

## Sexual Misconduct Liability – “Are We Protected?”

There are thousands and thousands of incidents of sexual misconduct in schools each year, including over 4,000 cases of staff-student inappropriate behavior that end up in the courts. Therefore it is critical when assessing risks to be brutally honest and ask “What is being done in our district to protect against lawsuits, school community devastation, and the ripple effects that occur as a result??”

As Dr. Phil says - “Let’s Get REAL!!!” Getting real in the realm of risk management means acknowledging that it may not be “if” it will happen, but “when” it will happen. And “when” it happens, is the district in a position to defend against criminal and civil suits, negligence, and the lack of staff training?

Getting “real” means school environments, especially middle and high, are ripe with “Eros” (nea.org article) in the classroom. After all, they embody human beings as teachers and students - each with unique gifts, talents, motivations, and passions. Along with that, each also possesses human frailties, which left unchecked often result in the fracture of healthy boundaries and the fiduciary teacher-student relationship.

Getting “REAL” when it comes to proactively managing risks and liabilities associated with sexual misconduct in schools, requires intentional and focused efforts that include:

- 1) Knowledge of Federal and State Laws
- 2) Stringent policies & procedures, and
- 3) Education of every student-facing staff member on the creation and maintenance of healthy boundaries and how to respond/report appropriately in the event of an occurrence.



Staff training to include the above areas is critical to ensure that district and individual administrative personnel are protected from criminal and civil penalties, and that staff is equipped with the tools and resources necessary to execute a risk management strategy of success.

“The dynamics of the teacher-student cases are often different than the classic sexual abuse cases because they seem to involve consenting relationships between teachers and students,” said David Finkelhor, director of the *Center for Crimes Against Children Research Center* at the University of New Hampshire. “... “Clear boundaries have to be enforced.”

“I think what’s going to force it to be addressed is lawsuits, just like the Catholic church,” said Larry Bloom, a psychology professor at Colorado State University and an expert in evaluating sexually abused children. “They are going to do something about it when a school (or individual administrator) gets sued and has to pay money, lots of money.”

WylliE3 consults and trains in schools throughout the US. As a 501-C3 nonprofit, WylliE3 seeks grant monies and subsidy support for schools that wish to provide **S.M.A.R.T.**(Sexual Misconduct Awareness & Response Training) solutions. Contact [WylliE3](http://WylliE3.com) or call 704-577-4132 for complete details.

# The Power of Social Media and Social Networking in Education

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“What is good learning? That may be a subjective question. But it’s likely that many educators would give answers that fall in the same ballpark

...students collaborating and discussing ideas, possible solutions...

...project-based learning, designed around real world contexts...

...connecting with other students around the world, on topics of study...

...immersing students in a learning experience that allows them to grapple with a problem,

...gaining higher-order thinking skills from pursuing the solution...

To many educators, these notions are music to their ears. Would it seem terribly strange then to hear that students indeed are doing these things regularly outside of their classrooms? Every day, many students are spending countless hours immersed in popular technologies—such as Facebook or MySpace, World of Warcraft, or Sim City—which at first glance may seem like a waste of time, and brain cells. But these genres of technologies— Social Networking, Digital Gaming, and Simulations—deserve a second, deeper, look at what’s actually going on.”<sup>1</sup>

This recent whitepaper, other notable research, and studies showing students spend more than 10 hours a day using technology<sup>2</sup>, have educators and administrators grappling with the positive power of technology versus the negative backlash we see all too often in today’s headlines.

Sexual misconduct in schools is blatantly apparent across the country, and very many cases today involve the inappropriate use of social media. This result is encouraging administrators to “ban” or restrict social media and networking. In doing so, the down side is they minimize the enormous impact technology can have in the classroom. So, the question today should be, how can we engage our students and teachers appropriately in the exciting world of learning through the use of blogs, wikis, podcasts, and Facebook pages, while ensuring behavior conforms to school policies and procedures?

The answer is clear...design and implement a *comprehensive social media policy* for staff and students that specifically outlines behavior expectations, management procedures, and ramifications for non-compliance. This policy should be very different from the standard behavior policies most school have today and must address the specific behaviors inherent in social networking.

During this past school year, states such as Virginia and Kansas, and multiple school districts in Indiana, Arizona, and New York have worked diligently to implement social media and networking policies and procedures. These will allow them to embrace the positive power of technology, engage the students on a level they understand and enjoy, and manage behavior between staff and students.

As a research and development non-profit, [Wylie<sup>3</sup> Solutions](http://www.wyliE3.com) works with administrators across the country to provide guidance and recommendations on policies and procedures. As a Target Central/ Public School Risk Institute member, please contact us for useful information, tips, and any assistance required.

Sources:

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<sup>1</sup> [http://education.mit.edu/papers/GamesSimsSocNets\\_EdArcade.pdf](http://education.mit.edu/papers/GamesSimsSocNets_EdArcade.pdf)

<sup>2</sup> <http://www.frankwbaker.com/mediause.htm>