

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. The results of the Task Force's discussions are embodied in this draft report.

We are releasing this report in draft form and asking individuals with a personal or professional interest in this subject area to provide feedback. 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, we want to ensure that the recommendations will provide a solid framework to assist schools in their child protection efforts. We therefore encourage school leaders and staff, survivors, parents, law enforcement agents, and others to review the draft and offer suggestions and comments about how it might be improved. Comments and feedback may be submitted here:

<https://www.surveymonkey.com/r/KXJ8FYC>

To every reviewer, we offer our heartfelt thanks in advance.

PREVENTION AND RESPONSE: Recommendations for Addressing Educator Sexual Misconduct in Independent Schools

**Draft report submitted for public review
by the Independent School Task Force on Educator Sexual Misconduct**

August 2017

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 these bedrock expectations and the central purpose of schools. Independent schools are not immune. Headlines in the media and public reports released by the schools themselves 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 has 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. It is incumbent on school leaders to recognize and acknowledge that despite the best precautions, abuse and misconduct can and does occur on our campuses, and it is imperative that schools take decisive steps to prevent and respond to educator sexual misconduct to the fullest extent possible.

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 fall 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.¹ 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
- 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 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

¹ We 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 its authors, not the volunteer reviewers.

effectively to cases of educator sexual misconduct, past and present.

Addressing the challenges

National research suggests that nearly one out of ten students in the United States will experience at least one incident of educator sexual misconduct between kindergarten and graduation from high school.² (Educator sexual misconduct can range from harassment to forcible 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. But regardless of how often educator abuse occurs, all schools must be serious, forthright, and vigilant in addressing the problem. Further, research demonstrates that establishing specific protocols and policies to protect children can greatly reduce the incidence of educator sexual misconduct.

Addressing educator sexual misconduct connects implicitly to the missions and values of independent schools. One inherent principle of independent schools, for example, is a commitment and obligation to maintaining environments that are safe for students, staff, and visitors. It is equally important to take steps to ensure that the school environment is inhospitable to abusers.

Another hallmark of independent schools is the close, positive mentoring relationships between teachers and students. Paradoxically, of course, many abusers also develop close relationships with children. For this reason, abusers may be perceived positively by community members until (or even after) allegations of misconduct emerge. It is incumbent on schools to ensure that student-teacher relationships and interactions are healthy and safe. This protects children and preserves one of the fundamental organizing principles of the independent school experience.

Best practices in child protection, laws related to mandatory reporting, and social 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 frame, pediatricians and medical professionals began to publish research about child abuse, focusing primarily on physical abuse and battered children's syndrome. As a nation, we were slow to recognize and identify the prevalence and nature of child sexual abuse as a distinct form of abuse. It was not until the mid-1970s that discussion within the field first began to focus 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.³

² Charol Shakeshaft, "Educator Sexual Abuse," *Hofstra Horizons* (Spring 2003): 10-13; online at http://www.hofstra.edu/pdf/orsp_shakeshaft_spring03.pdf.

³ 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 <http://digitalcommons.law.villanova.edu/vlr/vol59/iss6/5>.

At the same time, criminal laws historically penalized forcible contact, rather than age-based offenses. It was not until the mid-1990s that many states began to enact laws prohibiting sexual contact without consent (as opposed to by force or threat of force) as concepts like date rape (often referred to as non-stranger sexual assault) began to emerge in the legal landscape. Rape shield laws, preventing the use of a victim's reputation or sexual character in a criminal court, helped shift mindsets to focus on the perpetrator rather than the victim in evaluating criminal conduct. In recognition of the barriers to, and delays in, reporting of abuse by minors, states began to expand statutes of limitations for crimes involving children.⁴

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.⁵

Inconsistent with the positive, nurturing, and caring spirit of the independent school community, however, some schools have navigated 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 immediate and effective responses. In other cases, however, misguided concern about community disruption, the reputation of the school, or personal loyalties — among other considerations — took precedence over caring for abuse victims, protecting students, and preventing future abuse.

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, strengthening the long-term health and resilience of the school.

