse. The decades since then have seen significant shifts in the understanding of sexual abuse as professionals across multiple disciplines have addressed this issue. Each decade has brought a more refined and nuanced understanding of the dynamics and impacts of abuse.<sup>3</sup>

In recent decades, more frank discussions of abuse and its effects have led to a decrease in the rates of child abuse as well as a greater percentage of incidents of abuse being reported. In addition, the gradual emergence of research-driven best practices has prompted many schools to reevaluate and improve their policies to prevent and respond to educator sexual misconduct.<sup>4</sup>

However, some schools have responded to incidents of educator sexual misconduct in ways that have further harmed survivors and failed to protect future students from abuse. In some cases, independent schools did not respond promptly and effectively to incidents of educator sexual misconduct because the school had not developed proper response and training protocols. In others, administrators failed to recognize warning signs, set appropriate professional boundaries, or act on information that may have led to more

In recent decades, more frank discussions of abuse and its effects have led to a decrease in the rates of child abuse as well as a greater percentage of incidents of abuse being reported.

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<sup>3</sup> Leonard G. Brown III and Kevin Gallagher, "Mandatory Reporting of Abuse: A Historical Perspective on the Evolution of States' Current Mandatory Reporting Laws With a Review of the Laws in the Commonwealth of Pennsylvania," *Villanova Law Review* (Tolle Lege 37) 59, no. 6 (2014); online at <https://digitalcommons.law.villanova.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=3262&context=vlr>.

<sup>4</sup> David Finkelhor and Lisa Jones, "Have Sexual Abuse and Physical Abuse Declined Since the 1990s?" Crimes Against Children Research Center at the University of New Hampshire, November 2012; online at [http://www.unh.edu/ccrc/pdf/CV267\\_Have%20SA%20%20PA%20Decline\\_FACT%20SHEET\\_11-7-12.pdf](http://www.unh.edu/ccrc/pdf/CV267_Have%20SA%20%20PA%20Decline_FACT%20SHEET_11-7-12.pdf).

Strong leadership is needed across the independent school sector to prevent educator sexual misconduct.

immediate and effective responses. In still other cases, misguided concern about community disruption; the reputation of the school, the abuser, or the abused; or personal loyalties — among other considerations — took precedence over caring for victims, protecting students, and preventing future misconduct.

Several schools have compounded survivors' injuries — and their own institutional challenges — by failing to understand the expectations of students, parents, alumni, and local community members. As a result, school reputation and financial well-being — crucial to effectively serving the current and future students to which schools are likewise answerable — experienced collateral damage. Conversely, other schools, by responding promptly, equitably, and transparently when incidents of misconduct came to their attention, were able to help victims find restitution and healing and strengthen the long-term health and resilience of the school.

## The Imperative of Leadership

It is the clear responsibility of each school to act unfailingly on its commitment to provide a safe learning environment for students and, if an incident of abuse occurs at the school, to help victims and survivors. Recent years have seen a shift in the public nature of institutional responses to historical allegations of abuse. Open and transparent approaches that reflect care, acknowledge responsibility, offer apology, share information, and take remedial action are becoming more commonplace. Schools that honestly and openly confront abuse are the standard-bearers for the independent school community.

Schools must not confuse institutional integrity with institutional reputation. The truest measure of institutional strength is the integrity with which a school lives out its mission and values. In preventing and responding to educator sexual misconduct, a school may find its integrity put to the test. Thus, strong leadership is needed across the independent school sector to prevent educator sexual misconduct, to address allegations when they arise, and, to the extent possible, to ameliorate the effects of that abuse when it does occur. To exert that kind of leadership, however, school heads and trustees need clearer direction and better strategies and tools.

## About These Recommendations

The recommendations in this report, while not exhaustive, cover a wide spectrum and aim to help schools improve student safety procedures and protect the children in the school's care. The recommendations are structured in two sections. The first section is devoted to preventing sexual misconduct. The second section focuses on responding when an allegation has been made or suspicion has arisen.

In light of financial, logistical, and personnel constraints, many independent schools will not be able to implement every recommendation immediately. For an individual school, the path to highly effective prevention and response may require more than one phase of work or some adaptation of a recommendation. In this report, some recommendations are fundamental. Others represent best practices for independent schools to consider when implementing their programs.

**Prevention.** In terms of prevention, the Task Force believes that schools need to be proactive in setting expectations about appropriate and professional boundaries and should clarify reporting expectations and prohibited conduct. To that end, schools should develop sets of policies and practices that encourage the right behaviors but that also delineate channels through which bad behavior can be identified and reported. The recommendations argue for schools to deepen their understanding of the dynamics of abuse and the laws surrounding response to abuse.

The recommendations advise that schools prepare for the possibility of misconduct in advance through training and scenario planning. Better techniques and more vigilance are needed in screening and hiring new educators and staff; in reviewing and assessing educator interactions with students; and in providing appropriate information to students, parents, and employees.

**Response.** The recommendations suggest that schools act quickly and with transparency. Schools need to meet their legal obligations, of course, but effective response goes beyond legal compliance. An effective response includes empathy and support in working with survivors, courage to seek the truth, honest and thoughtful communication with stakeholders, and a commitment to helping the school community heal after misconduct is reported and addressed.

The overarching imperative is that schools act deliberately and decisively to keep students safe.

Adopting the practical recommendations in this report can help schools shape an appropriate culture.

Sexual abuse and educator sexual misconduct are complex and difficult topics that highlight the vulnerability of the very individuals schools aim to nurture and develop. Schools must be more strategic and more determined in working to prevent misconduct and to address it promptly and effectively when it does occur. That said, the recommendations in this report are not meant to be narrowly prescriptive. We recognize that every school will have to design its own path and responses, subject to the specific laws of its jurisdictions and consistent with its own values, mission, community, and resources. The overarching imperative is that schools act deliberately and decisively to keep students safe. Toward those essential goals, we recommend that every school adopt and inculcate many, most, or all of the strategies suggested here as a matter of policy and regular practice.

