

Student-teacher relationships: What's a school to do?



ADVISING SCHOOLS

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Despite increasing media attention, criminal and other consequences and general societal revulsion, reports of inappropriate relationships between students and teachers abound.

Improper contact ranges from e-mails and text messages to phone calls and physical touching. These reports receive local, state, and even national attention because of their very nature and given the outrage felt by communities and family members.

On one hand, no one wants to believe that a teacher — someone who is familiar to them and in a position of trust and authority — could engage in bad behavior with a student. On the other hand, no one wants to blame a child or disbelieve his or her claims. The tension created by these issues can leave school districts, where the students and teachers usually first meet, in a difficult position.

So what can schools do to prevent inappropriate behavior between students and teachers, particularly in today's Internet-savvy society? Many of the ideas presented here involve common sense, but the absence of reason is usually at the heart of improper student-teacher relationships.

Be alert

First, district officials must be vigilant. Pay attention and talk about what you see and hear around the school. There are multiple sets of eyes and ears at your disposal; use the presence of teachers, administrators and other staff throughout the school to watch and listen.

Second, emphasize good behavior by both teachers and students. Many schools today have written codes of conduct for all students, and regular discussions and seminars on proper behavior for instructors. Ensure also that personnel and pupils are following the dress code. In some cases, the student or teacher has admitted, after the relationship came to light, having dressed to look older, younger or in a deliberately provocative fashion. This could be an early warning sign to monitor.

Another key is watching one-on-one time between a teacher and a student. Be mindful of teachers who look for or spend time alone with select students before or after school, during study halls or at lunch periods. If a teacher must meet alone with students, the door should be open and lights should be on. They should be visible at all times from the doorway. Giving gifts of significant value or a special award to one student should set off a cautionary signal, especially if done outside the rest of the class. Further, team dinners or class celebrations should be held for all participants, not a select one or few.

In addition to these common-sense steps, watch communication methods between students and teachers. When communicating on student issues, teachers should use the parent- or guardian-provided contact information only, and they should be speaking to the parent or guardian, not the student. Limit less-formal communications like texting and e-mailing. Control the availability of these opportunities at school through use restrictions, particularly of cell phones and PDAs by students.

Some teachers have recognized the use of Internet discussions, blogs, and social-networking sites such as MySpace and Facebook for educational purposes, while others characterize them as breeding grounds for unsuitable conduct. If a teacher needs the Internet for student communication, he or she should separate his or her personal profile and information from professional data, and students should only have access to the professional information. Finally, unless the teacher is also the parent, prohibit unmonitored teacher transportation of students to or from school, events and field trips.

When abuse is suspected

Despite a school's best efforts and attention, sometimes teacher-student relationships develop. No one has identified a definitive way to prevent them.

If a school receives a report of inappropriate behavior, it has an absolute duty to report it. Failure to do so can expose a school to liability.

Generally, the Education Law requires that a report be made through a chain of command within the school and, ultimately, to law enforcement. The Social Service Law mandates that the school report to the state Central Registrar, which then notifies Child Protective Services, when the school has "reasonable cause to suspect" abuse.

Most litigation attacking school-district acts or omissions involves the "reasonable cause" standard. There is no precise definition of "reasonable cause." Courts review the facts of each case individually. As a good rule of thumb, however, if the school feels it should investigate, then it has reasonable cause to suspect abuse, and it must comply with its mandatory duty to report.

The potentially awkward nature of investigating a colleague should not prevent the school from diligently examining the facts and circumstances of any allegations, rumors or claims. Courts and juries will not tolerate such a hesitance, particularly in light of the immunity school officials have when they make good-faith reports of suspected abuse. The school's possible liability outweighs any potential reputation damage that the teacher could face. This is particularly true if the school does not investigate and the claims turn out to be true.

As part of its investigation, a school should never interview the accuser and alleged perpetrator together; do not allow the alleged perpetrator an opportunity to potentially intimidate the accusing student. Further, the school's inquiries can be contemporaneous with, but certainly not in lieu of, the authorities' investigations. By reporting in accordance with legal mandates, schools will have the proper authorities engaged in the investigative process at the earliest possible moment, which insulates them from claims of wrongdoing once they have a valid suspicion of inappropriate conduct.

Typical verdicts and awards

Verdicts and settlements depend on the nature of the allegations as well as how the school acted — or is perceived to have acted — under the circumstances.

Some examples demonstrate the significant monetary awards these cases can garner in appropriate cases. Consider the matter of a 13-year-old student in Kings County who was molested twice while attending after-school music classes with her teacher. The incidents were reported, and the teacher was arrested and jailed. In the subsequent civil lawsuit, where the primary claim was negligent supervision, the parties ultimately settled the case before trial for \$400,000.

More egregious acts or omissions carry higher liability. For example, a Nebraska jury awarded \$1.2 million to a former student who alleged that he was sexually abused by a teacher after other students made numerous complaints about the teacher's behavior. Underlying the claims were reported years of warning signs before the abuse took place. The plaintiff contended that the school did not act soon enough in terminating the teacher in light of these reports. His complaint also alleged that the guidance counselor and others pressured him into signing an affidavit denying the molestation, all the while failing to advise of him of the legal consequences of doing so, including a waiver of his future claims.

Juries do not tolerate even the remotest hint of a cover-up, and often do not accept even the most reasonable explanation after the fact, particularly where actual abuse is proven.

Lawsuits involving multiple victims are not uncommon, either. Take an instance in South Carolina, where a county school district settled six lawsuits for \$4.6 million. As reported by the Beaufort Gazette, an elementary-school music teacher was found guilty of molesting at least nine students between the ages of six and 13. He was sentenced to 25 years in

prison. At least some of the abuse occurred in after-school programs held at the school — again showing that vigilance can be a school's best ally.

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