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, to help victims and survivors of educator sexual misconduct at the school. We must not confuse institutional integrity with institutional reputation. Recent years have seen a shift in the public nature of institutional responses to historical allegations of abuse. Open, transparent approaches that reflect care, acknowledge fault, offer apology, share

⁴ Jennifer M. Brown and Sandra Walklate, eds., *Handbook on Sexual Violence* (London, UK: Routledge, 2011).

⁵ 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%20PA%20Decline_FACT%20SHEET_11-7-12.pdf.

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.

The imperative of leadership

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. When abuse is reported, any school's mission would support responding to reporters of abuse with compassion, diligence, and justice. And many schools' missions and mottos prescribe truth and honesty, which can be manifested by communicating openly with board members, parents, students, and other constituencies.

In short, 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 this report

The recommendations in this report, while not exhaustive, cover a wide spectrum and aim to help schools improve student safety procedures and protect children in the school's care. The recommendations are structured in two sections:

1. The first section is devoted to preventing sexual misconduct in the first place.
2. The second section focuses on responding after an allegation has been made or reasonable 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 programming. In this report, some recommendations can be considered fundamental and thus urgent to implement. Others represent best practices for independent schools.

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 — such as proper boundaries between students and educators — but that also delineate channels through which bad behavior can be identified and reported. The recommendations argue for schools to essentially deepen their understanding of the dynamics of abuse and the laws surrounding responses 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 also needed in screening and hiring new educators and staff, in reviewing and assessing educator interactions with students, and in providing age-appropriate and targeted information to students, parents, and employees.

Response. The recommendations suggest that schools act proactively and with

transparency. They urge empathy and support in working with survivors. Schools need to respond in ways that meet their legal obligations, of course, but effective response goes beyond legal compliance. Consistent with respect for the privacy of a survivor and the integrity of any child protective services or law enforcement investigation, intentional, thoughtful, honest, and authentic outreach to the entire school community should be integral to a school's response to educator sexual misconduct. A similarly intentional approach to healing across the community should also be part of a school's approach after an incident has come to light.

Sexual abuse and educator sexual misconduct are complex and difficult topics that underscore the vulnerability of the very individuals schools should be nurturing and developing. Schools must be more strategic and more determined in working to prevent this scourge and to address it in the right ways 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, though, is that schools act deliberately and decisively to keep students safe and to actively address cases of educator sexual misconduct. 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.

SECTION I: PREVENTION

A key strategy for avoiding the personal 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 endeavoring to prevent such behavior in the first place. Toward that important goal, the Task Force makes the following recommendations.

Create a Child Protection/Safety Team

- As a fundamental step in building a school culture designed to prevent educator sexual misconduct, every school should create a child protection/safety team. This team helps the head and the board develop policies and practices to identify and mitigate potential risks in advance. The existence of such a team helps signal to the entire school community that the school is serious about combatting the threat of educator sexual misconduct.
- The team should consist of members drawn widely from across the school community and should include faculty, staff, and trustees as well as administrators. Where such discussions are age appropriate, consider also appointing students to the team. It may also be appropriate to include a parent.
- The team should meet regularly and have clear authority to recommend policy.

Employ and Enforce a Code of Conduct for All Staff and Volunteers

- Every independent school should have a code of conduct that outlines expectations for professional behavior. The code should reflect the school's unique mission, values, and programs. It should be a central part of the school's handbook and part of the evaluation process for all staff. Employees should be evaluated on behaviors related to the code of conduct as well as on skills and performance.
- The code should require that all students and adults be treated with dignity, respect, sensitivity, and fairness. It should specifically state that sexual misconduct and abuse will not be tolerated. It should reference specific expectations related to levels of supervision and privacy.
- The code should be provided to all staff, students, parents, volunteers, and contractors. The school should require that all staff and volunteers sign the code, and signed copies should be placed in employment files or other recordkeeping systems.
- Adherence to this code should be monitored regularly and enforced with disciplinary action when needed.
- The code should explicitly forbid retaliation against anyone who reports code violations.

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 include 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: S. Keener, R. Smith, and C. Shakeshaft, "Developing a Standard of Care for the Prevention of Educator Sexual Misconduct," Paper presented at the Education Writers Association annual meeting, May 2016, Boston, Massachusetts. Submitted for publication.

