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# **Improper Staff/Student Relationships: What You Need to Know About Sexual Grooming**

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# Improper Staff/Student Relationships: What You Need to Know About Sexual Grooming



Presented by:  
Rebekah Cook, Attorney  
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# Agenda



- Definitions
- How to Identify
- How to Prevent





# Sexual Grooming

- Involves finding a vulnerable student and engaging in increasingly inappropriate boundary invasions

**Boundary Invasions → Sexual Grooming → Sexual Molestation**

# Grooming Process- Step 1



- Picking a student (Scenario 1):
  - Families under stress;
  - Not close to parents;
  - Low self-esteem;
  - Lack self-confidence;
  - Students with special needs;
  - Depressed;
  - Anxious; or
  - Have been victimized.



# Grooming Process- Step 1



- Picking a student (Scenario 2):
  - Gain the trust of the family FIRST
    - Extra coaching
    - Extra tutoring
    - Outstanding community member



# Grooming Process- Step 2



- Engaging with student in student-like behavior.
  - Clear warning sign: Teacher more involved with student than with peers.
  - Inviting to home;
  - Hanging out;
  - Engaging in activities that attract younger kids (i.e. videogames).



# Grooming Process- Step 3



- Desensitizing the child to touch.
  - Blur the boundaries between appropriate and inappropriate touching.
    - Teasing, joking around
    - Hot tub /pool activities
    - Massages





# Grooming Process-

## Step 4



- Isolating the student.
  - Private coaching
  - Tutoring
  - Providing transportation –practice/clinics/non school sponsored competitions
  - Employment (babysitting, housekeeping, yard maintenance)
  - Camping or overnights



# Grooming Process- Step 5



- Making the child feel responsible.
  - Turn curiosity around, make them think they will get in trouble if anyone finds out.
  - Who would believe them?
  - Especially effective if alcohol, drugs, or pornography are involved.



# Boundary Invasions

- Appropriate– Educational or Health Related
  - Examples:
    - Assisting a kindergartner after a bathroom accident;
    - Touching students while coaching wrestling, football, or gymnastics;
    - Student teaching assistant stay after to help prepare a presentation for the next day;
    - Taking volleyball team to a team dinner;
    - Sending group email to the entire class.



# Boundary Invasions

- Invasions by the adult into the child's personal space and personal life
  - Examples:
    - Undue interest in child (special friend or relationship);
    - Gifts or money to student for no valid educational purpose;
    - Engaging in peer like behavior with students;
    - Overly touchy with students;
    - Favoring certain students;
    - Certain privileges;



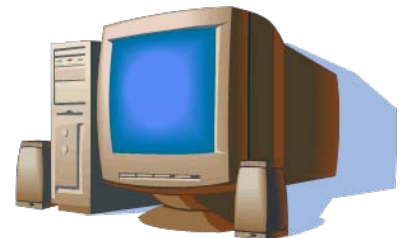
# Boundary Invasions

- Inviting to classroom during non-class times;
- Getting student out of class repeatedly to visit the teacher;
- Talking with student about problems normally discussed with adults (marital problems);
- Telling and having secrets with the student;
- Talking to student about his/her problems to a point where the teacher is the confidant when it's not the adult's job to do so;



# Boundary Invasions

- Giving rides in personal vehicle with or without prior permission;
- Being alone with student behind closed doors at school;
- Initiating or extending contact with student beyond the school day for personal purposes;
- Electronic communication to discuss personal/non-academic interests or topics with student;
- Walking into bathroom, locker room, etc. while student is in there;



# Boundary Invasions

- **Allowing the child to get away with inappropriate behavior;**
- **Taking student on outings, away from protective adults;**
- **Asking about bra size or about previous sexual experience;**
- **Going to student's home for non-educational reasons;**
- **Inviting to teacher's home without proper chaperones;**
- **Telling sexual jokes;**
- **Sexual innuendo or banter;**
- **Sexual topics not related to curriculum;**
- **Showing pornography to the student;**
- **Hugging, kissing, other physical contact.**



# District Liability

- Federal Claims (Title IX, 14<sup>th</sup> Amendment)
- Tort Claims (Negligent hiring, Negligent supervision)
- TIP: Ask your business officer to locate the district's old insurance policies and maintain in permanent folder





# Prevention Strategies



- Move the fence *WAY* back from the cliff.



# Prevention Strategies



- The harder you make the target, the safer you're going to be.
- Reduce those who will take the risk by increasing awareness of these behaviors and decreasing opportunities
  - Perfect storm of opportunity v. sex offender
- Frame it as mental health issue v. witch hunt to encourage reporting



# Prevention Strategies



- Background checks
- Fingerprinting
- Reference checks
  - Were there any directives regarding boundary invasions or inappropriate relationships?

