

Overview

Schools are entrusted with the paramount responsibility of educating youths, and within this “in loco parentis” role, keeping them safe throughout the school day and while completing school activities (Beyer, 1997). Yet each year, students in elementary and secondary education fall victim to unacceptable behaviors with sexual overtones, ranging from inappropriate touching and online conversations to physical sexual assault. Most schools have policies and procedures for keeping children safe from a range of threats and hazards, such as natural disasters, flu outbreaks, and active shooter situations. However, schools and school districts also must demonstrate a strong commitment to the elimination of behaviors known as adult sexual misconduct (ASM) by school personnel, including teachers, coaches, administrative staff, bus drivers, and others who interact with children before and after school. To safeguard the well-being of the whole school community, school and school district administrators must provide staff members with knowledge of the behaviors that constitute ASM and help them take steps to protect students; prevent ASM; recognize signs of potential ASM; report and investigate possible ASM incidents with their partners (e.g., law enforcement); meaningfully respond to incidents of ASM; and provide immediate, short-, and long-term supports to the victim as the child recovers. Efforts to address ASM are strengthened by policies and procedures that describe appropriate, allowable behaviors, identify inappropriate and illegal actions, and outline methods for addressing allegations of ASM in schools.

What is ASM?

ASM,¹ as defined in this guidance, encompasses a broad set of behaviors that take place *in school settings*, ranging from those that are inappropriate to those that are illegal. Examples of inappropriate *verbal* conduct include sexual comments or questions, jokes, taunting, and teasing (Goorian, 1999). Inappropriate *physical* conduct includes kissing, hair stroking, tickling, and frontal hugging (Simpson, 2006). ASM can also come in the form of online predatory behavior, including sextortion, which has been used to define crimes that occur “when someone threatens to distribute your private and sensitive material if you don’t provide them images of a sexual nature, sexual favors, or money” (U.S. Department of Justice, n.d.). Although some types of ASM (such as remarks directed to a student) may not be criminal, they often violate other laws, regulations, and professional codes of conduct in the education setting (U.S. Government Accountability Office [GAO], 2014).

The GAO (2014) estimates that nearly one in 10 students are subjected to ASM by school personnel during the course of their academic careers. During the course of a seven-month investigation, Associated Press reporters examined the 2001–05 disciplinary records of educators from all 50 states and the District of Columbia (Irvine & Tanner, 2007). The investigation determined that the teaching credentials of 2,570 educators had been revoked, denied, surrendered, or sanctioned as a result of ASM, and that more than 80 percent of victims in the 1,801 cases were students.

It is important to note that ASM manifests in many ways, and the range of behaviors that may be considered ASM (from inappropriate to illegal) underlines the importance of clear policies and procedures that document the responsibilities of specific staff members for preventing ASM or

¹ Definitions of adult sexual misconduct may vary by state and can include a variety of behaviors (GAO, 2014, p.10).

the appearance of ASM. In many cases, behaviors that are considered ASM are subject to interpretation; therefore, these “gray areas” should be clearly spelled out in school and school district policies. Examples of gray areas that might be addressed by schools and school districts include the following:

- The settings for and frequency of after-school interactions with students
- Boundaries to use when traveling out of town for sports or other competitions
- Contact, touching, and hugging
- Appropriate social media interactions
- Personal cards, notes, and emails

Clear policies on the boundaries for interpersonal contact protects both students and staff members. In addition, policies related to ASM may also apply to policies related to other areas of school emergency management, including sextortion, human trafficking, and other types of child exploitation. Furthermore, policies governing adult behavior must consider all settings and all times, i.e., before, during, and after school, as well as at school, away from school, and in cyber settings.

Throughout this document, the term “ASM” is used in the broad sense described above, unless otherwise noted. Some of the research cited in this guidance examined a specific subset of inappropriate or illegal behaviors, or used terms such as “child exploitation,” “child maltreatment” or “child sexual abuse” in their studies. In these instances, the terms used by the researchers will be described and distinguished from ASM. Also, for the purposes of this guidance, ASM does not refer to child sexual abuse in non-school settings or by persons not affiliated with the school, such as family members or friends in the home or community.