Establish and Maintain 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 and incorporate guidelines for interactions with minors.
- Every school activity involving minors should have appropriate levels of supervision and parental permission for every child's participation in the activity. Schools should strive to keep all student interactions interruptible and observable, meaning that an adult can see all the children participating in all activities at all times. Schools should ensure that students are within hearing or visual range of another adult at all times. Open doors and windows in doors can help achieve that goal, as can school policies governing how and where students and faculty can meet.
- When defining these expectations, 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 contexts. Include expectations that set standards around the fair and just treatment of all students in order to minimize the impacts of explicit or implicit favoritism, which can create conditions for abuse. Include expectations about using age-appropriate language and refraining from sharing personal or private matters with minors; develop guidelines around giving and receiving gifts, discussing alcohol or other drug use, and capturing images of students through photographs or videos. Set guidelines around the transportation of minors and around contact with minors outside of school (babysitting, tutoring, coaching) that include permission of the parent and knowledge of the school.
- Develop policies and procedures that clearly outline protocols for off-campus, non-school activities and events, including stipulating what authorization is needed for these trips. Such events should be limited in scope and duration. Ensure regular attention to attendance and the whereabouts of children in the program. Adults responsible for off-campus events or events that take place in

faculty housing should be trained on the school's code of conduct. If a program involves overnight accommodations, include rules that preclude the sharing of sleeping accommodations between adults and students. Schools should regularly review the effectiveness of their protocols for nonacademic, non-school activities and should amend those practices as needed to ensure good student/adult boundaries.

- Counseling situations, medical examinations, and similar scenarios may require different policies, but protocols need to be established to ensure proper behavior during such encounters. Similarly, different or amended policies may be needed to ensure full protection for students with disabilities.

➤ **Challenges in immersive/residential schools**

In residential schools, the lines between school and non-school activities and between school technology and personal technology can be less clear than in other settings. But situations in which students and adults interact more frequently necessitate that schools better articulate and enforce appropriate boundaries. There is an inherent power differential in the teacher/student relationship. Teachers must always remember that they are adults and that they must be committed to maintaining appropriate boundaries in schools.

The Task Force believes that no single policy for maintaining proper boundaries fits all schools. Rather, it is important that each school establish boundaries and develop boundary policies that will best protect its students and staff. These should be included in the school's code of conduct and faculty handbook.

Create and Maintain an Internal Reporting System

- Beyond having policies and practices that ensure that the school complies with a state-mandated reporting system (laws that require immediate reporting of suspected abuse of a minor), schools should have an internal reporting system that allows anonymous reporting of boundary violations or suspicions of boundary violations. The reporting protocol should include how to report, when to report, and to whom reports should be made.
- Such protocols have the 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 lead to the professional development of educators in a meaningful way.
- A well-articulated, robust, and comprehensive faculty and staff professional development and evaluation plan should be implemented. The plan 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. These reviews should address behavioral issues as well as job

performance.

Establish and Regularly 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 annually. 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?

➤ ***Plans for student safety must be customized.***

Although models exist, no single formula will suffice for developing a 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.

Improve the Screening of Prospective Employees

- Independent schools should conduct rigorous and comprehensive screening for every prospective employee as a condition of hire. Screening procedures should be clearly defined. Screenings must be conducted without fail for every job applicant to whom the school intends to offer employment. The screening process should take place before an applicant is hired.
- 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. Background checks and other screening requirements vary from state to state, and schools should carefully consider their legal requirements under state law.
- Interview 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. The interview process should include direct questions about mandated reporting of sexual abuse and maintaining boundaries between staff and students. Reference calls should include questions about boundary-violating behaviors and reports of sexual abuse.
- Screenings of prospective employees should include both national criminal history checks and, where available, consultations with child protective services or other equivalent agencies.
- Criminal background checks alone are often not sufficient to identify abusers or individuals likely to violate standards regarding boundaries. Schools must engage in more extensive reference calls. The screening process should also include contacting references beyond those provided by the applicant. Reviews of a prospective employee's public social media accounts may provide insights into character and behavior. Review of other publicly available information on the internet may also prove useful. Schools should require waivers from applicants to obtain forthright information as needed.

