Educator Sexual Misconduct: Lessons Learned from School Administrators

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According to the United States Department of Justice, researchers find it difficult to estimate the total number of children who are sexually abused each year (National Sex Offender Public Website, 2015). Remarkably, the results of the last comprehensive national survey revealed that upwards of ten percent of all children may suffer sexual victimization each year (U.S. Department of Health & Human Services Administration for Children, Youth and Families, 2012). Finkelhor, Ormrod, Turner, & Hamby (2005) describe the sexual abuse of children as a significant problem in the United States which may result in depression, anxiety, and increased usage of drugs and alcohol by the victims. “Child sexual abuse is a growing epidemic. In the United States, 1 in 6 boys and 1 in 4 girls will be sexually abused before reaching adulthood” (Mitchell, 2010, p. 101).

Unfortunately, sexual abuse of children is also occurring in our nation’s schools (Shakeshaft, 2003). Although limited data are available which accurately represent the number of cases of sexual abuse occurring in schools, this topic is gaining national attention due to the increased attention by schools and the media (Krimbill, 2016). A survey conducted by the American Association of University Women reported approximately 25% of female students and 10% of males in grades 8-11 reported sexual advances by a teacher or school employee (AAUW, 2001). This paper synthesizes recent findings regarding “educator sexual misconduct” (ESM) (Shakeshaft, 2013, p. 9) in Texas completed by a team of researchers over a multi-year project. We explored multiple facets of ESM, both quantitative and qualitative to measure ESM incidents within Texas, to trace the legislative history regarding ESM in Texas, and to develop a deeper understanding of the greater implications for the school community when ESM occurs on a campus. We will first trace the legislative action in Texas regarding ESM, then review the increase in the number of reported incidents within Texas, and will then consider our analysis of
administrators’ experiences in light of anticipated increases in ESM reports in order to determine supports needed for mitigating and reducing ESM incidents.

**Legislative Action in Texas Regarding ESM**

**Definition of ESM in Texas**

In her seminal work, Shakeshaft defines educator sexual misconduct “as any ‘behavior of a sexual nature which may constitute sexual misconduct’” (Shakeshaft, 2004, p. 2, internal citations omitted), and expands this definition to include:

1. Any conduct that would include sexual harassment under Title IX of the (U.S.) Education Amendments of 1972;
2. Any conduct that would amount to sexual abuse of a minor person under state criminal codes;
3. Any sexual relationship by an educator with a student, regardless of the student’s age; with a former student under 18; 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; and
4. Any activity directed toward establishing a sexual relationship such as sending intimate letters; engaging in sexualized dialogue in person, via the Internet, in writing or by phone; making suggestive comments; dating a student (Shakeshaft, 2004, p. 2, numbered for the reader’s convenience).

As the number of Texas ESM investigations increase, so too have the operational definitions of ESM (in Texas, referred to either inappropriate relationships with students and/or minors [IRWSM] or sexual misconduct). These operational definitions are found in four sources:
Texas statutes. Two categories of Texas statutes operationally define ESM. In Tex. Penal Code § 21.12, the statute criminalizing “improper relationship between educator and student,” prohibits conduct includes “sexual contact” (defined in Tex. Penal Code § 21.01 [2]), “sexual intercourse” (Tex. Penal Code. § 21.01 [3]), or “deviate sexual intercourse” (Tex. Penal Code § 21.01 [1]) between private or public primary or secondary secondary school employees and any student enrolled at the school which the employee works, as well as the same conduct between those required to hold certification and/or licensure (regardless of whether the person holds the certification or license) and any person whom the educator knows is enrolled at any state public or private primary or secondary school (Tex. Penal Code 21.12 [a][2]). Also prohibited by § 21.12 is “online solicitation of a minor” (defined in Tex. Penal Code § 33.021) with a person the employee/educator is enrolled in any public or private primary or secondary school, regardless of the age of the student.