## Developing a *Culture* of Student Safety

Schools need to invest time and effort in developing a culture that supports healthy behaviors and asserts that sexual abuse or inappropriate relationships will not be tolerated. Building or changing organizational culture is complicated and challenging, but adopting the practical recommendations in this report can help schools shape an appropriate culture.

A school's culture is the product of attitudes, perspectives, values, mission, priorities, and practices. Shaping such factors into a positive culture requires leadership, alignment around common goals and beliefs, and agreement about appropriate behaviors. Also requisite are a commitment to building a positive culture and diligence in pursuing that goal.

A foundational element of a positive culture is the clear understanding that each member of the community has permission to report any concerning conduct without fear of retaliation. To create and maintain a culture of student safety, schools need to develop policies and attitudes that encourage and reinforce the reporting of such conduct.

This short report cannot discuss all that is involved in shaping a school's culture. (Our online resources offer some suggestions.) Nonetheless, it is vital that each school develop an environment and mindset that prioritize student safety with zero tolerance for educator sexual misconduct.

## SECTION I

# PREVENTION

A key strategy for avoiding the pain suffered by victims of educator sexual misconduct — as well as the damage that such activities can inflict on the broader school community — is to be resolute and proactive in preventing such behavior in the first place. The Task Force has developed the following recommendations to help schools achieve this goal.

### **Delineate Responsibility for Overseeing Child Protection and Risk Assessment**

- As a fundamental step in building a school culture designed to prevent educator sexual misconduct, every school should ensure that an individual or team is expressly charged with addressing the risks associated with educator sexual misconduct. The individual or team helps the head and the board develop policies and practices to identify and mitigate potential risks. The existence of such a person or team and the explicit designation of responsibility to that person or team signals to the entire school community that the school is serious about combatting the threat of educator sexual misconduct.
- If the school decides to use a team approach, the team may be a new one or one that already manages other kinds of risks on campus.

#### **RESEARCH BRIEF**

A nationwide study of school superintendents, principals, child sex abuse experts, and attorneys who prosecute or defend school sex abusers identified 100 actions in five categories that they believe, with 80 percent or more agreement, would lead to prevention and/or reduction of child sexual abuse by employees in schools. The categories are policies, hiring, training, supervision, and reporting. Most of these actions that were identified are already part of expected practice in schools but may not be carried out.

Source: C. Shakeshaft, R. Smith, S. Keener, and E. Shakeshaft, "A Standard of Care for the Prevention of School Employee Sexual Misconduct," *Journal of Child Sexual Abuse*, 2018.

### ***Developing Student Safety Plans***

Although models exist, no single formula will suffice for developing every school's plan for student safety. Generic plans are usually inadequate. Rather, each school needs to develop its own framework for the content and scope of its student safety plan. Each school should tailor its plan to its unique culture and mission.

- Administrators, faculty, staff, trustees, and parents may be involved in managing the risks associated with abuse prevention. Where such discussions are age appropriate, schools may also include students.

## **Establish and Update Written Student Safety Protocols**

- Every independent school should have a written plan that addresses student safety protocols, including specific sections that frame strategies for preventing sexual abuse and misconduct.
- The plan should be reviewed as needed. Does it fully address all the issues the school needs it to address? Does the plan help drive action and continual improvement to ensure that student safety is an integral component of the school's culture? Does the plan need updating or other changes?
- Consider working with an outside expert or group to help assess the institution's approach to preventing and responding to sexual misconduct. Such experts can help conduct a thorough audit of all relevant policies, practices, and procedures at the school. Schools using this approach may want to coordinate such review with legal counsel.

## **Establish Policies for Clear and Appropriate Professional Boundaries Between Students and Adults**

While close relationships are a hallmark of independent school education, schools should set clear expectations for professional boundaries between students and adults that clearly incorporate guidelines for interactions.

## Overall:

- Policies should require that all students and adults be treated with dignity, respect, sensitivity, and fairness. Policies should specifically state that sexual misconduct and abuse will not be tolerated. Policies or a code of conduct should include clear expectations related to levels of supervision and privacy.
- Relevant information about the school’s policies regarding educator sexual misconduct should be included in all handbooks and online materials, and that information should be presented consistently.
- Adherence to the policies should be monitored regularly and enforced with disciplinary action when needed.
- Policies should explicitly forbid retaliation against anyone who reports code violations in good faith.

## Interactions Between Students and Adults:

- In general, schools should strive to keep student interactions with adults readily interruptible and observable. This means that students interacting with an adult are or could be within hearing or visual range of another adult and/or other students generally. Open doors and windows in doors can help achieve that goal, as can school policies governing how and where students and faculty can meet.
- Ready observability may not always be practicable, and schools should plan for managing such unavoidable risks. For example, it may not be practical for multiple adults or peers to accompany a student to a necessary off-campus appointment. One accommodation may be to create a policy requiring both the adult and the student to document for the school the time departed, the nature of the appointment, and the time returned to campus.

Every school activity involving minors should have appropriate levels of supervision for participation in the activity.

### ***Situations Requiring Privacy***

Situations requiring a high degree of confidentiality or privacy may require special accommodation or adaptation. Counseling situations, medical examinations, and similar scenarios may require different policies, but schools

should establish protocols to ensure proper behavior during such encounters. Similarly, different or amended policies may be needed to ensure full protection for students with disabilities.

When defining policies, include expectations and guidelines regarding physical contact.

