The Principal’s Dilemma

Protecting students from abuse is a crucial part of any principal’s job. But false allegations can destroy a teacher’s career and life. How can principals balance the safety of students and justice for teachers?

By Robert J. Shoop
The increased attention paid to the problem of teachers abusing students has generated a predictable reaction from teachers. They understand that students have been abused by teachers. However, some believe that legitimate cases have been sensationalized by the media. This concern has caused some teachers to become cynical and defensive. They worry that even discussing the problem of teachers abusing students may stimulate false complaints.

This fear of false accusations is having a negative effect on teacher morale. For example, the following statements are representative of comments and questions made at the conclusion of sexual harassment and abuse prevention training sessions: “How can I protect myself against a false complaint?” “What happens to a teacher if a student lies about abuse?” “Just being accused of abusing a student is the ‘kiss of death.’” “Are students who file false complaints punished?”

A veteran teacher recently told me, “Our school district has a new policy that states the only permitted physical contact between teachers and students is a handshake. This is stupid, and I resent the implication. A few bad teachers are destroying the reputations of the rest of us.”

Because of the increased awareness of the frequency and the seriousness of teacher-student sexual abuse, principals are facing a dilemma. On one hand, there must be zero tolerance for the sexual exploitation of children. On the other hand, principals must protect the reputations of innocent teachers. A false allegation of abuse will significantly damage a teacher’s reputation and may destroy his or her career. Once the rumor of abuse begins to circulate, the harm is done. However, if forced to choose, principals must always protect the student.

Research reports, court cases, and media accounts indicate a significant number of cases in which teachers have engaged in sexual misconduct against students. Moreover, it can be safely assumed that many more incidents of sexual misconduct remain hidden and unreported. The problem is not so much the number of offending teachers, but the number of students a single bad teacher can victimize. In every case of teacher misconduct, one or more children have been hurt emotionally, psychologically, spiritually, socially, sexually, or physically. Following are actions a principal can take to protect teachers from false complaints and actions teachers can take to protect themselves. The recommendations offered should be part of a larger strategy—helping schools become safer places for students. The ultimate goal is to design and implement a plan to prevent sexual misconduct by educators and to create schools that are free of fear, harassment, discrimination, violence, and abuse.

Protecting Teachers

Include a Code of Conduct

Having a sexual abuse policy is only the first step. Schools should also have a written code of conduct for teachers, other school staff members, and volunteers. This code of conduct should explicitly prohibit all romantic/sexual relationships between students and teachers, regardless of the student’s age. When teachers tell me that everyone already knows this and it is demeaning to put such a statement into writing, I use the analogy that everyone knows that rape is wrong and illegal, but society has found it necessary to put a prohibition against rape into writing. Teachers and students must be taught what constitutes sexual misconduct and the boundaries between acceptable and unacceptable interaction between teachers and students.

Prohibit False Complaints

The primary purpose of a sexual abuse policy is to identify and prevent abuse by teachers. However, many policies do not include a specific prohibition against making a false complaint. In fairness to teachers, the school cannot neglect this issue. A prohibition against false complaints is an important component in protecting the reputation of innocent teachers. Students must understand the damage a false complaint can do and that any student who makes a false accusation will be punished.
Provide Training in Prevention Strategies
Specific training is necessary to reduce the confusion between appropriate and inappropriate physical contact with students. For example, if my third-grade child fell and cut her knee while running across the playground, I would want her teacher to bend down, give her a hug, and tell her she was going to be O.K. However, if I saw a teacher in the back of a classroom hugging my daughter, it would trigger alarm bells. If a high school student won a scholarship, got a new job, or did particularly well on a test, it would be natural for a teacher to pat the student on the back or put an arm over the student’s shoulder and offer congratulations; however, regularly hugging students as a form of greeting is not appropriate. Teachers continually tell me, “I am just a physical person,” “Students need affection,” or “The hug is completely innocent.” This may be true. However, it is the effect of the action, not the intent, that can create negative perceptions. The student may not wish to be hugged but is uncomfortable telling the teacher to stop. Additionally, others may misconstrue the teacher’s behavior. When in doubt, it is prudent to err on the side of caution.

Students must be taught that they have a right to tell a teacher if any touch or other behavior makes them uncomfortable. They also have the right to complain to the principal if the teacher refuses to stop the unwanted or inappropriate behavior. Regardless of motivation, when a teacher is told to stop, he or she must discontinue the activity.

Understand How Your Policy Works
Anatomy of a Sexual Abuse Complaint
(See decision tree p. 26)
Don’t wait until a complaint surfaces to study your policy. There are five ways that teacher sexual abuse of a student may come to the attention of a principal:
1. A formal complaint
2. An informal complaint
3. Observed abuse
4. Observed suspicious behavior
5. Rumors or anonymous reports.

The first three instances place the school on notice, and the school must conduct an investigation. The last two present a more difficult problem. If the principal receives information that he or she determines is credible, an investigation must begin immediately. However, even if the principal does not give credence to the report, he or she must not ignore the information. Although a teacher may not be disciplined on the basis of a rumor or an anonymous report, the principal should heighten his or her scrutiny of the accused teacher and reeducate all staff members and students regarding the policy and acceptable and unacceptable behaviors. If the school does not initiate an investigation and the abuse was actually occurring, the school and the principal can be accused of displaying “deliberate indifference.” In many cases, courts have imposed awards from claims that the school was made aware that a teacher was molesting a student and failed to take prompt and appropriate action. Of course, the most serious consequence of failing to conduct an investigation is continued abuse of a student.