The second statute operationally defining IRWSM is Tex. Educ. Code § 21.006 (also regulated at 19 Tex. Admin. Code § 249.14 [d][2]), which governs the reports that superintendents are required to make to the Texas State Board for Educator Certification (SBEC) and, new in 2017, reports that principals are required to make to superintendents for certain educator misconduct. With regard to IRWSM, the superintendent must report to SBEC within seven business days if the educator was terminated or resigned “and there is evidence that the educator…(a) abused or committed an unlawful act with a student or a minor, or (a-1) was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or a minor” (Tex. Educ.
Texas administrative regulations. A myriad of Texas regulations operationally define IRWSM. The first is in the Texas Educators’ Code of Ethics, found in 19 Tex. Admin. Code Chapter 247. There are several ethical standards that implicate IRWSM, with the most relevant standards found in the “Ethical Conduct Toward Students” category:

- **Standard 3.2:** The educator shall not intentionally, knowingly, or recklessly treat a student or a minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor (19 Tex. Admin. Code § 247.2 [3][B]).

- **Standard 3.5:** The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor (19 Tex. Admin. Code § 247.2 [3][E]).

- **Standard 3.6:** The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor (19 Tex. Admin. Code § 247.2 [3][F]).

- **Standard 3.8:** The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard (19 Tex. Admin. Code § 247.2 [3][H]).

- **Standard 3.9:** The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to: (i) the nature, purpose, timing, and amount of the
communication; (ii) the subject matter of the communication; (iii) whether the communication was made openly or the educator attempted to conceal the communication; (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship; (v) whether the communication was sexually explicit; and (vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student (19 Tex. Admin. Code § 247.2 [3][I]).

Important to these ethical standards are two definitions. The first is that of abuse, defined as, *inter alia*, “sexual conduct harmful to a student’s or minor’s mental, emotional, or physical welfare” (19 Tex. Admin. Code § 247.1 [e][1][D]). The second is “solicitation of a romantic relationship,” which is found in 19 Tex. Admin. Code § 249.3 [50].

In addition to the Educators’ Code of Ethics, the TEA staff also designates certain educator conduct as “Priority 1” for purposes of conducting investigations. Pertaining to IRWSM, the following types of educator conduct represents this highest investigative priority:

- felony conduct;
- indecent exposure;
- public lewdness;
- child abuse and/or neglect; and
- “conduct that constitutes inappropriate communication with a student (as described in Texas Educators’ Code of Ethics Standard 3.9), inappropriate professional educator-student relationships and boundaries, or otherwise soliciting or engaging in sexual conduct or engaging in sexual conduct or a romantic relationship with a student or minor.”
Texas educator discipline case codes. In disciplining Texas educators, the Texas Education Agency employs 11 case codes, two of which we use in classifying ESM/IRWSM. The first is sexual misconduct (01-SEXMIS), and includes the following (criminal misconduct): “sexual assault; sexual abuse, indecent exposure; possession, sale, or manufacture of child pornography; indecency with a child; fondling; solicitation of a minor; public lewdness; pornography; and prostitution” (Texas Education Agency, 2008). The second case code 10-IRWSM, and is not elaborated by the Texas Education Agency.

Research to date. In the research to date building an educator discipline database from original agreed final orders (AFO) dating back to 1/1/1999 obtained through public information requests, IRWSM (not elaborated by TEA, but termed by TEA in the AFOs) has been operationalized as follows: “inappropriate relationship, inappropriate conduct, inappropriate communication, improper relationship, inappropriate contact, inappropriate comments, sexual assault of a minor, and failure to maintain boundaries between an educator and a student.” Thus, the major difference between SEXMIS and IRWSM appears to be the distinction between the criminal and non-criminal, yet it also appears to be possible to be sanctioned for IRWSM and commit criminal conduct.

All in all, Shakeshaft’s 2004 definition of ESM appears to be broad enough to encompass the operational definitions, both criminal and civil, that have evolved over time.

Reporting Requirements

Educator sexual misconduct (ESM) violates several provisions of Texas law. In the case of an educator witnessing abuse of a child, the Texas Family Code governs the requirement to report suspected child abuse or neglect by stating, “A person having cause to believe that a child’s physical or mental health or welfare has been adversely affected by abuse or neglect by any person
shall immediately make a report…” (Tex. Fam. Code 261.101(a), emphasis added). A professional, as defined within the code, has 48 hours to make the report as opposed to the immediate action required of the general public. A professional may also not delegate the reporting responsibility to another individual. Thus, if a professional has cause to believe a child has been neglected or abused, he has the sole responsibility to file a report with the Department of Family and Protective Services or a law enforcement agency (Tex. Fam. Code 261.101(b)). In the case of suspected abuse of an adult, if the abuse took place when the adult was a child and if disclosure may protect the health and safety of another child, then a person or professional is also required to report (Tex. Fam. Code 261.101(b-1)).