- Every school activity involving minors should have appropriate levels of supervision for participation in the activity. The appropriate level of supervision and observability for an activity may vary by age of the students and the activities in question.
- Off-campus trip protocols, including those with overnight stays and parent chaperones, should be reviewed for appropriate processes and trainings to minimize risks.
- Schools should be explicit in policies and procedures addressing contact with students outside of school for non-school activities and events (baby-sitting, tutoring, coaching). If a school allows such activities, it should require parental permission as well as notification to the school as to when the activities are to take place. Such activities should be limited in scope and duration.
- Schools may wish to consider standards around appropriate engagement with students, including expectations around age-appropriate language and refraining from sharing private matters with minors as well as the fair and just treatment of all students in order to minimize the impacts of explicit or implicit favoritism, which can create conditions in which abuse may occur.
- Schools may also consider developing other guidelines such as around giving and receiving gifts, discussing alcohol or other drug use, and capturing images of students through photographs or videos.

### **Physical Contact:**

When defining policies, include expectations and guidelines regarding physical contact, including the use of physical discipline or corporal punishment; physical play, like roughhousing, tickling, or wrestling; hugging, touching, or sitting on laps; and similar activities.

### **Physical Spaces:**

The age of the students served as well as the school's culture and unique characteristics of its physical plant can affect the decisions a school makes about managing this risk on campus. However, a review can provide the school with an opportunity to assess the risks.

- An important component of keeping adult and student interactions interruptible or observable is the nature of the school's physical spaces. Evaluate physical spaces that may provide opportunities for an adult to be

### ***Costs Associated With Physical Plant Alterations***

There are innate financial challenges in reviewing and, especially, renovating physical plants. Renovating space in any school environment is expensive. The historical significance of buildings may also make modifications difficult. Such challenges are particularly acute in boarding schools, which may have dozens of buildings and forests across

hundreds of acres. While recognizing the constraints of budgets and the challenges of physical space, schools should work to identify priority areas within their physical plants that might shield individuals intent on misconduct. Once they have identified these areas, the schools should work to mitigate the hazards they might create.

A school may take steps to modify spaces as needed to reduce opportunities for misconduct.

alone with a child with no prospect of interruption. Every school should review its physical spaces to assess factors that might invite opportunities for someone to isolate a child and potentially cause harm.

- This review may cause the school to take steps to modify spaces as needed to reduce opportunities for misconduct, such as considering the placement of lighting, windows, doors, mirrors, and cameras.
- The school may also address such risks through policies and behavioral expectations as appropriate for the school and its circumstances.
- New construction, renovations, and landscaping should be planned with explicit considerations of observability.

### **Technology:**

Interactions through technology raise issues similar to interactions in physical space. For this reason, policies are needed that guide the proper use of technology, including texting, telephone, social media, and other electronic forms of communication.

- Policies concerning technology should limit unobservable interactions between students and employees on social media and private networks. Schools should require communication through school-run email platforms and texting applications rather than personal accounts.
- Records retention policies should aim to archive online communication between students and employees for a limited period of time for future review if necessary, consistent with the school's document destruction and retention policies.

- Schools should clearly communicate these policies to students, staff, and parents so that everyone understands the expectations.

## Create and Maintain an Internal Reporting and Evaluation System

Policies, practices, and standards require procedures to help ensure their effectiveness. Schools should create both a system to evaluate faculty and staff on the basis of behavioral expectations and a system to receive, review, and act on feedback from school community members.

### Evaluation:

Policies and practices the school puts in place should include behavioral standards. These behavioral standards, often referred to as a code of conduct, outline expectations for professional behavior.

- Schools should include these expectations in the staff handbook.
- The standards should be provided to all staff, students, and parents, as well as volunteers and contractors who routinely interact with students.
- The school should require that all staff, contractors, and volunteers who routinely interact with students acknowledge these expectations in writing.
- Adherence to these expectations should be monitored regularly and enforced with disciplinary action when needed.
- Schools should work to develop a well-articulated, robust, and comprehensive faculty and staff professional development and evaluation approach. The school's system should document, in writing, every time a supervisor (division head or assistant head, department chair, etc.) has a review conversation with or formally observes an employee within the evaluation cycle. These reviews should address behavioral issues as well as job performance.
- Schools may consider specifically focused brochures or online materials to reinforce professional expectations and reporting responsibilities.

### Internal Reporting and Tracking:

Working in concert with evaluation approaches, systems that provide a way for school leaders to learn about the concerns of colleagues and community members help the school track patterns of potential misconduct. Such protocols have the

Behavioral standards, often referred to as a code of conduct, should outline expectations for professional behavior.

potential to identify behavior warranting inquiry and possible action before it reaches the threshold for statutory reporting and possibly before abusive behavior has occurred. Particularly for new or inexperienced teachers, the opportunity to address concerning conduct can provide meaningful professional development and career growth.

- Schools should have an internal reporting system that allows anonymous or confidential reporting of boundary violations or suspicions of boundary violations. The reporting protocol should include how to report, when to report, and to whom or where reports should be made.
- Schools should follow up on any expressed concerns and review reports for concerning patterns or issues.
- School policies should explicitly forbid retaliation against anyone who, in good faith, reports suspicions or violations.

Schools should have an internal reporting system that allows anonymous or confidential reporting of boundary violations or suspicions of boundary violations.

## Conduct Rigorous Screening for Potential New Hires

Criminal background checks alone are often insufficient to identify abusers or individuals likely to violate boundary standards. Sound hiring practices improve safety within individual independent schools as well as the industry as a whole. Taking the time to thoroughly reference-check and screen future employees can uncover potential issues. Disclosing a history of

### RESEARCH BRIEF

#### Factors that keep sexual offenders in schools:

- Officials allowed teachers who had engaged in sexual misconduct toward students to resign rather than face disciplinary action and often provided subsequent employers with positive references.
- Schools did not perform pre-employment criminal history checks.
- Even if checks were performed, they were inadequate in that they were not national, fingerprint-based, or recurring.
- Schools failed to inquire into troubling information regarding criminal histories on employment applications.

Source: U.S. Government Accountability Office, "K-12 Education, Selected Cases of Public and Private Schools That Hired or Retained Individuals With Histories of Sexual Misconduct," Report to the Chairman, Committee on Education and Labor, House of Representatives (GAO-11-200), December 2010; online at <http://www.gao.gov/assets/320/313251.pdf>.

abuse or communicating concerns is a referring school's moral and ethical responsibility as well as its legal obligation.