Should the Teacher Be Removed from Student Contact?
The most crucial decision the principal must make before the investigation is begun is whether or not to remove the teacher from student contact. If the allegations involve improper language or a nonphysical form of sexual harassment, it may be possible to allow the teacher to remain in the classroom. However, if the complaint involves sexual intimidation, inappropriate contact, stalking, sexual propositions, or sexual intercourse, the school has a duty to remove the teacher to ensure student safety. A range of options, including suspension or reassignment to nonclassroom duties, may be considered.

Abuse-reporting statutes do not allow principals and other educators to wait until proof is discovered before reporting an incident—all suspected abuse must be reported. However, if the appropriate agency fails to investigate or the district attorney does not pursue a criminal charge, the school still must complete an investigation. Even an acquittal in a criminal proceeding should not deter the school from considering action against a teacher. Behavior that isn’t criminal may still fall below the standards of the education profession.

If a teacher confesses to the abuse, punishment must follow. However, the school’s responsibility does not end there because there are likely to be other unidentified victims. The school should make every effort to locate these students and provide counseling. Frequently, a teacher will resign while under investigation, but it is a serious error for the school to discontinue its investigation upon a teacher’s resignation. The school has an obligation to find out what happened and provide assistance to any victims of abuse. Also, the school must not conceal the fact that the teacher resigned while under investigation.

If a student recants an allegation, the principal must be satisfied that the student has not been retaliated against or threatened. If the complaint was false, there must be serious consequences for the student: punishment strong enough to make it clear to that student and all others that a false complaint is a very serious matter. The school should reinstate the teacher and work to rehabilitate the teacher’s reputation. Obviously, the school should try to keep the facts of the incident and the names of the student and teacher confidential; however, a falsely accused teacher deserves a statement of exoneration.

Absent a confession or a recanting of the allegation, the school must continue the investigation. The school must interview witnesses provided by the student and the teacher and should also interview its own witnesses. For example, if
a student alleges that the event took place at a specific time in a specific hallway or classroom, it should not be difficult to learn the names of others who could provide information about the allegation.

There are three possible outcomes from the investigation:

1. The allegation is confirmed
2. The allegation is refuted
3. The allegation cannot be confirmed or refuted.

If the allegation is confirmed, the teacher must be punished. If the allegation is refuted, it must be determined whether the student made the allegation with malice or because of a misunderstanding or confusion. In the case of a mistaken allegation, the student should receive counseling about the harm caused and potential ways to avoid a repeat of the problem. If the school determines that the allegation was made with malice, the student must be punished. However, if the allegation can be neither confirmed nor refuted, the principal must heighten his or her scrutiny of the accused teacher and ensure the teacher receives counseling about questionable practices and behaviors that might be misconstrued. The principal should follow up with the student to determine whether the problem continues.

There is potential for some form of retaliation against the student making a complaint. This may be instigated by the accused teacher or by another student who does not believe the allegations or who supports the teacher. Everyone must understand that any form of retaliation is a separate incident of harassment that the school will promptly investigate.

**Actions Teachers Can Take To Protect Themselves**

In a litigious society with a heightened awareness of potential abuse, prudent teachers should take steps to protect themselves. Some believe these suggestions unreasonably interfere with a teacher’s style; however, teachers who refuse to become risk managers and blindly cling to the belief that because their motives are pure, they will not be misunderstood, do so at their own risk. Although there may be innocent explanations for many of the following risky behaviors, each is either inappropriate or can be misconstrued (see sidebar p. 27). Even the appearance of inappropriateness can significantly damage a teacher’s reputation.

**Conclusion**

Teacher abuse of students has serious consequences for principals, teachers, and students and must be discussed openly with all members of the school community. Teachers must be warned about questionable practices. They must be encouraged to alert their principal if they have any reason to believe a student is spreading a
rumor about them or if they suspect that a student wishes to cause them harm. Students must have a user-friendly process to make complaints and be encouraged to report the first sign of inappropriate action. However, students must fully understand that making a false complaint is a serious, punishable offense.

If teachers believe that their concerns are being fairly addressed in the policy, training, investigation, and follow-up, they will be less anxious and more willing to continue appropriate interactions with students. Just as fear and intimidation interfere with a student's ability to learn, they can also make educators anxious and distrustful—and their teaching will suffer.
TEN RISKY BEHAVIORS

The best way teachers can protect themselves from false accusations is to avoid behaviors that can be misconstrued. The following 10 risky behaviors are not absolute prohibitions, indisputable indicators of wrongdoing, or a substitute for common sense—they are intended as risk management guidelines.

1. Do not be alone with a student in your classroom, outside of the regular school day, without informing your principal.
2. Do not be alone with a student behind a closed door. If your classroom door does not have a window, request that the school install one.
3. Do not make a habit of meeting students outside of school for a meal, a soft drink, or a cup of coffee. Regardless of the motivation, there is seldom justification for such conduct.
4. Do not counsel your students in nonacademic matters. Teachers, although well-meaning, are not trained as counselors. Teachers generally resent this suggestion, citing the bond of trust that they have developed with their students. Teachers must consider the potential risk in discussing personal matters with students. If they believe that a student is in some type of trouble, they should refer the student to the school’s counseling team.
5. Do not regularly transport students in your own vehicle or allow students to have access to your vehicle.
6. Do not give students hall passes to come to your classroom on nonschool-related business.
7. Do not allow students to engage you in conversations regarding their romantic or sexual activities, and do not discuss your personal problems with students.
8. Do not entertain students in your home unless it is a school-sponsored activity.
9. Do not make sexual comments, comment about student’s bodies, tell sexual jokes, or share sexually orientated material with students.
10. Do not put your hands on students in a manner that a reasonable person could interpret as inappropriate. Do not brush against their bodies; touch their hair; or rub their necks, shoulders or backs. Do not tickle, wrestle, poke, pat, punch, or spank students.

References


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