Note that suspected ESM may then not fall under the reporting requirements of the Texas Family Code if the student is an adult. While a violation of the Penal Code (which prohibits improper relationships between educators and students) (Tex. Pen. Code 21.12), a person or professional is not required per the Family Code to file a report if an alleged victim is an adult. The Texas Administrative Code (TAC 249.14(d)) partially fills the reporting requirement of suspected ESM by requiring superintendents to file a report to the Texas Education Agency (TEA).

The knowing failure to report child abuse in Texas is a Class A misdemeanor punishable up to six months in jail and/or a $4,000 fine. As an example, the teacher in *Morris v. State* was sentenced to 120 days (probated) confinement and a $1000 fine (Morris v. State, 1992). Violation of the reporting requirement alone does not subject a non-reporter to action beyond the misdemeanor, though if part of a larger pattern of negligence, both an individual and an organization may be subject to additional claims (Robert & Krimbill, 2016).

**Recent Legislative Changes**
Responding to the significant uptick in investigations and the general upturn in sanctions for IRWSM and sexual misconduct among Texas educators (please see Table 1 below), the 85th Texas Legislature in 2017 sent Senate Bill 7 to Governor Greg Abbott’s desk, and he signed the legislation even before the regular session’s end. Authored by Senator Paul Bettencourt (R-Houston), the bill is comprehensive legislation designed to curb IRWSM and sexual misconduct from teacher preparation to retirement. Among the highlights of SB 7 are:

- Expands the offense of “improper relationship between an educator and student” to prohibit sexual contact, sexual intercourse, or deviate sexual intercourse between an educator required to hold licensure or certification, regardless of whether the educator does or does not hold the license or certificate, between the educator and any person the educator knows is a student at any Texas public or private primary or secondary school (the conduct is punishable as a second degree felony).

- Expands the reporting requirements for superintendents and principals (please see previous section), with possible administrative penalties up to $10,000, a criminal offense of a state jail felony for superintendents or principals who fail to make the required report “with [the] intent to conceal an educator’s criminal record or alleged incident of misconduct” (Tex. Educ. Code § 21.006 [j]), and possible sanction of the administrator’s certificate.

- Requires school districts to adopt a policy that requires school officials to notify parents/guardians of students who make an allegation of IRWSM or sexual misconduct “as soon as feasible” (Tex. Educ. Code § 21.0061 [b]).

- Requires applicants for positions requiring educator certification or other professional licensure to submit, as part of the employment process, “a pre-employment affidavit
disclosing whether [the] applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor” (Tex. Educ. Code § 21.009).

- Expansion of continuing professional education (CPE requirements) for Texas educators to include: (for teachers) “understanding appropriate relationships, boundaries, and communications between educators and students” (Tex. Educ. Code § 21.054 [d][5]); (for principals) “preventing, recognizing, and reporting any sexual conduct between an educator and a student … for which reporting is required” (Tex. Educ. Code § 21.054 [e][5]); and (for educator preparation candidates information on “appropriate relationships, boundaries, and communications between educators and students” (Tex. Educ. Code § 21.044 [g][6]).

- Permits the State Board for Educator Certification (SBEC) to issue certificate sanctions (including denying an applicant for certification) to an educator or applicant for certification who “passes the trash,” i.e., who “assists another person in obtaining employment at a school district or open-enrollment charter school, other than by the routine transmission of personnel files,” who “…knew that the other person (seeking employment) has previously engaged in sexual misconduct with a minor or a student in violation of the law” (Tex. Educ. Code § 21.0581) (This prohibition also is part of the Texas Educators’ Code of Ethics at 19 Tex. Admin. Code § 247.2 [1][N]).

- Permits school districts to disclose a “document evaluating the performance of a teacher or administrator” to TEA for the purpose of a TEA investigation (Tex. Educ. Code § 21.355), while keeping the document confidential for purposes of the Texas Public Information Act.

- Requires school districts to adopt an electronic communication policy concerning communications between school employees and currently-enrolled students in the
employee’s district. Among other things, this policy must provide employees instructions on “the proper methods for notifying appropriate local administrators about an incident in which a student engages in improper communication with the … employee” (Tex. Educ. Code § 38.027 [c][3]).