Employee screening should include interviewing the candidate, criminal background checks, and reference checks.

### **Screening Prospective Employees:**

- Schools should conduct routine, rigorous, and comprehensive screening for every prospective employee as a condition of hire. Screening should include interviewing the candidate, criminal background checks, and reference checks.
- The screening process should take place before an applicant is hired.

### ***Asking the Right Questions***

While state laws concerning background checks of applicants for jobs in schools are sometimes ambiguous or relatively toothless, some states take a more direct approach. In Pennsylvania, for example, applicants for school jobs are required to answer "yes" or "no" to these questions:

To the best of your knowledge, have you ever...

- been the subject of an abuse or sexual misconduct investigation by any employer, state licensing agency, law enforcement agency, or child protective services agency (unless the investigation resulted in a finding that the allegations were false)?
- been disciplined, discharged, non-renewed, asked to resign from employment, resigned from or otherwise separated from employment while allegations of abuse or sexual misconduct were

pending or under investigation or due to adjudication or findings of abuse or sexual misconduct?

- had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of abuse or sexual misconduct were pending or under investigation or due to an adjudication or findings of abuse or sexual misconduct?

Pennsylvania job applicants are also required to sign a release giving former employers permission to share information in response to these questions, and former employers are required by law to share information that has long been considered part of confidential personnel information. This approach has helped shift culture in providing greater transparency and sharing of information critical to making good hiring decisions.

Source: Pennsylvania Department of Education, "Commonwealth of Pennsylvania, Sexual Misconduct/Abuse Disclosure Release"; online at <https://www.applitrack.com/source4teachers2/onlineapp/1BrowseFile.aspx?id=38>.

### ***School Volunteers and Regular Contractors***

For students in particular, regular volunteers, contractors such as assistant or seasonal coaches, part-time counselors, learning specialists, and others who come onto campus and routinely come into contact with students are largely indistinguishable from employees. They act with similar authority and often have similar access to students, particularly on overnight trips and other events. Schools should screen and train all prospective school

volunteers and contractors who may oversee or interact with students in an unsupervised way. Training should be consistent with state law requirements, which vary by state, and incorporate school policies and procedures as appropriate. These individuals should be provided with the basic school training, including reporting protocols, as well as the school's expectations for interacting with students and maintaining boundaries.

- Individuals engaged in screening applicants should be well-trained in that work and should receive specific training on screening for sexual misconduct.
- Screenings of prospective employees should include criminal history checks that take into account where the applicant has lived. Background checks and other screening requirements vary from state to state, and schools should remain in compliance with state law. Schools may consider, where available, consultations with child protective services or equivalent agencies for additional screening.
- Interviewing and reference-checking procedures should specifically seek information about an applicant's past and current behavior in interactions with youth, including any information specifically related to inappropriate conduct. Both interview and reference questions should include direct questions about mandated reporting of sexual abuse and maintaining boundaries between staff and students.
- Schools should confirm that references are provided by representatives of the earlier employer who are knowledgeable about the prospective employee, including why he or she left the previous position, and who have the authority to provide the reference requested on behalf of the school or other entity for whom the applicant worked.
- Schools should attempt to contact references beyond those provided by the applicant, particularly any past school or youth-serving employers.

Background checks and other screening requirements vary from state to state, and schools should remain in compliance with state law.

Schools should develop procedures for conducting periodic background checks for existing staff.

- Schools may consider requiring waivers from applicants to obtain forthright information as needed.
- Schools may also consider reviewing prospective employees' public social media accounts and other publicly available information on the internet.
- In addition to screening prospective faculty and staff members, schools should develop procedures for conducting periodic background checks for existing staff. The frequency of these checks may be governed by state law. Schools should be aware of any state laws that require proactive disclosure of any issues that have arisen in the course of employment.

### **Providing References and Information About Former Employees:**

Independent schools should also be ready to provide thorough references on current and former employees. These processes create a safer industry and help schools meet their ethical and legal obligations.

- Schools should create one process through which references for former employees are provided. References should be provided only through that channel. This practice would not preclude multiple individuals from writing references as long as a central authority reviews those references before they are delivered.
- Policies for providing references should be clearly defined and well understood by staff who might be called to be a reference for a former employee. Those staff should be well trained in the relevant processes and understand that not all staff members are aware of the reasons a colleague has left.
- Schools should work with legal counsel to ensure that any waivers or other forms needed to provide a forthright reference are implemented.

### **Provide Regular Training About Preventing Sexual Abuse**

Training about how to recognize and prevent sexual abuse is vitally important for all of a school's stakeholders. Many states have mandated specific training requirements as part of their child protective services or education statutes; others have not. Training programs should be carefully developed in a manner consistent with state law and the dynamics of abuse and should be developed in conjunction with external experts and resources.

## Training for All School Personnel:

- School employees should be given regular training on preventing abuse of students.
- The training should include discussions of school policies and expectations, maintaining appropriate professional boundaries, and relevant federal and state law. All employees should know how and when to report suspected misconduct.
- The same baseline training should be provided for all employees. More in-depth training may be required for administrators or other individuals who hold roles of particular trust or authority for students. Consider translating materials if portions of the community do not speak English.
- New employees should be trained in a timely manner, ideally before they start their regular duties at the school.
- Develop an overview of the school’s educator sexual misconduct prevention and response as part of the orientation experience of any newly appointed members of the school’s board of trustees.
- Training should empower school personnel to report concerning conduct, even if it may not rise to the level of suspected abuse.
- Adults responsible for off-campus events, events that take place in faculty housing, and overnight trips should be trained on the school’s code of conduct.

More in-depth training may be required for administrators or other individuals who hold roles of particular trust or authority for students.