Impetus for this Guidance

In 2014, the GAO published a report based on an extensive review of efforts taken by all 50 states and the District of Columbia to address ASM. The report examined

- steps states and school districts had taken to help prevent ASM,
- reporting requirements and approaches for investigating allegations, and
- efforts of federal agencies to address the problem.

GAO (2014) found that most states do not have a requirement for school personnel to receive awareness and prevention training on child sexual abuse or ASM. They learned that many states wanted additional guidance and technical assistance (TA) from the federal government. The report recommended increased efforts to inform federal, state, and local initiatives about how to prevent and respond to ASM in schools. Therefore, the U.S. Department of Education (ED) has developed this guidance to do the following:

- ✓ Help ensure the safety and well-being for every child at school.
- ✓ Help school officials, teachers, and parents understand the behaviors that are considered ASM and the effects of ASM on children.
- ✓ Describe steps that can be taken by school and district administrators to prevent ASM, such as increased scrutiny in hiring practices and widespread training for school personnel.

- ✓ Suggest ASM prevention measures in local codes of conduct.
- ✓ Provide guidelines for reporting at the school, district, state, and/or local levels when ASM is suspected.
- ✓ Create safe mechanisms for reporting and investigating possible cases.
- ✓ Protect educators and other school staff members from false allegations by developing specific policies to prevent and address them.
- ✓ Shed light on the role of social media, gaming applications, and the internet in ASM, and suggest appropriate boundaries related to these technologies.
- ✓ Provide information on additional federal resources that address ASM.

The chapters that follow were developed through a process of research and review by consultant subject matter experts and a working group review process that involved federal and non-federal participants. It is intended as part of an ongoing, systemic effort to provide school districts across the country with the information and tools needed to address the problem of ASM.

Chapter 1: Understanding ASM

This chapter provides the background necessary to recognize and understand adult sexual misconduct (ASM) as it occurs in school settings. It describes the most common behaviors that constitute ASM and provides examples of appropriate and inappropriate communications and conduct. The known detrimental effects of ASM on children (including physical, psychological, behavioral, and academic) are presented. Information is provided on the tactics used by typical perpetrators to target and victimize children. Chapter 1 concludes with demographic and other information on the children most likely to become the targets of ASM.

ASM Defined

A 2014 report by the U.S. Government Accountability Office (GAO) defines ASM as any sexual activity (physical or not) directed to a child with the purpose of developing a romantic or sexual relationship (p. 1–5). The GAO notes that although some types of ASM (such as remarks directed to a student) may not be criminal, these actions often violate other laws, regulations, and professional codes of conduct. These “gray areas” can sometimes be subject to interpretation, which underscores the importance of developing clear policies and procedures on ASM in every school district.

Inappropriate Conduct

Examples of inappropriate verbal conduct include sexual comments and questions, jokes, taunting, and teasing; whether in person, by phone, or using electronic means (GAO, 2014, p. 2–5). Modern technology, including social media platforms, along with features such as image-sharing and video-streaming, which can be used to enhance teaching and learning, also provide readily available and accessible avenues for ASM, such as the exchange of sexually explicit comments and images with minors (National Center for Missing & Exploited Children, 2012). Furthermore, there are numerous platforms which can be hidden; include disappearing media, such as images and text; and require log-ins.

According to the National Education Association, inappropriate physical conduct includes kissing, hair stroking, tickling, and frontal hugging (Simpson, 2006). It is important that school personnel understand what is considered appropriate and inappropriate conduct so that they can protect the children, at school and in its related cyber settings. Furthermore, school personnel will want to take steps to protect themselves while interacting with students before, during, and after school. By modeling appropriate adult behaviors, educators can help teach children protective actions, as well. For examples of these behaviors, see the figure **Examples of Appropriate vs. Inappropriate School Personnel Conduct** later in this chapter.