- Individuals engaged in screening applicants should be well-trained in that work and should receive specific training on screening for sexual misconduct.
- 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.

➤ ***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 responsive 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.⁶

Develop Policies for Providing References and Information on Former Employees

- 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

⁶ Pennsylvania Department of Education, “Commonwealth of Pennsylvania, Sexual Misconduct/Abuse Disclosure Release”; online at <https://www.applitrack.com/source4teachers2/onlineapp/1BrowseFile.aspx?id=38>.

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.
- Bear in mind that not all staff members are aware of the circumstances surrounding other staff members' employment or departures and are not always qualified to provide a reference. Schools should have a list of employees who are authorized to provide references for former staff.
- Schools should work with legal counsel to ensure that any waivers or other forms needed to provide a forthright reference are implemented.
- Schools seeking a reference should ask whether the individual is authorized to provide a reference on behalf of the school.

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>.

Provide Regular Required Training About Preventing Sexual Abuse

The Task Force believes that 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.

Require and provide regular training for all school personnel.

- Annually, all school employees should be given training on recognizing and preventing signs of abuse.
- 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 training should be provided for all employees. Ensure that materials are accessible to all employees, volunteers, and contractors. 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 employment.
- Educator sexual misconduct prevention and response should be part of the orientation experience of any newly appointed member of the school's board of trustees.
- Training should empower and give permission to school personnel to report concerning conduct, even if it may not rise to the level of suspected abuse.

Provide regular, required training for all school volunteers and regular contractors.

- For students in particular, volunteers, contractors, and others who come onto campus 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 regularly come into contact with students, particularly those who may be with students in an unsupervised fashion. Training should be consistent with state law requirements, which vary by state.

Incorporate developmentally appropriate education and training into student programs.

- Students need age-appropriate training about recognizing and preventing sexual misconduct. That training should frame the school's expectations for how students should be treated and how they should treat others.
- Students must understand how to report any issues that 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 will not be tolerated.
- Most important, students should be given permission to raise concerns, and the reporting of concerns should be validated through positive and affirming responses.

Provide information to parents and family members.

Parents and family members of students need to understand school policies, protocols, and expectations for staff, volunteer, parent, and student behavior.

- Parents, family members, and others who volunteer in the school should have formal training about appropriate and inappropriate behaviors. 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 event of such a report. Ensure that information is accessible to families of all backgrounds.
- Parents and family members would also benefit from education about developmentally appropriate ways to engage their children in conversations about boundaries, healthy behaviors, and sexuality.
- Parents should be provided with information about community resources, written materials, and an identified point of contact at the school to raise concerns.

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 overlooked or tolerated. Building or changing organizational culture is complicated and challenging, but adopting the practical recommendations in this report can help your school shape an appropriate culture.

A school's culture is also a 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 key aspect in developing a culture of student safety is to encourage and reinforce the reporting of concerning conduct. Reporting should be normalized as an expected behavior for both students and employees, and permission to speak up incorporated as a foundational element in shifting culture within an institution.

This short report does not provide ample space to fully discuss all that is involved in shaping a school's culture. (Our online resources offer some suggestions.) Nonetheless, we cannot overstate how important it is that each school engage in a set of actions that will help it develop an environment and mindset that prioritize student safety and do not tolerate educator sexual misconduct.

Regularly Review the School's Physical Spaces

Physical spaces that provide opportunities for an adult to be alone with a child with no fear of interruption can pose a significant risk.

- Every school should review its physical spaces regularly and should take steps to modify spaces as needed to reduce opportunities for misconduct.
- Schools should conduct space reviews. Such audits should assess factors that might affect the ability to isolate a child and potentially cause harm, such as the placement of lighting, windows, doors, mirrors, and cameras.
- Schools should review their physical plants for such visibility regularly — at least every other year.
- New construction, renovations, and landscaping should be planned with explicit considerations of visibility issues and opportunities.