- Provides for the forfeiture of retirement benefits of a current or former public school employee who is a member or annuitant of the teacher or state employee retirement who is convicted of a “qualifying felony” against a student, i.e., continuous sexual abuse of young child or children, improper educator-student relationship, sexual assault, or aggravated sexual assault (Tex. Gov’t. Code § 824.009).

Thus, the Texas Legislature has taken out, for lack of a better term, the “heavy artillery” to combat the increase of ESM in Texas.

ESM Incidents in Texas

Reported Cases

As alluded to above, the Texas Education Agency reports a steady increase in the number of IRWSM investigations opened over the past nine reporting years (2008-09 through 2016-2017). Table 1 displays this information below, both in the number and percentage of investigations opened, and the increase in the number and percentage of investigations opened as a percent of all educators in Texas for each of the past 9 reporting years.

Table 1
IRWSM Investigation Opened by the Texas Education Agency, 2008-09 through 2016-2017

<table>
<thead>
<tr>
<th>Year</th>
<th>No. investigations opened</th>
<th>Total certified staff</th>
<th>Rate</th>
<th>N per 10,000 professional staff</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year</td>
<td>Staff</td>
<td>IRWSM Opened</td>
<td>Staff %</td>
<td>Staff Rate</td>
<td>IRWSM Rate</td>
</tr>
<tr>
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<td>----------</td>
<td>-----------</td>
<td>------------</td>
</tr>
<tr>
<td>2008-09</td>
<td>123</td>
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<td>.000262</td>
<td>2.62</td>
<td>.0262</td>
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<tr>
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<tr>
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</tr>
<tr>
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<td>3.77</td>
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<tr>
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</tr>
<tr>
<td>2016-17</td>
<td>302</td>
<td>508341$^3$</td>
<td>.000594</td>
<td>5.94</td>
<td>.0594</td>
</tr>
</tbody>
</table>

Notes.

1. Courtesy Texas Education Agency


3. Total professional staff for 2016-2017 not yet available; estimate based on total professional staff for 2015-2016.

The data presented in Table 1 reveal that, over the 9 year reporting period ending on August 31, 2017, the number of TEA IRWSM investigations opened has increased by 146%. Perhaps equally telling is that the percentage of certified educators investigated over the same time has increased by 127%. While the rate of educators investigation remains relatively small (topping out at an estimated 5.94 per 10,000 in 2016-2017), both trends are very troubling. Further research
will examine the effects of changes in reporting requirements over the same time period. Also important to remember are the number of incidents of IRWSM that go unreported.

**Sanctioned Cases**

Our analysis of educator misconduct in Texas revealed wide variation in the use of terms for ESM. The TEA utilizes two different codes relevant to the construct of ESM, as such, our research focused on the total sanctions by year for all educators sanctioned for either ESM (termed IRWSM by TEA) or Sexual Misconduct (includes sexual assault, pornography, and other associated sex crimes committed with adults or non-students) (Robert & Thompson, 2017a).

Data from the most recent seven years reveals that out of 1537 cases of ESM (see Table 2), 79% of educators lost their certification through either surrender or revocation, 10% of educators were suspended, 9% of educators received inscribed reprimands, 1% received non-inscribed reprimands (that do not appear on the certificate), and an additional 1% were cases of new applicants denied certification for a history of sexual misconduct (Robert & Thompson, 2017a).
The number of cases reported per year represent the number of cases that were closed within that fiscal year, thus do not necessarily represent the number of ongoing investigations within the same time. While there is some consistency in sanctions from year to year, the use of revocations demonstrated an increase in the most recent three years, with 34% of educators sanctioned for ESM losing their certification by revocation in 2014-15 and 2015-16, up from 24% in 2008-09. The use of non-inscribed reprimands, in which the reprimand does not appear on the educator’s teaching certificate has not been used for an ESM case since 2013-14, in which only one educator received this lightest sanction. Certification denials, though minimal, are included in this data as TEA investigates applicants for teaching certificates prior to allowing certification (Robert & Thompson, 2017a).
Administrators’ Experiences

Adhering to a phenomenological research approach designed to explore the experiences of three secondary school administrators upon learning of an improper and illegal relationship between an educator and student on their campus, previous research is included in this paper to present the administrator’s experiences and recommendations. (Krimbill, 2016). This paper cites dissertation research and direct quotes conducted with the three administrators from the state of Texas who experienced the progression of events when one of the teachers on their campus was accused, investigated, and lost their certification, and faced possible conviction and sentencing as a result of engaging in a sexual relationship with a student (Krimbill, 2016).