Illegal Conduct

Illegal conduct is characterized by physical sexual contact between an adult and a child under the age of 18. Specifically, this conduct includes sexual contact, genital contact, groping, fondling, touching, kissing, and sexual hugging (GAO, 2014). Exhibitionism, or showing one’s genitals in public, as well as showing children images of sexual activity, are often, although not always, illegal. Child pornography, sextortion, and other examples of child exploitation conducted by adults in an online setting are also illegal according to various state and federal laws (U.S. Department of Justice (DOJ), 2015).

As legal definitions of child sexual abuse vary by state, it is imperative for school administrators and staff members to become acquainted with local laws and their real-life applications. The U.S. Department of Education’s Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center lists state guidelines along with sample state policies at <http://rems.ed.gov/stateresources.aspx>.

ASM Provisions in Title IX

Federal law addresses ASM in schools through *Title IX* of the *U.S. Education Amendments of 1972* (Office for Civil Rights, 2008). *Title IX* prohibits discrimination on the basis of sex in any educational organization that receives federal funds (Department of Justice, 2015). School districts that receive federal funds must designate an employee to oversee *Title IX* requirements, act as a point of contact for sexually related complaints, and coordinate investigations (GAO, 2014).

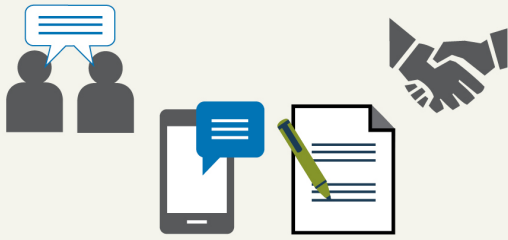
Although *Title IX* is not a criminal statute, the behaviors it prohibits may be criminal or noncriminal in nature, depending on state or federal laws (GAO, 2014, p.8). ED’s Office for Civil Rights (OCR) enforces *Title IX*, and provides guidance, resources, and information to districts and schools to ensure discrimination does not happen, including addressing and responding to possible incidents of sexual harassment of students. In this context, “sexual harassment” is synonymous with the activities that define ASM. If schools ignore the sexual harassment, including harassment conducted in online forums, of students by staff or peers, they can face legal repercussions (ED Office for Civil Rights, 2008).

Chapter 2 of this guidance addresses the need for *Title IX*-compliant policies and procedures on ASM. Chapter 3 describes the role of the local school’s *Title IX* coordinator, as well as staff training that can help prevent ASM and identify when it is taking place. This information is provided to answer the questions many local school districts have about *Title IX* requirements.

Alternate Terms for ASM Used in this Guidance

Throughout this document, the term “ASM” is used to include all inappropriate and illegal forms of sexual interaction with children in school settings. However, some research cited in this guidance examined a specific subset of inappropriate or illegal behaviors, or used terms such as “child exploitation,” “child maltreatment” or “child sexual abuse” in their studies. In these instances, the terms used by the researchers will be described and distinguished from ASM. Also, for the purposes of this guidance, ASM does not refer to child sexual abuse in non-school settings or by persons not affiliated with the school, such as family members or friends in the home or community.

Exhibit 1. Examples of Appropriate vs. Inappropriate School Personnel Conduct



VERBAL / WRITTEN / ONLINE COMMUNICATIONS

Appropriate:

- ✓ Praise
- ✓ Positive reinforcement for good work or behavior
- ✓ Humor and friendly comments
- ✓ Compliments that are not personal in nature
- ✓ Interactions with students in plain sight of all, with doors open

Inappropriate/Harmful:

- ✗ Sexually provocative or degrading comments
- ✗ Risqué jokes
- ✗ Singled-out student(s) for favors
- ✗ Written greeting card messages, notes, texts, emails, social media posts, or yearbook inscriptions that are highly personal in nature
- ✗ Suggestive teasing that references matters of gender or contains sexual innuendo

PHYSICAL CONDUCT

Appropriate:

- ✓ Personal contact in safe-touch areas (i.e., shoulders, upper back, arms, head, and hands), as long as the behavior is obviously appropriate, such as when giving a handshake or pat on the back
- ✓ Legitimate nonsexual touching, such as a high school athletic coach hugging a student who made a goal or a kindergarten teacher's consoling hug for a child with a skinned knee

Inappropriate/Harmful:

- ✗ Patting the buttocks
- ✗ Hugging, if the child is not receptive, if the staff member is hugging too often or for too long, or if the contact is romanticized or sexually intimate
- ✗ Touching that is intimate, romantic, or sexual in nature
- ✗ Meeting students away from school grounds during out-of-school hours or taking them away from school grounds before and after school hours
- ✗ Using corporal punishment
- ✗ Showing printed or web-based pornography and/or engaging students in pornographic activities
- ✗ Being alone in a locked room with a student
- ✗ Using cyberspace to interact privately with a student, without others' knowledge, consent, and supervision

The Impact of ASM

Child sexual abuse, including ASM in schools, is detrimental to children's physical, psychological, and academic well-being, as well as to their behavioral development (Lalor and McElvaney (2010); Hornor, 2009; Shoop, 2004). This victimization, whether through a single event or chronic exposure, can result in either short-term or lifelong effects that include maladaptive behaviors, mental disorders, developmental delays, social difficulties, and a shorter life expectancy ("Linking Childhood," 2015).

The Division of Violence Prevention at the U.S. Centers for Disease Control and Prevention (CDC) views child maltreatment as a serious public health concern ("Child Abuse Prevention," 2015). The CDC defines child maltreatment as

any act or series of acts of commission or omission by a parent or other caregiver (e.g., clergy, coach, teacher) that results in harm, potential for harm, or threat of harm to a child (CDC, 2015).

This definition of child maltreatment is broader than ASM, as it addresses any type of harm or potential for harm to a child, whether or not it is sexual in nature and regardless of where it takes place. ASM is therefore one type of child maltreatment. The following consequences of child maltreatment have been noted by the CDC and researchers in this area:

- Martin, Bergen, & Richardson (2004) found that the rate of psychiatric diagnoses was 56 percent in women and 47 percent in men who had suffered childhood sexual abuse.
- The stress of abuse can result in anxiety and make victims more vulnerable to problems, such as post-traumatic stress disorder; conduct disorder; and learning, attention, and memory difficulties (Cantón-Cortés and Cantón, 2010; Dallam, 2001; Perry, 2001).
- Early child maltreatment can have a negative effect on the ability of both men and women to establish and maintain healthy, intimate relationships in adulthood (Colman et al., 2004).
- Children who experience maltreatment are at increased risk for smoking, alcoholism, and drug abuse as adults, as well as engaging in high-risk sexual behaviors (Nichols and Harlow, 2004; Sapp & Vandeven, 2005; Dube et al., 2003).

According to the American Association of University Women (“Hostile Hallways,” 2001), the developmental effects of maltreatment can include

- improper brain development;
- impaired learning ability and social and emotional skills;
- lower language development; and
- higher risk for heart, lung, and liver diseases; obesity; cancer; high blood pressure; and high cholesterol.

At least a third of victimized students surveyed by AAUW (“Hostile Hallways,” 2001) reported behaviors that would negatively affect academic achievement, stating that they

- avoid the teacher or other educator (43 percent);
- do not want to go to school (36 percent);
- do not talk much in class (34 percent);
- have trouble paying attention (31 percent);
- stay home from school or cut a class (29 percent); and
- find it hard to study (29 percent).

Characteristics and Tactics of ASM Perpetrators

ASM can be perpetrated by adults in all job categories within schools (Shakeshaft, 2004b²). For the 2001 *Hostile Hallways: Bullying, Teasing, and Sexual Harassment at School* survey, AAUW representatives interviewed a nationally representative sample of 2,064 public school students in grades eight through 11. They investigated students' experiences of sexual harassment (defined as sexual teasing, bullying, and unwanted touching), including the jobs held by the perpetrators. Students reported that unwanted sexual contact most commonly originated from

- teachers (18 percent);
- coaches (15 percent);
- substitute teachers (13 percent); and
- bus drivers (12 percent).