## Training for Students:

- Students need age-appropriate training about recognizing and preventing sexual misconduct. Incorporate developmentally appropriate education and training into student programs. Training should frame the school’s

### RESEARCH BRIEF

A synthesis of research on educators who sexually abuse students found that adult males are 4.5 times more likely to abuse than females. However, 40 percent of the misconduct involved a woman working in the school. Women make up 75 percent of teachers and other professional personnel in schools and, therefore, even though they abuse at a lower rate, they still account for a considerable proportion of the sexual misconduct in schools.

Source: Charol Shakeshaft, *Educator Sexual Misconduct: A Synthesis of Existing Literature* (Document 2004-09) (Washington, DC: U.S. Department of Education, Office of the Under Secretary, 2004).

Students should understand that retaliation against anyone who reports suspected abuse in good faith will not be tolerated.

expectations for how students should be treated and how they should treat others.

- Students must understand how to report any issues they experience or that they suspect are happening to other students, both inside and outside the school community. They should also understand that retaliation against anyone who reports suspected abuse in good faith will not be tolerated.
- Students should be given permission to raise concerns, and the reporting of concerns should be validated through positive and affirming responses.

### **Training for Parents, Guardians, and Other Family Members:**

- Parents, family members, and others who volunteer in the school and interact with or oversee students in an unsupervised setting should have formal training about appropriate and inappropriate behaviors, and they should sign the school code of conduct.
- Relevant information should be made available to other parents and family members as well.
- Parents and family members should understand how they can report concerns about behaviors they witness and what the school will do in the

## **RESEARCH BRIEF**

Fixated child sexual predators need to “groom” three audiences to gain the trust of school colleagues, parents, and the child:

- **The child’s environment:** This includes the people who routinely interact with the child, such as parents, family, teachers and students, the child’s peers and friends, the child’s social organizations, and significant others. Predators groom where they have access. Their goal is to provide access to a pool of potential victims, to draw victims into a relationship, and to reduce the probability of being reported or of the victims being believed.
- **The child:** The offender needs to be able to be in a position to engage the child without generating suspicion. The offender chooses a victim by proximity and/or vulnerability to form a bond, cause the victim to rely on the offender, reduce the child’s resistance to offensive behavior, and keep the child in a victimized role as long as possible.
- **The adult’s environment in the school:** The offender needs to engage other teachers, administrators, and staff members so that time spent with the child is not seen as unusual.

Sources: Jim Tanner and Stephen Brake, “Exploring Sex Offender Grooming,” 2013; online at <http://www.stephenbrakeassociates.com/Exploring%20Sex%20Offender%20Grooming.pdf>; and Charol Shakeshaft, “Know the Warning Signs of Educator Sexual Misconduct,” *Kappan* 94, no. 5 (February 2013): 8-13.

event of such a report. This information should be accessible to families of all backgrounds.

- Parents and family members may also benefit from education about developmentally appropriate ways to engage their children in conversations about boundaries, healthy behaviors, and sexuality.

## **Establish Procedures to Respond to, Report, Record, and Track Reported or Suspected Cases of Sexual Misconduct**

A core element of good prevention is being ready to respond should an allegation or suspicion of educator sexual misconduct arise. Thinking through both the steps a school will take and who within the school will be involved helps the school build capacity to properly, thoughtfully, and legally address the allegations or concerns.

- Schools must comply with state laws, which without exception require the immediate reporting of any suspected abuse of a minor. Schools must fully understand state requirements for mandated reporting and ensure that those requirements are integrated into their policies and trainings.
- Schools should maintain explicit commitment to respond to suspected cases of sexual abuse involving students, whether the alleged misconduct originated with a school employee, a volunteer, or someone else.
- Schools should have an internal operating protocol that addresses how reports of sexual misconduct or other serious behavioral misconduct will be handled. Insights from administrators, faculty, and staff from across the school can help create a system that works for the school's culture. Board members and alumni may also be helpful. If appropriate for the ages of students the school serves, the school may consider getting student input as well.
- Schools should regularly review their plans and reporting protocol and amend them as necessary.
- Schools should ensure that internal documentation practices allow information to be shared with new administrations as leadership changes within a school.

Schools must fully understand state requirements for mandated reporting.

Outside experts can help a school address educator sexual misconduct, and such an investment often proves cost-effective in the long term.

### ***Use of Outside Experts***

Most schools do not have sufficient internal expertise — even among top leadership, the board, and general legal counsel — to effectively address the range and depth of issues that can arise with an allegation of educator/adult abuse of a minor. Outside experts can help a school address educator sexual misconduct, and such an investment often proves cost-effective in the long

term. Outside consultants might include specialized legal counsel with expertise in addressing sexual misconduct, a pediatrician or counselor experienced in dealing with child abuse victims, and a crisis management or crisis communications consulting group. Each school will have to secure such resources in accordance with its own needs and fiscal abilities.

### ***The Role of the Board***

There is no prescribed involvement of board members in school investigations of student abuse. However, board members are fiduciaries of the organization and, as such, should be informed and part of the process of response protocols. Schools should talk through exactly which board members will be informed and when allegations of different kinds should be reported to school leadership. For some schools, this may include having the board chair

informed and kept up-to-date when allegations of any kind are made. If law enforcement is involved or the school is considering launching an in-depth investigation, an emergency meeting of either the board's executive committee or the entire board may be called. Whatever the school's process will be, it is better identified before an issue presents itself so that expectations are clear.

## **Identify a Team to Respond to Allegations of Misconduct and Abuse**

The team that responds to reports or suspicions of student abuse can differ according to both the school and the kind of concerns that have arisen. These teams often include the head of school; the board chair or other officer(s); the school's legal counsel; and other key administrators, including heads of various divisions of the school, the athletic director, clinical mental health counselor, and communication director. Schools may find it helpful to develop job descriptions to delineate clear roles and responsibilities. The child protection person at the school,

or another key administrator, may lead this group rather than the head of school.