Research Questions

The guiding research question in that study examined: How does a school administrator experience the events surrounding the accusation, investigation, loss of certification, and/or possible conviction and sentencing of a teacher on their staff who engaged in a sexual relationship with a student? (Krimbill, 2016)

Description of Participants

A campus leader in an urban middle school in a large Texas school district, Administrator 1 described one ESM incident that occurred in his school. He stated he had no suspicion of educator sexual misconduct until the parent and student-victim came into his office one morning and reported the incident. He describes in detail the serious personal physical toll he experienced as he dealt with the stress surrounding educator sexual misconduct.

The second participant, Administrator 2, was from a mid-sized suburban Texas high school and described two incidents of educator sexual misconduct that occurred while she was the principal. At her high school in one of the incidents, the other teachers shared their concerns with
her about the offender immediately when she became principal. Additionally, she reported another incident of which she had no notice and she only learned of it when the student-victim’s friend reported the relationship. Administrator 2 also spoke to the tremendous emotional turmoil she experienced while dealing with the aftermath caused by educator sexual misconduct on her community.

Also included in this study was a campus and district leader of a small, rural Texas school district, Administrator 3. In his interview, he described two incidents of educator sexual misconduct he had to deal with while principal. In both situations he stated he was completely blindsided. Administrator 3 described a significant and long-lasting impact of educator sexual misconduct on his small community. He also talked about the ways he worked to support them through the healing processes. For this paper, we will focus on the lessons learned from these three administrator participants (Krimbill, 2016)

**Lessons Learned from the School Administrators**

**Commonalities.** Commonalities of the experience emerged from the analysis of the statements of the administrators surrounding the processes and procedures they followed upon notification of the alleged educator’s sexual misconduct. In the words of Administrator 1, “Here is a teacher on our campus, and it is being alleged that she is doing something terrible. You have got to do what you can to protect the kids. Not just that one, there could be others.” Additionally, Administrator 3 recalled his initial thoughts, “There is just all of these things that go through your mind. You know, ‘What do I do, where do I go?’ Those concrete things that you can grasp on to kind of get you through that initial stage.”

Also noted were similar procedures that were followed by the administrators, including: district notification, engaging the campus police, adhering to certain steps in the initial
investigations, and offering counseling support to the student victim. Administrator 1 described the importance of central office:

I did as I was told to do, I referred them [the news media] to HR, which I think is a brilliant move. It took me out of a lot of the really complicated discussions that probably occurred. The district is really good about that. They wanted to take as much of that kind of thing, you do still have a campus to run. There’s still things that have to happen on a daily basis, so they want to take as much of that away from administrators as possible. The main things that they were concerned about: they want to make sure that she got down to HR, that CPS was contacted, and making available to law enforcement anything that they needed and so that’s really what we did.

Common to all of these incidents, the administrators were advised to conduct the initial interviews with the teachers on campus. The principals described the teachers’ responses ranging from denial, to acceptance, to simple refusal to discuss the allegation. Notably, Administrator 3 stated,

I brought him [the teacher] in I said, “Okay, hey, here’s the text- now tell me what’s going on here.” And he said, “I’d rather not answer that question at this time.” And then I said, “Well, consider yourself on administrative paid leave as of now, you need to leave campus.”

Administrator 1 also stated: “Of course you had multiple meetings with school district personnel and they go through everything. Just everything- detail, detail, detail. What did you do? What did you say?” He further stated:
I guess the conscious decision that I made was to learn to kind of compartmentalize my thoughts in my brain, so I could put it off to the side when I went to school, so I could be functional and do what is best for the students, and the teachers, and the community while I was at school. And that was really a battle trying to keep that from creeping back in somehow, someway.

**Documentation.** Specifically addressed by each of the administrators was the need for detail and precision in their documentation. Administrator 1 described:

The documents that I had to provide, the big thing, of course, was they went through our e-mail and computers with a fine-toothed comb. I still have all the documents and the notes I took in the investigation from the interview with the dad and daughter. I have all of those notes. I saved everything. I have discipline reports, just routine discipline for the girl which wasn’t very much. I saved all of those. I really didn’t have much that they could use.