➤ *The cost of reviewing and changing physical spaces*

We recognize the innate financial challenges of reviewing and, especially, renovating physical places to enhance visibility. Renovating space in any school environment is expensive. We also recognize that many buildings may have historical significance and therefore may be difficult to modify. Such challenges are particularly acute in boarding schools, which may have many buildings and forests across hundreds of acres. Recognizing the constraints of budgets and the challenges of physical space, we urge that each school work to identify areas within its physical plant that might shield individuals intent on misconduct and then work to mitigate the hazards that such spaces might create.

Develop Appropriate Policies Related to Use of Technology

- Because educator sexual misconduct can sometimes take the form of misuse of technology, policies are needed that guide the proper use of technology, including texting, telephone, social media, and other electronic forms of communication.
- Policies should include requirements for the use of school communication channels as well as technology and should ensure that such technology is properly monitored.
- Policies defining acceptable/unacceptable online behavior should provide the school with a way to track all online interaction between educators and students.
- Policies concerning technology should address the use of social media interactions with students, particularly when the use is outside the scope of educational programs.
- Schools should clearly communicate these policies to students.

Establish Procedures to Respond to, Report, Record, and Track Suspected Cases of Sexual Abuse

- Schools must have an explicit commitment to respond to suspected cases of sexual abuse involving students, school employees, volunteers, and others who

- come into regular contact with students.
- Every independent school should have an internal operating protocol in place in advance that addresses how reports of sexual misconduct or other serious behavioral misconduct will be handled. The protocol should be developed with input from administrators, faculty, and staff across the school. Insights from board members and select alumni may also be helpful. If appropriate for the ages of students the school serves, the school should consider getting student input as well.
- 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.
- The protocol should delineate the members of the school's multidisciplinary response team and assign responsibilities appropriately to administrators, staff, investigators, legal counsel, counseling services, and other resources.
- The school's board should adopt the internal operating protocol officially and ensure that the protocol is implemented.
- Everyone on staff should know about the internal operating protocol, as should the members of the school's board of trustees.
- Schools should regularly review their plans and reporting protocol and amend them as necessary.

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).

RESEARCH BRIEF

Fixated child sexual predators need to “groom” three audiences to gain trust with 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. The 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 victim 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 victims 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.

Identify, in Advance, a "Response Team" to Respond to Allegations of Misconduct and Abuse

- Schools should identify "response teams" in advance so that such teams can be activated as soon as they are needed. This team coordinates the response to a given incident or allegation. The response team is *not* the body that investigates the incident or allegation; that work is conducted by a different team.
- At a minimum, members of the response team should include the school head, the board chair or other officers, the school's legal counsel, other key administrators including heads of various levels of the school, the athletic director (if the allegation includes athletes or athletic staff), a clinical mental health counselor, and the communications director. For each person on the team, a written job description should delineate clear roles and responsibilities. The plan should also identify a point person or people as the team's lead. The child protection person at the school typically leads this group rather than the head of school. Every member of the team should have multiple ways to communicate with every other member of the team.
- Consider adding outside consultants to your response team. 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 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.

- Ensure that there are protocols for consistent and timely coordination of information between and among response team members and the consistent and centralized documentation of relevant information.

➤ ***Outside consultants on response teams***

Experience has shown that a response team that includes outside experts can help a school address educator sexual misconduct more effectively than it might do using just its own resources — and that such an investment often proves cost-effective in the long term. We recognize that each school will have to secure such resources in accordance with its own fiscal abilities.

Ensure That Standards and Expectations for Conduct Are Written Into School Documents

- Ensure that relevant information about the school's policies regarding educator sexual misconduct are included in all handbooks and online materials and that information is presented consistently.
- Consider specifically focused brochures or online materials to reinforce professional expectations and reporting responsibilities.
- Ensure that internal documentation practices allow information to be shared with new administrations as leadership changes within a school.

Develop Effective Working Relationships With Community Partners and Resources

Effective working relationships with local law enforcement and prosecutors and rape crisis or domestic violence agencies during times when a school is *not* in crisis can offer invaluable assistance during crises related to educator sexual misconduct.

- Build a relationship of trust and collaboration with local law enforcement agencies and relevant community partners. Such partnerships can facilitate effective communication and allow schools to turn to local authorities as a resource in addressing and responding to misconduct.
- Consider a written memorandum of understanding with relevant entities.