- The school’s response protocol should identify which members within the school community may be called together in the event of a report of student abuse. The group may be a pre-existing team within the school, such as a crisis response team, or one specifically designated for this purpose. Schools will need to develop the team to respond to allegations of abuse as appropriate for their size, culture, and the nature of the allegation.
- This team coordinates the response to a given incident or allegation. The response team is not the body that investigates the incident or allegation
- Any team responding to an issue should not include individuals who have been accused of the abuse or who may have inappropriately handled information about the abuse.
- Protocols should be developed for consistent and timely coordination of information between and among response team members and the consistent and centralized documentation of relevant information.
- Different kinds of reports may require different skill sets depending on the facts of the situation, and all team members may not be involved every time.
- Schools may find it helpful to pre-identify external experts with skill sets that may be useful, including attorneys and investigators experienced in this area.

Schools may find it helpful to pre-identify external experts with skill sets that may be useful, including attorneys and investigators experienced in this area.

## Evaluate the School’s Insurance Policies Regarding Educator Sexual Misconduct

- The time to evaluate the school’s insurance coverage regarding educator sexual misconduct is well in advance of any incident that might require using that coverage.

### ***Scenarios for Responding to Allegations and Incidents***

School heads, the board, and other key stakeholders may find it helpful to prepare for a report of sexual misconduct by walking through related scenarios in advance so that roles and expectations are clear. Schools that

have practiced what they would do in the case of an allegation, including identifying reporting protocols, are better prepared to respond when a crisis does occur.

Consider having an independent third party evaluate the comprehensiveness of the school's insurance coverage.

- Review the school's insurance policies specifically to determine what they will cover in the event of educator sexual misconduct — and what they will not cover.
- Consider having an independent third party evaluate the comprehensiveness of the school's insurance coverage.
- Some insurance coverage in this area applies to the policy that is effective when a claim is made. Other insurance coverage applies to the policy in effect when the educator sexual misconduct occurred. It is important to know which policies were in effect at different times in the school's history and to be able to access that information at any time.
- Contact the school's insurance carrier as soon as possible if sexual misconduct is reported, as many policies have timely reporting requirements.

## SECTION II

# RESPONSE

Whether an incident of misconduct occurred last week or several decades ago, once a school learns of the incident, the school’s response requires ethical clarity and considerable sensitivity, as well as deft and prompt action amid challenging circumstances.

### Know and Follow the Law, Without Exception

States require, often under penalty of criminal prosecution, that educators report to the designated authorities any allegation — or credible suspicion — of abuse, typically within a very short time after receiving notice of an incident. Failure to comply with mandatory reporting requirements is not only illegal, it is a grave breach of an educator’s moral duty to students and the school.

- School leaders — indeed, all school employees — must learn, know, and be reminded what the law requires. Independent school leaders should commit without fail to report allegations and credible suspicions of educator sexual misconduct (or any other sort of child abuse) to the designated authorities.
- Taking steps to preserve and protect the integrity of a child protective service or law enforcement investigation is critical.
- While a school may need to gather minimal facts to evaluate immediate safety and reporting obligations, once the school has sufficient information to determine that there is a reasonable cause to suspect abuse, it should not interview a minor who discloses abuse for the purpose of determining the validity of the allegations. If a child reports abuse, the school should contact outside authorities consistent with state law.
- The school should also refrain from contacting or notifying the accused adult without first coordinating and communicating with external child protective services or law enforcement authorities.

If a child reports abuse, the school should contact outside authorities consistent with state law.

## RESEARCH BRIEF

**K-12 students who have been targets of sexual misconduct and exploitation by school employees report that the abuser is most likely a teacher and/or a coach.**

**Of those who reported having experienced physical sexual misconduct/abuse, only 11 percent said they had told someone. They usually told a friend.**

Source: Charol Shakeshaft, *Educator Sexual Misconduct: A Synthesis of Existing Literature* (Document 2004-09) (Washington, DC: U.S. Department of Education, Office of the Under Secretary, 2004).

## Respond Quickly and Compassionately

How schools address the initial notifications received from current students or alumni can alter the course of the entire interaction between the school, the affected parties, and the community at large.

- Once presented with a complaint related to sexual abuse, other abuse, assault, violence, neglect, or harassment, respond quickly and compassionately, no matter how long ago the abuse occurred. What may happen next is likely unclear, but it is important to express immediate concern and let the person who is bringing the complaint know that the school hears what he or she is saying.
- Respond in an open, nonjudgmental, and neutral manner that affirms the student's or reporter's decision to come forward.
- Unless clearance has been provided by child protective services or law enforcement agencies, do not interview the student or witnesses. If it is determined that an interview is warranted, limit the number of individuals who interact with the minor, and avoid asking a child to repeat details of alleged abuse multiple times as this can re-traumatize the victim and potentially compromise the investigation.
- All interviews should be conducted in a developmentally appropriate manner by trained professionals who have experience in conducting forensic interviews that rely on open-ended inquiries.
- When speaking with minors, do not provide language for the child or teen to describe what happened. Allow the child or teen to use his or her own words, and carefully and contemporaneously document the responses.
- In any reporting situation, the current safety of the student, other potential

survivors, and other students, either at the school that received the report or at any other school, is paramount.

- Once an allegation is received, the response team previously identified should be notified and convened.
- Following an allegation or incident of abuse and during the subsequent investigation, schools should be as transparent as possible, but protecting the privacy of the individuals involved is critical.

When speaking with minors, do not provide language for the child or teen to describe what happened.

## Listen and Respond With Empathy to the Person Reporting Abuse

- Listening carefully and deeply to truly understand what the person reporting abuse is saying about his or her experience while in the school's care is fundamental to responding properly.
- In addition to listening for details about what happened, try to understand what is most helpful to the person right now and what help he or she may need in the future.

## Follow School Procedure to Deal Promptly and Equitably With a Person Accused of Abuse or Misconduct

- Law enforcement may want to have the opportunity to interview the accused before the individual knows the accusation has been made. Work with law enforcement officials to understand these preferences.