Administrator 2 also commented, “E-mail is the one thing that they really dug into. They wanted anything that was on paper. Like, if I had taken any notes, they said that they would need copies of it and off it went.” She further stated,

They [the HR department personnel] were very helpful in guiding me through what to say, what to make sure I didn’t say. You know, that made it easier for me because I knew that I had this little bitty path that I could walk down and anything on the other side of it I didn’t have to worry about. I just can’t address that. And nobody made me. So they were very, very supportive.

**Stress.** High levels of stress and feelings of pressure were described by each of the administrators. They described the challenge they felt as they attempted to appropriately manage
all aspects of the process while trying to mitigate any long-term damage to the community. Administrator 2 commented, “You feel like the kids are looking to you thinking, “Please help me.” The teachers are looking at you saying, “Please get this stopped- this doesn’t look right.” She expressed frustration, “It is just like everything you’ve worked to build up in your school and one thing, one person, can make it so bad.” Heart-wrenching descriptions of sleepless nights, fear, anxiety, betrayal, and sadness were documented in the administrator’s interviews.

They did say it was going to be tough. They did say that you may want to talk to someone who has been through it. There was once another principal in the district who had been through a similar thing. I just didn’t feel like talking to anybody that much. I just gutted it out on my own (Administrator 1).

In tears, Administrator 2 reflected: “Here I am as an administrator wanting to make a difference, and it was just like all of that was shot down really fast. It took some time to recover.” She added: “It’s a very frightening thing for an administrator to be faced with something like that. With somebody so bold- who can do what she is doing and who can look you straight in the eye and say, “Absolutely not.”

The personal nature of the impact was described by Administrator 1 when he stated, “I think when you get a position like that, notwithstanding all the difficulty that happened afterward, with the suit and the legal proceedings and all of that…there’s just a feeling of being used, that just never goes away.” He also described significant impact on his personal physical health that resulted in a 3-4 day stay in the hospital. Administrator 1 stated:

I’m not sure I coped very well. I mean, the first thing you do is you go back, and you just rack your brain, ‘What did I miss, what did I miss, what did I miss?’ You go over this one hundred times, two-hundred times, five hundred times, just living
through things, and trying to see what could have done differently. And each time you come up with nothing. No changes, so basically you begin to feel better about that, until you find your name on a lawsuit and it starts all over again.

In conclusion, Administrator 3 stated: “This throws you completely off because you’re completely consumed by it, and what’s going to be your next step and where are you going to be.” He also described “Sleepless nights and I’m wondering when’s the next bomb going to go off.” He added “This talking just brings back a whole lot of terrible, terrible memories.”

Administrator 1 emotionally described the entire experience as, “Psychological despair, I guess is it is what you feel when you go through something like this. It takes its toll.”

Social media. Social media was used by the offending educators as a method to communicate with the student, share images, and arrange meetings. In one of the incidents described, multiple sexually inappropriate photos surfaced, and in another case, frequent use of sexually explicit language was uncovered. Administrator 3 described the moment when he learned of one of his teacher’s use of sexually explicit language with a student via social media: “A parent of the student came in to talk to me and he said, ‘I would like for you to look at this text message.’ I looked at the text message and I said, ‘Well, we’ve got a problem here.’”

Administrator 2 described a time in which the offending educator continued to reach out to her student victims using social media despite receiving a directive from her employer that she could not contact the students.

The teacher was placed on administrative leave and told that she could not be at any school activity, on any campus, not on any school campus, or be at any school activity, anywhere in or out of the district, and certainly not in our building. Nor could she communicate via phone, via texting, via email- she could have no
communication with any student in our building. That didn’t last anytime at all. She was sending him emails, text messages. And the mom caught that and brought that to our attention. I didn’t know that, she’s the one that brought that to everybody’s attention (Administrator 2).

Additionally, Administrator 3 described a particularly difficult situation created by social media in the wake of two instances of educator sexual misconduct by two different teachers. He stated, “Any time anything happens you know, and now with Facebook, anytime anything happens, you can’t control the leaks.” He added, “And a lot of times it’s the kids that are involved and you have no control over them. They can go out and go on Facebook, or whatever, and boom -- it’s all over the community.” He felt the immediate nature of the impact of social media definitely interfered with his attempts to move the community towards healing, “And so then when something goes wrong, these people went berserk on Facebook.”