Regularly Practice Scenarios for Responding to Allegations and Incidents

- Fortunately, instances of educator sexual misconduct and sexual abuse in schools generally occur infrequently. Nonetheless, school heads, the board, and other key stakeholders should prepare for addressing such events by practicing related scenarios in advance. 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.
- As part of that advance planning, the school's board should regularly review case studies of instances or allegations of abuse.

In Advance, Evaluate the School's Insurance Policies Regarding Educator Sexual Misconduct

- The time to evaluate your school's insurance coverage regarding educator sexual misconduct is well in advance of any incident that might require using that coverage.
- Review your 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 your school's insurance coverage.
- Much insurance in this area is incident-based. It is important to know which policies were in effect at different times in your school's history and to be able to access that information at any time.
- Contact your school's insurance carrier as soon as possible if sexual misconduct is reported.

Consider an External Audit of Policies, Practices, and Procedures

- To help you assess your institution's approach to preventing and responding to sexual misconduct, hire a skilled third-party reviewer from outside your school to conduct a thorough audit of all relevant policies, practices, and procedures. Ask the reviewer to recommend improvements — then act on those recommendations.

SECTION II: RESPONSE

We might prefer to believe that instances of sexual abuse or educator sexual misconduct are unthinkable or unimaginable, but unfortunately we know they do occur. Whether the event occurred last week or several decades ago, a school's response once such behavior comes to light requires ethical clarity and considerable sensitivity, as well as deft and prompt maneuvering through a challenging set of 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 the students and the school.

- School leaders — indeed, all school employees — must learn, know, and be reminded what the law requires. Even in states that exclude private schools from mandatory reporting statutes, 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 employee without first coordinating and communicating with external child protective services or law enforcement authorities.

Respond Quickly and Compassionately

- If you are presented with a complaint related to sexual abuse, other abuse, assault, violence, neglect, or harassment, respond quickly and compassionately. You may not know what will happen next, but it is important to express immediate concern and let the person who is bringing the complaint know that you are hearing 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 you have received clearance from 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, any other potential survivors, and any current students, either at the school that received the report or at any other school, is paramount.
- The well-being of the institution will naturally follow the best interests of the children within it, and the reputation of the school should not be the driving factor in communications considerations.

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).

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 your 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.

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 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 (Jan. 2008): 29-47.

Protect the Confidentiality and Privacy Interests of the Reporter and Other Potential Victims

- Following allegations or incidents of abuse and during the subsequent investigation, schools may want to be as transparent as possible, but protecting the privacy of the individuals involved is of paramount importance.

Activate Your Response Team as Soon as You Receive an Allegation That Misconduct Has Occurred

- If you receive an allegation of abuse, activate your school's critical/crisis response team to work on the case. As advised above, we recommend creating such a body before any crisis strikes. This group might include the head of school, assistant head of school, heads of the various levels of the school (lower, middle, upper), a representative from the board, chief business officer, legal counsel, school counselor, athletic director (if the case involves athletic department personnel), and the communications director. Outside legal and communications counsel can provide invaluable perspective. This team manages the crisis; it does not investigate the incident or allegations.

Retain an Independent Outside Investigator With Subject Matter Expertise to Investigate Allegations of Abuse

- Law enforcement and/or child protective services typically investigate claims of abuse first. Schools then conduct their own reviews to determine how the abuse could have been prevented or responded to more effectively. Often, schools hire independent investigators to conduct the investigation to ensure objectivity.
- An attorney hired to conduct an investigation should not be the same counsel the school relies on to manage the school's other legal risks; different and often specialized expertise is needed. (And, indeed, the outside investigator does not have to be a practicing attorney.) The legitimacy of any investigation may be called into question if the person who investigates does not have appropriate expertise or sufficient independence from the school. Even some expert prosecutors with great academic and professional experience may have the wrong set of skills (e.g., investigating white-collar crime, not sexual abuse of children) and can make many mistakes. Ensure that you have carefully vetted and chosen your outside investigator; ask for references and speak with colleagues who may have navigated similar contexts.
- 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. Smaller or less well-resourced schools that cannot afford to hire an independent investigator may at least consult with one at the outset of an investigation. Frequently, insurance companies cover part of the cost of a sexual misconduct investigation.