ASM research suggests that perpetrators who work in schools target students using the same methods as those who target children in other settings: They zero in on those who are vulnerable (Shakeshaft, 2004b). Perpetrators are calculating in their approach; they isolate, manipulate, and lie to children to gain sexual contact and make them feel complicit (Robins, 2000).

Grooming, Trolling, and Exploiting

To keep their conduct secret, perpetrators coerce and “groom.” That is, as sexual contact escalates, they methodically increase the attention and rewards they give to their targets (Robins, 2000). Grooming allows perpetrators to test their targets' silence at each step. To nurture the relationship, perpetrators make the target feel “special” by, for example, brandishing gifts and/or spending extra time with the target in nonsexual ways, all in an effort to learn whether the target will keep silent (Robins, 2000).

At the same time, the perpetrator is also testing the adults surrounding the child or school, including those who work at school, individuals in the school community, and the child's family or guardian(s). It is not uncommon for the behaviors to be done publicly so that the perpetrator can gauge reactions; share information (true or false) to manipulate how the behavior is interpreted by the adults; and further control the child victim. For example, a teacher may lead their colleagues to believe the parent has provided consent for them to drive a student home because the parent needs help. In response, the perpetrator receives accolades and gratitude from their colleagues, and has begun the process of grooming peers as well.

As the target is groomed, and as the adults are groomed, the perpetrator gradually progresses to engaging in sexualized behaviors, often using threats and intimidation tactics with the child to keep his or her sexual misconduct secret. Keeping silent implicates the targets, making children believe they have been complicit in their own abuse and are therefore responsible for the abuse (Robins, 2000). Perpetrators will often threaten wavering targets, or those who seem likely to

² Please note that concerns have been raised about both the methodology of Charol Shakeshaft's report, “Educator Sexual Misconduct: A Synthesis of Existing Literature (PDF)” and the extremely broad way that sexual abuse and misconduct were defined. In addition, although the subtitle of the report is “a synthesis of existing literature,” the report is not a true meta-analysis. However, former Deputy Secretary of Education Eugene W. Hickok noted in the preface of the report that the topic is of critical importance and that releasing it was clearly in the public's interest. Learn more here: <http://www.independent.org/newsroom/article.asp?id=1331>.

report the misconduct, with a reminder of their powerlessness, such as, “No one will believe you” (Shakeshaft, 2004a). This threat can take form through another grooming tactic perpetrators use to keep their targets silent and to protect themselves—they befriend the victim’s parents to discredit any potential allegations (Shakeshaft, 2004b).

School personnel who engage in sexual jokes without being reprimanded might move on to making physical contact, such as touching a student's hair or body. If the behavior goes unreported and unaddressed, the adult may grow bolder and escalate to increasingly sexualized behaviors (Goorian, 1999).

While ASM often occurs covertly in classrooms (whether empty or not), hallways, private offices, buses and cars, the homes of school personnel, secluded outdoor areas, in online forums and on social media networks, and during school functions and parties, ASM can also occur openly in front of student bystanders (Shakeshaft, 2004a). ASM can take place as a pattern of behavior that stretches over time or as a sudden, impulsive attack (Shakeshaft, 2004b).

ASM perpetration behaviors are often seen in three phases (Shoop, 2004):

- **Trolling and Testing.** The abuser is screening for possible candidates by testing the boundaries of the student, the home environment, and the school environment. The abuser is trying to identify a vulnerable child. A child may be identified as vulnerable because he or she is unsupervised, may not have close parental relationships, may be lonely or needy, may have inappropriate boundaries, or may have low self-esteem. Also, the targeted or vulnerable child may be one that the perpetrator has access to in a private setting. It is difficult to identify the motive during this phase (Seattle Public Schools with funding from the U.S. Department of Education, 2013).
- **Grooming.** Some of the warning signs in this grooming phase may be nonsexual and include the offender trying to move the relationship to a personal level, telling the student their personal problems, discouraging the student from talking with other school employees, or asking the student to run personal errands (Seattle Public Schools with funding from the U.S. Department of Education, 2013).
- **Exploiting and Lulling.** This phase involves manipulating the student while becoming more aggressive with abusive behaviors. This includes both sexualized behaviors and other activity that is designed to keep the sexual relationship ongoing and undiscovered. Perpetrators persuade students to keep silent, either by intimidation or threats, or by manipulating the child’s affections. Secrecy protects the abuser and isolates the victim (Seattle Public Schools with funding from the U.S. Department of Education, 2013).