**Concern for student safety.** The administrators described frustration with the inability to predict who may be likely to engage in a sexual relationship because, in most of the cases, they were completely blindsided. The task of ensuring student safety is vital, and the consequences of the failure to identify educator sexual misconduct can be devastating to the student, their family, and the culture of the school (Shakeshaft, 2013). Administrator 3 sadly described a situation where the system failed and the students suffered:

> When this all came out, it turns out that the school, not the one right before, but the one before that, that there’d been allegations there. When they had his trial, a little girl from that school came up from that school and said he had inappropriate sex with her.
Advice

One of the questions the administrators were asked was if they had any advice that they would offer to another administrator who might face the same issues surrounding educator sexual misconduct. First of all, the three of the participants recommended that no one go through what they went through, it was that terrible. But, if a situation came up, they provided specific advice based on their experiences regarding documentation, the media, trusting your guts, and campus policies and procedures.

**Documentation.** The administrators spoke specifically about the importance of good documentation. Maintaining impeccable documentation must be part of a every administrator’s best practices that are adhered to every day. They describe the need for a documentation system as a required part of normal day-to-day procedures, but they each spoke about the unexpected investigations and serious situations that can occur on a school campus which rely on administrator documentation. The figure below is a compilation some additional recommendations specific to documentation for campus leaders.
“I always reported that [previous concerns] to my HR director because I didn’t want something like this to flare-up and then, like, me not have any documentation that I had not done something.”

“Don’t put anything on your cell phone or text that you don’t want somebody else to know about because it will come up.”

“Be ready- because this can happen to anybody. It could happen to anybody tomorrow. You just walk into your school and then all of the sudden you have lawyers banging on your door. And you have a parent saying that this teacher had this relationship with this kid. And again, your reaction is, “What?”

“I would say that at that point you need to take everything and put it all together and put it in a file and keep it there because you are going to be asked to produce all of these things. That would be the biggest suggestion I would make.”

“I would also say keep everything out in the open.”

“Save all of your documents.”

“Keep your emails professional and factual. The things they tell you all the time, don’t ever try to speculate using email. Because that can certainly be used by a good lawyer, they could say like you knew about this.”

“Always be ready, and I mean always be ready to jump on something right away.”
“But I would say that e-mail is the one thing that they really dug into. They wanted anything that was on paper. Like, if I had taken any notes, they said that they would need copies of it and off it went. That was about it.”

“Anything that you do in your office is public record. So if someone really wants it, they can subpoena for it. Just make sure that you keep accurate notes. Follow through with what you say.”

Figure 1: Advice from the administrators about documentation (Krimbill, 2016)

The administrators all agreed that when a student or parent reports an allegation of educator sexual misconduct, all documentation efforts must be immediately, cautiously, and precisely executed to ensure appropriate action and legally-sound intervention to ensure the safety of the victim(s) and any other students who may have interacted with this educator.
Media. The administrators all addressed their stress and concern regarding media representations/misrepresentations and a lack of experience or confidence in dealing with the media. The figure below summarizes the advice recommended by the participants.

“You don’t say anything to the news, you refer them to me and I will issue them a prepared statement. And it works. You may not sound real good on the 6 o’clock news when they come out with the story and say, ‘We’re unable to contact any of the school administrators for an interview, but here’s their statement.’ And makes you look really, really bad for about five minutes, but if you go through the interview and they go in and splice it to the way they want it to, they can make you look bad for a long time.”

“I was also real concerned when I went back in the fall that it was going to hit the newspaper. And what was going to be the reaction going to be, or the reception from the community?”

“We think about those things, but the person- the citizen on the street- really they just see that newsflash, and its big deal for about two days, and then it just disappears.”

Enhanced development of social media and online communication policies and procedures can benefit administrators and district personnel when faced with an allegation of educator sexual misconduct on their campus or in their district. Aptly stated by Administrator 1, “Those concrete things that you can grasp on to kind of get you through that initial stage.”

Trusting instincts. Common to all of the administrators was a feeling of an instinctual response. The three administrators describe not only following all district policy and Human Resource Department recommendations, but they also describe a deep feeling of the need to act which relied on their instincts. The figure below captures some of the administrator’s recommendations to “trust your guts.”
“When your gut tells you something is wrong, probably something’s wrong.”

“When we hear the same story, by different people, for several years in a row, but you can’t put your finger on it— it didn’t mean it’s not there.”