Conduct a Prompt, Equitable, and Thorough Investigation

- Carefully determine the scope of the investigation and whether the school's attorney should hire the investigator to protect the results under 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.
- Ensure that the school's investigator operates according to a coordinated investigative protocol that protects the integrity of the investigation.
- Ensure that the investigation is 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 who has direct involvement with the case, 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, etc.
- Form a small group that will liaise with the investigation. This small group could consist of a few board members and at least one school administrator. No one in

this group should be directly involved with the allegations. This group will monitor the investigation as it goes forward and will be available as questions arise for which the investigator needs school input. The group will also make decisions at the conclusion of the investigation about communicating the results of the investigation. The group should meet regularly (i.e., weekly by phone and face to face once a month). Consider having the investigator(s) report to the group on a regular basis (weekly, for instance). Note that this group's responsibilities differ substantially from those of any crisis response team that might be 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 case.

Establish a Procedure That You Will Follow 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 to understand these preferences.
- 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.
- 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, what you are going to ask the accused, etc.
- If the accused is no longer at your school, make good-faith efforts to determine his or her whereabouts. The employer of the accused may need to be notified about the allegations and ongoing investigation, particularly if the individual has contact with children.

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.

Plan How You Will Report on the Investigation

- At the end of the investigation, your investigator should prepare a full written report.
- Consider how much or how little of that report you will share publicly. Many

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(s). Also consider how you will notify organizations (e.g., NAIS, TABS, other groups) and other entities (e.g., the media) about your findings.

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 you can. Sharing information can help address some of the concerns of families, students, staff, alumni, and the public.
- All communications — including letters, memos, public statements, meetings, and interviews with reporters — should come from one designated speaker for the school.
- 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.

➤ 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 and legal considerations. There are no hard-and-fast rules for how to communicate. Your school's legal counsel and board may counsel saying little or nothing when being more forthcoming often can 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.

Help Survivors Heal

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

Help 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 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 and parent 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 guilt 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 help 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

Unfortunately, as recent headlines have proven, the actions of individuals who perpetrate sexual misconduct can cast a long shadow on the extraordinary value that independent education offers. An axiomatic truth is that independent schools have a moral and legal responsibility to ensure that their students do not suffer harassment or abuse. Upholding that charge should be fundamental to the mission of every independent school. Moreover, we must do all we can to ensure that the legacy of independent schools is not sullied by the reprehensible behavior of a few individuals.

We cannot rely on the expectation that every person who plays a role in educating students at an independent school will hold himself or herself 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 at all times and without fail. And while the nature of educator sexual misconduct might make us wish we didn't have to address this problem, independent school leaders and educators must be strong enough to create and sustain an environment that is safe for all.

Toward that vitally important aspiration, this report strives to provide something of a road map. It offers a wide range of practical considerations to help independent schools take the necessary steps to remain vigilant in preventing educator sexual misconduct in the first place and to respond appropriately if such misconduct does occur.

We recognize, however, that simply offering guidelines is insufficient. The ultimate effectiveness of the recommendations in this report depends entirely on the extent to which they are adopted in individual schools and the extent to which schools evaluate their own contexts and address any potential threats or weaknesses. Such action is imperative. Accordingly, we conclude this report with this emphatic request: We ask the leaders of independent schools and their colleagues to study these recommendations in depth and apply them to assess the efficacy of their own institution's preparation for and response to incidents of educator sexual misconduct. Further, we ask that staff responsible for leading independent schools apply the recommendations to inculcate standards, guidelines, and actions that will help erase the threat of such misconduct.

It is only through such vigilance that independent schools can protect their students and staff from those who would do harm and, in so doing, uphold the standards for excellence that have distinguished — and will continue to distinguish — the education that independent schools provide.

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 will be posted online as a companion to the final 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 or www.NAIS.org.

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The statements herein are recommendations and not industry 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 specific advice.

Please submit comments and feedback on this draft report here:
<https://www.surveymonkey.com/r/KXJ8FYC>