### ***Never Dismiss an Allegation as the False Complaint of a Troubled Child***

Troubled children are often targets for educator sexual misconduct. Rarely, an allegation of abuse or misconduct may ultimately turn out to be false, but all reports need to be investigated as if they may be true. (And, in point of fact, research suggests that very few reports turn out to be false.) Always

keep an open mind and know that any allegation could be true no matter how problematic the reporter is or how seemingly perfect the accused may be. And always be open to the possibility that the accused may have mistreated others.

## RESEARCH BRIEF

It is a common misconception that children lie about being sexually abused. Researchers have found that false reports are statistically uncommon, and estimates range from less than 1 percent to 10 percent of cases, depending partly on whether reports based on simple misunderstandings are included. In fact, it is far more common for children to minimize or deny the extent of abuse they have experienced than to overstate what has occurred. Children will often test the waters by disclosing lesser offenses first to see how the adult reacts. There are also many reasons why children recant after a disclosure (don't want to break up the family, don't like to see parents upset, feel out of control of events, etc.), and clinicians with expertise in working with child victims consider this to be a common part of the disclosure process rather than an indication that abuse did not occur.

Source: E. J. Mikkelsen, T. G. Gutheil, and M. Emens, "False Sexual-Abuse Allegations by Children and Adolescents: Contextual Factors and Clinical Subtypes," *American Journal of Psychotherapy* 46, no. 4 (October 1992): 556-70.

**While it's true that most children delay abuse disclosure, denial and recanting are not common.**

Source: K. London, M. Bruck, D. B. Wright, and S. J. Ceci, "Review of the Contemporary Literature on How Children Report Sexual Abuse to Others: Findings, Methodological Issues, and Implications for Forensic Interviewers," *Memory* 16, no. 1 (January 2008): 29-47.

Even if law enforcement would like to interview the individual first, the safety of current students is the school's primary concern.

- Even if law enforcement would like to interview the individual first, the safety of current students is the school's primary concern. Understand that telling the alleged abuser that he or she is under investigation has implications for the investigation. Schools should work closely with legal counsel when navigating these issues.
- If someone at the school is going to inform the accused, think through the details of the interaction, including who will have the conversation, who will witness the conversation, etc.
- If the accused is no longer at the school, make good-faith efforts to determine his or her whereabouts. The current employer of the accused may need to be notified about the allegations and ongoing investigation, particularly if the individual has contact with children. Schools should consult with legal counsel before notifying another school or other employers.

## Conduct an Appropriate, Prompt, Equitable, and Thorough Investigation

- Carefully determine the scope of the investigation and whether an independent investigator will be necessary. The nature of the allegations, the timing of the allegations relative to the incident, and other factors may

impact the scope of the investigation and will help determine whether an outside investigator should be involved. Schools should work with legal counsel to determine the appropriate investigative steps to take based on the circumstances. Investigations that seem small to begin with may also become larger, and independent investigators may be called on later as needed.

- Any investigation should be thoroughly and carefully documented. It is vitally important to maintain appropriate records in any investigation or review. All notes regarding conversations and interviews with the alleged victim, the alleged perpetrator, and other witnesses must be retained, even if they are edited into typed memoranda.
- Anyone whose conduct may be called into question, whether an administrator, faculty member, staff member, or even a trustee, should be isolated from the investigation and from conversations about how the investigation is proceeding. It is better to err on the side of caution and avoid even an appearance of a conflict.
- Investigators must speak to faculty/staff who interacted with the parties about what they know, what they observed, and their insights about the allegations.
- The investigator should also review available records and may ask the person alleging abuse whether he or she knows of other potential victims and whether there is anyone he or she suspects could have been a victim either before or after the reported misconduct.
- In larger investigations, a small group from the school's leadership should be appointed to liaise with the investigation. This group could consist of a few board members and at least one school administrator. This group will monitor the investigation as it goes forward and be available as questions arise from the investigator. The group will also make decisions at the

Any investigation should be thoroughly and carefully documented.

## RESEARCH BRIEF

**Fixated abusers work hard to be likable. Popularity and likability are often confused with trustworthiness. When a fixated abuser is accused, victims protect them, parents refuse to believe the accusations, authorities discount the reports, communities support the predator, and juries acquit.**

Source: A. Salter, "Sex Offenders, Adult Behavior and Grooming," Presentation to the National Youth Protection Symposium, Atlanta, Georgia, November 2012.

conclusion of the investigation about communicating the results of the investigation. The group should meet regularly as needed and consider having the investigator(s) report to the group on a regular basis. Note that this group’s responsibilities differ substantially from those of any crisis response team that might have been formed. It may be advantageous to have different people on each of those teams.

- In the interest of transparency, develop a plan to communicate about the investigation as it develops.

## **Retain an Outside Investigator With Subject-Matter Expertise to Investigate Allegations of Abuse When Needed**

- Law enforcement and/or child protective services typically investigate claims of abuse first, and some states require that schools not engage in investigations until such state investigations are concluded.
- Schools may then conduct their own reviews to determine what may have happened and how the abuse could have been prevented or responded to more effectively. If in-depth investigations are needed, schools often hire professional outside investigators to ensure objectivity.
- An investigator with appropriate expertise and who is independent of the school and its regular counsel can help reassure survivors and the public that the school genuinely wants to learn the truth. All such investigators should have sufficient relevant expertise and background to handle the investigation. Smaller or less well-resourced schools that cannot afford to hire an outside investigator may consult with one at the outset of an investigation. Frequently, insurance companies cover part of the cost of a sexual misconduct investigation.

### ***Investigations***

Almost all reported incidents will require some form of investigation. The type of investigation as well as who manages the investigation will depend on the timing of the report as well as the type

of accusation being made. It will also depend on whether law enforcement may also be investigating the issue, particularly if criminal charges are likely to be levied.