“If your Spider-senses go off, dig a lot deeper than what it appears to be.”

“Keep your ears open with the kids and with parents. They will tell you everything. They usually do it on their own.”

Figure 3: Advice from the administrators about trusting your instincts (Krimbill, 2016)

**Campus policies and procedures.** As mentioned by the administrators, it is necessary to have strong policies and procedures in place so when school leaders are faced with challenging situations on campus, they have a clear path to follow. The figure below includes some of the administrators’ advice as it relates to campus policies, procedures, and practices.
“Be ready - because this can happen to anybody. It could happen to anybody tomorrow. You just walk into your school and then all of the sudden you have lawyers banging on your door. And you have a parent saying that this teacher had this relationship with this kid. And again, your reaction is, “What?”

“Always be ready, and I mean always be ready to jump on something right away.”

“You can’t take it personally. You have to keep your head up. You have to remain professional at all times. You have to compartmentalize this really disturbing thing off in your mind somewhere so you can continue to go to school and do your job.”

“When really what you have to do is business as normal. You have to ignore the noise. It is very, very difficult. But it’s the right thing to do.”

“Could we have done different things, I imagine we probably could’ve. I mentioned we probably could’ve said you can only have five or six kids in your classroom till 3:45 or 4 o’clock in the afternoon, then you’ve got to kick them all out.”

“Save all of your documents.”

“I would also say keep everything out in the open.”

“Keep your emails professional and factual. The things they tell you all the time, don’t ever try to speculate using email. That can certainly be used by a good lawyer, they could say like you knew about this.”

“You need to take everything and put it all together and put it in a file and keep it there because you are going to be asked to produce all of these things.”

Figure 4: Advice about campus policies, procedures, and practices (Krimbill, 2016)

This research seeks to inform the discussion of the impact of educator sexual misconduct on the school community, as seen through the experiences of the school administrator. This study may also add to the body of research illuminating the impact on a school community and all stakeholders after such a traumatic event. Current and future district and school leaders may be interested in this research as they examine their practices, plan staff development, review policies, and work to ensure the safety and well-being of their students.
Combined Implications of the Research

1) The social definition of appropriate behaviors and relationships for educators and students has changed significantly over the last (two decades?)

2) Increase in legislation is associated with an increase in ESM reports, though research regarding the effects of social media also indicates an increase in offender risk-taking behaviors

Black, Wollis, Woodworth, & Hancock (2015) caution that face-to-face predators, as in the case of an educator and student, can assess risk in person, thus already knowing the potential for a relationship before engaging in online interactions. Additionally, the anonymous nature of internet communication lowers inhibitions and results in victims more easily revealing personal details (Black et al., 2015). As Mary Jo McGrath, an education lawyer cautions, “they can get at them 24 hours a day if they want and they use the technology in a way that makes them appear to be a peer to students.” (Maxwell, 2007, p. 2).

3) The wide range of offender demographics (Robert & Thompson, 2017b) defies our ability to create a single offender profile and indicates that administrators must be well trained in recognizing signs of grooming behaviors in order to prevent educators from engaging in inappropriate relationships. Administrators can also prevent ESM by fully checking references when hiring new employees. Many cases of “passing the trash” reveal that educators who moved did not provide their most recent supervisor as a reference or that the hiring district did not completely check the most current references (Reilly, 2016). Peer teachers and head coaches will not necessarily be alerted to the presence of an investigation, only the direct supervisor (typically the principal or assistant principal)
would be able to speak to the employment standing of an employee. Online reference forms are not sufficient for checking on the final recommendation and verbal questions should include questions regarding investigations and concerns that an administrator has regarding an employee (Robert & Krimbill, 2016).

4) Administrators report a true concern for students, personal stress, and appreciation for the support systems in place when addressing ESM on their campuses.

5) While we cannot measure the actual number of ESM incidents that occur in Texas schools, the increase in the number of incidents following legislation increasing sanctions for non-reporters demonstrates that educators selectively report incidents (Robert & Krimbill, 2016).

6) By further compelling ESM incident reporting, we see from administrator experiences that a greater number of administrators and the campus communities will need intensified emotional support when facing the issue of an ESM incident.
References


Morris v. State, 833 S.W. 2d 624 (Tex. App.—Houston 1992)


Antonio, Texas.


Tex. Family Code § 261.101