The phases of exploitation are directed not only at the targeted student, but at fellow staff members. Socially skilled perpetrators usually work hard at making sure that they are well-liked by staff and that the student will not be believed, even if the sexual relationship is disclosed (Seattle Public Schools with funding from the U.S. Department of Education, 2013).

Exhibit 2.

Three Phases of ASM Perpetration Behaviors

TROLLING AND TESTING

- Schools: Perpetrators may apply for jobs at schools with lax ASM policies or little understanding about the incidence of ASM in schools.
- Parents: Perpetrators look for parents who need help or who are disengaged from their parenting roles.
- Students: Perpetrators look for students who are vulnerable and will be open to someone who wants to fill an emotional void.

GROOMING

Desensitizing the student to inappropriate behaviors and making the child feel special in sexual and nonsexual ways.

EXPLOITING AND LULLING

- Schools: Perpetrators become increasingly aggressive in defending their conduct by indicating they are more caring and engaged with students than other adults.
- Parents: Perpetrators begin to assume a supportive family member role while isolating the student from his or her family.
- Students: Perpetrators bribe, extort, isolate, intimidate, manipulate, and/or coerce the student.

Sources: *Sexual Exploitation in Schools: How to Spot It and Stop It*, Robert Shoop, 2004; Helpful Hints, U.S. Department of Education, Vol. 3, Issue 2, 2007

Common Targets of ASM

While almost all children and youths respond to positive attention from an educator and other adults within the school system, students who are estranged from their parents, who are unsure of themselves, who are engaged in risky behavior, or whose parents are engaged in risky behavior are often targeted, not only because they might be responsive, but also because they are more likely to maintain silence (Robins 2000). These children are easier to control, may welcome attention, and could be perceived as less credible if they make allegations.

Females comprise the overwhelming majority of ASM victims (Sedlak et. al., 2010). African-American children are nearly twice as likely as white children to be targeted, while Hispanic children face a slightly elevated risk as compared to non-Hispanic white children (Sedlak et. al., 2010). Children with disabilities are almost three times more likely than their disability-free peers to become ASM targets, and those with intellectual and mental health disabilities appear to be most at risk (Lund, 2012). This problem is compounded when a disability interferes with a child's ability to report abuse to an adult (Skarbek, Hahn, & Parrish, 2009).

A recent survey of middle school and high school students ages 13 and older conducted

by the Gay, Lesbian, & Straight Education Network (GLSEN) (Kosciw, Greytak, Palmer, & Boesen, 2014) found that children who are lesbian, gay, bisexual, transgender, or questioning their sexual identities (LGBTQ) sometimes hesitate to report ASM, believing that the incidence of homophobia among school personnel will prove to be an insurmountable barrier to getting help. In fact, GLSEN indicated that 56.9 percent of LGBTQ student responders were subjected to homophobic remarks from their teachers or other school staff.

Conclusion

This chapter provides the “big picture” of ASM as it occurs in school districts across the country. With this understanding of the behaviors that characterize ASM, its effects on students, and the approaches used by perpetrators to exploit children, the reader is equipped to move on to subsequent chapters. Specific guidance follows to assist school officials in the development of

policies and procedures to prevent ASM through informed hiring practices and staff training. Information is presented on dealing with online technologies in the school setting, including maximizing their usefulness for educational purposes and minimizing their capacity for harm within this context. In addition, federal programs and resources are described that can promote ASM awareness to reduce the incidence of sexual victimization of children.