Chapter 10

Preventing Sexual Misconduct: A Guide for Teachers, Counselors, and Administrators

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ABSTRACT

The purpose of this chapter is to introduce sexual misconduct within the school setting to the reader, the relevant studies concerning each topic and how each position (teacher, counselor, and administrator) connects to the issues. The goal of the writing is to show the current findings and to give the reader the direction of where future research is needed. In just one example, the topic of the location of sexual offense will be discussed. Specifically, where in the school or surrounding environment will the sexual misconduct (assault, etc.) is most likely to occur. With the knowledge of so called “isolation zones” an administrator can better position monitors (electronic or human) to discourage actions of misconduct.

INTRODUCTION

Recently educator sexual misconduct has seen an increase in news reports (Surface, Stader, & Armenta, 2014). As a result, state legislatures have begun passing stronger laws in an attempt to define and punish misconduct. However, the latest data available regarding the extent of this problem is from a 2004 report made to the U. S. Department of Education, which stated that approximately 10% of our students are affected by sexual misconduct during their K-12 educational career (Adams, 2015). This chapter examines the definition of sexual misconduct, patterns of crimes, demographics of victims and preda-

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tors, as well as actions the school districts may desire to take. The goal of this chapter is to leave the reader with a better understanding of the complexity of sexual misconduct reporting and analysis when it comes to public school settings.

**DEFINITION OF SEXUAL ABUSE**

The earliest term associated with sexual abuse of students comes from Title IX of the U.S. Education Amendments of 1972. The term used by Title IX was *sexual harassment* and specific guidelines were included which mandated schools and administrators to report and monitor sexual harassment. Considered by the courts as a form of sex discrimination (under Title IX of the Education Amendments of 1972), sexual harassment is defined as unwanted sexual behavior that interferes with a student’s right to receive an equal education. The report also linked the term sexual harassment with sexual violence. For a stronger look at this term, one must look to the Centers for Disease Control (CDC) and Prevention, which defines sexual violence as:

*A sexual act that is committed or attempted by another person without freely given consent of the victim or against someone who is unable to consent or refuse. It includes: forced or alcohol/drug facilitated penetration of a victim; forced or alcohol/drug facilitated incidents in which the victim was made to penetrate a perpetrator or someone else; nonphysically pressured unwanted penetration; intentional sexual touching; or non-contact acts of a sexual nature. Sexual violence can also occur when a perpetrator forces or coerces a victim to engage in sexual acts with a third party.* (Basile, Smith, Breiding, Black, & Mahendra, 2014, p.11)

Title IX protects students against two types of sexual harassment: “quid pro quo” (Latin phrase meaning this for that) and “hostile environment.” When someone with power, such as a teacher or administrator, abuses her or his power to coerce a student into sexual activity in exchange for a good grade or participation in a school activity, the behavior is considered quid pro quo harassment. On the other hand, a hostile environment can include sexually harassing conduct that is considered to be severe, persistent, or pervasive and limits the student’s ability to successfully participate in an educational program. In other words, the action creates a hostile educational environment for the student (U. S. Department of Education, 2015).

With sexual harassment and violence linked according to Title IX, a stronger term is needed to deal with other types of incidents which may occur. For example, what if a teacher attempts to have a relationship with a student which the adult believes is consensual? If the teacher is 21 and the student is 15, most states have laws which would classify this action as statutory rape. However, if the teacher is 21 and the student is 18, some states would not classify this as statutory rape. More recently all states have created laws that require educators and administrators to report “suspected or alleged sexual misconduct to state child protection agencies” (Surface et al., 2014, p. 131).

A clear term associated with sexual abuse within the schools comes from the Ontario College of Teachers that uses the phrase *educator sexual misconduct*. Defined as “any behavior of a sexual nature which may constitute professional misconduct” (Ontario College of Teachers, 2002, p. 1), educator sexual misconduct perhaps provides the strongest definition of sexual misconduct related to the educa-