### ***Choosing What — And What Not — To Say***

While the principle of transparency is generally well accepted in theory, the challenge is that, when discussing allegations of abuse, a school's spokesperson, often the head, must arbitrate among competing priorities, as well as legal considerations. There are no hard-and-fast rules for how to communicate. A school's legal counsel

and board may advise saying little or nothing when being more forthcoming can often do more good under difficult circumstances. Key advisers, which should include legal, crisis communications, and sexual misconduct subject-matter experts, may offer helpful perspectives about how to talk about what has or may have happened.

- The outside investigator does not have to be a practicing attorney, but does need to have specialized expertise.
- The school's attorney may hire the investigator on behalf of the school. In this event, the results are often covered by attorney/client privilege. As noted above, ensure that any investigation does not interfere with the integrity of a child protective services or law enforcement investigation.
- The school's investigator should operate according to a coordinated investigative protocol that protects the integrity of the investigation.

The outside investigator does not have to be a practicing attorney, but does need to have specialized expertise.

## **Plan How Information Will Be Shared With the Community**

- At the end of the investigation, the investigator should prepare a full written report.
- Consider how much or how little of that report will be shared publicly. Some schools share an executive summary or partially redacted version of the full report with their communities. This ensures that the community has access to relevant information but protects the confidentiality of the victim or victims. Also consider how the school will notify organizations (e.g., NAIS, TABS, other groups) and other entities (e.g., the media) about any findings.

Transparency and authenticity send strong messages that underscore a school's trustworthiness.

## Communicate With Transparency

- In all communications about the investigation of the incident, be honest and as clear, forthright, and open as possible. Communicate as much concrete information as possible as soon as possible. Sharing information can help address some of the concerns of families, students, staff, alumni, and the public.
- The school should designate one speaker for the school from which all communications — including letters, memos, public statements, meetings, and interviews with reporters — should come. The school should consider using additional signatories, such as the board chair, when needed.
- Communications should be clearly focused on the safety of individuals within the community and on the school's mission and values. Transparency and authenticity send strong messages that underscore a school's trustworthiness.
- All communications should be reviewed by legal counsel and crisis communications experts, ideally those with specific experience in sexual misconduct.

## Help Survivors Heal

- A school's commitment to helping survivors should continue after any investigation has been concluded. Continue to ask survivors how the school can help them.
- Understand that all victims of sexual abuse heal in their own way and at their own pace.
- It is imperative to discern what further help survivors want and to address requests for counseling, restorative justice, restitution, and other forms of redress.

## Support the Community After an Allegation

- An incident or allegation is not automatically resolved when a final report is delivered. Considerable work may be needed to foster healing in the school and its community. Don't assume that healing will happen on a particular timeline. Let healing occur at its own pace.
- Engage community members in considering what students and families

need to feel safe again. Consider student, parent, and alumni forums to address concerns and provide information and resources. Ask survivors how they might want to participate in the healing process (if they wish to do so).

- Provide opportunities for faculty and staff to speak with one another and with professionals who can provide guidance. Recognize that teachers and staff members may feel guilty that they did not detect the abuse. They may feel angry or mistrust colleagues. They may be embarrassed that abuse happened at their school. Or they may have difficulty even discussing the issue.
- Offer ongoing education for faculty, staff, students, and parents. Engaging faculty in developing new or additional training to prevent and identify abuse can make them feel less helpless.
- Show alumni how the school is making student safety a priority. In cases of past abuse, for example, alumni may be angry with the institution, but often the way present-day school administrators handle allegations of abuse can mitigate harm done in the past.

## CONCLUSION

# A CALL TO ACTION

The value of these guidelines rests entirely on the extent to which schools evaluate their own specific contexts and address their own vulnerabilities.

As recent headlines have shown, individuals who perpetrate sexual misconduct, as well as those who fail in their obligations to address misconduct, can cast a long shadow on the lives of those affected — and their school communities. The duty to protect students from harassment, abuse, and other forms of misconduct is both a legal and a moral charge. Upholding that charge should be fundamental to the work of every school. Moreover, we must do all we can to ensure that the extraordinary education so many independent schools provide is not sullied by the conduct of a few.

We cannot rely merely on the expectation that all those who play a role in educating students at an independent school will hold themselves to the highest standards of personal behavior. Rather, vigilance is needed at every independent school to clearly define expectations and to put processes and policies in place that help ensure that those high standards are met by every staff member, student, and visitor and in every context of a school's work. Independent school leaders and educators must be strong enough to create and sustain environments that are safe for all.

Toward that vitally important aspiration, these guidelines strive to provide a useful outline. They offer a wide range of practical recommendations to help independent schools take important steps to remain vigilant in preventing educator sexual misconduct in the first place and, if such misconduct does occur, to respond appropriately.

We recognize, however, that simply offering guidelines is insufficient. Ultimately, the value of these guidelines rests entirely on the extent to which schools evaluate their own specific contexts and address their own vulnerabilities. Accordingly, we conclude with this emphatic request: We ask the leaders of independent schools, in light of these recommendations, to assess the efficacy of their own institution's work to prevent and respond to educator sexual misconduct and to take all appropriate action to help erase the threat of such misconduct.





National Association  
of Independent Schools

The National Association of Independent Schools provides services to more than 1,800 schools and associations of schools in the United States and abroad, including 1,500 nonprofit, private K-12 schools in the U.S. that are self-determining in mission and program and are governed by independent boards. NAIS works to empower independent schools and the students they serve.

The Association  
of Boarding Schools



The Association of Boarding Schools serves college-preparatory boarding schools in the United States, Canada, and around the globe. The Association leads a domestic and international effort to promote awareness and understanding of boarding schools and to expand the applicant pool for member institutions. TABS is the comprehensive, indispensable resource for educators seeking training, research, guidance, and support on all issues pertaining to the residential school experience. TABS is the voice for independent boarding schools, their historical contribution to our world, and the current and compelling benefits of living and learning in an academic community.