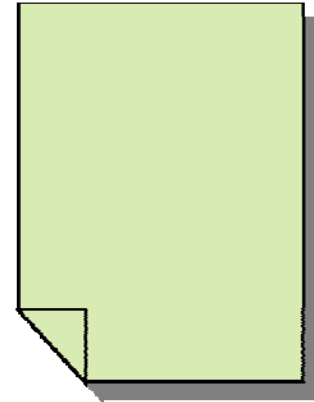


# Prevention Strategies



- Policies

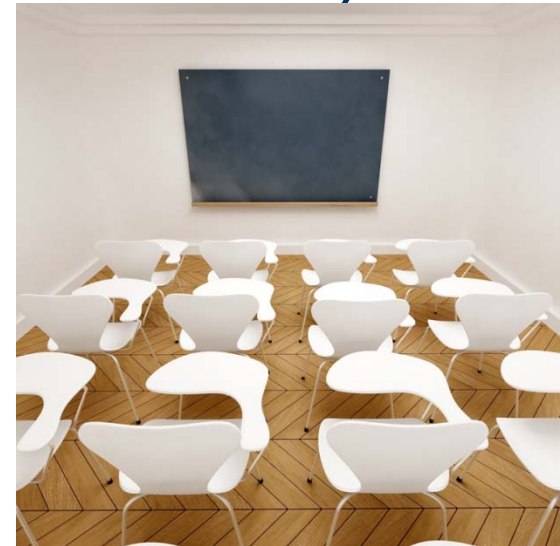
- Sexual Harassment
- Standards for Competent and Ethical Performance of Oregon Educators
- Grooming Behaviors
- Appropriate Internet Use



# Prevention Strategies



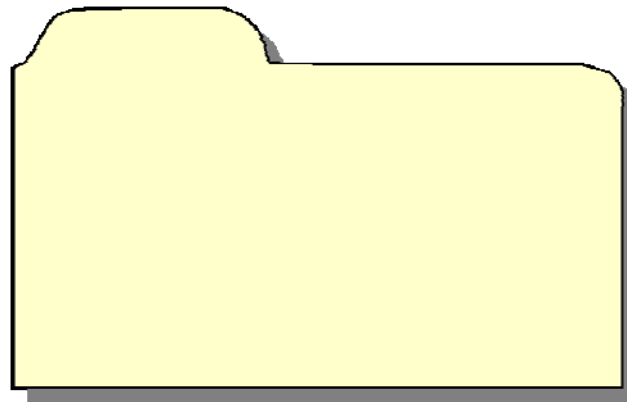
- In-service for teachers on appropriate student-teacher relationships
- Add grooming behaviors to mandatory child abuse training



# Prevention Strategies



- Central repository of information
  - Example: Principal receives three different reports regarding three small incidents– enough to start investigation.
  - Working file





# Prevention Strategies



- Personnel File
  - Written Directive
  - Letter of reprimand
- Mandatory Reporting
  - Child Abuse Reporting
  - TSPC



# The Bottom Line



- Health, Safety & Welfare of Students
  - Trust your gut
  - The “creep” factor





# Acknowledgments



- Donald F. Austin & Michael A. Patterson, *Protecting Children from Sexual Misconduct by School Employees*, INQUIRY & ANALYSIS, May 2008.

# Oregon School Boards Association Selected Sample Policy

Code: **GBNA/JFCF**  
Adopted:

## **S** Hazing/Harassment/Intimidation/Bullying/Menacing (Version 1)

The Board is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, menacing or bullying, including cyberbullying by students, staff or third parties is strictly prohibited and shall not be tolerated in the district.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. The district may also file a request with the Oregon Department of Transportation to suspend the driving privileges or the right to apply for driving privileges of a student 15 years of age or older who has been suspended or expelled at least twice for menacing another student or employee, willful damage or injury to district property or for the use of threats, bullying, intimidation, harassment or coercion. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

Individuals may also be referred to law enforcement officials. Staff will be reported to Teacher Standards and Practices Commission, as provided by OAR 584-020-0041.

The superintendent is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting and investigative procedures, as needed, and provisions to ensure notice of this policy is provided to students, staff and third parties.

END OF POLICY

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### Legal Reference(s):

[ORS 163.190](#)  
[ORS 166.065](#)  
[ORS 166.155 - 166.165](#)  
[ORS 332.072](#)  
[ORS 332.107](#)  
[ORS 339.240](#)  
[ORS 339.250](#)  
[ORS 339.254](#)  
[ORS 339.260](#)  
[ORS 339.351 - 339.364](#)

[OAR 581-021-0045](#)  
[OAR 581-021-0046](#)  
[OAR 581-021-0055](#)  
[OAR 581-022-1140](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

R9/28/07 | JW

# Oregon School Boards Association Selected Sample Policy

Code: **GBNA/JFCF**  
Adopted:

## **S** Hazing/Harassment/Intimidation/Bullying/Menacing (Version 2)

The Board is committed to providing a positive and productive learning and working environment. To this end, hazing, harassment, intimidation, menacing or bullying, including cyberbullying by students, staff or third parties is strictly prohibited and shall not be tolerated in the district.

### **Definitions**

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.
2. “District” includes district facilities, district premises and nondistrict property if the student or employee is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events where students are under the control of the district or where the employee is engaged in district business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment, i.e., forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate.
4. “Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:
  - a. Physically harming a student or damaging a student’s property;
  - b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
  - c. Creating a hostile educational environment.

“Harassment” also includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of age, race, religion, color, national origin, disability, marital status, [sexual orientation, physical characteristic, cultural background, socioeconomic status or geographic location].

“Intimidation” also includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin or sexual orientation.

5. “Menacing” includes, but is not limited to, any act intended to place a school employee, student or third party in fear of imminent serious physical injury.

All complaints about behavior that may violate this policy shall be promptly investigated. Any student, employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of hazing, harassment, intimidation, bullying or menacing in violation of this policy [shall] [is encouraged to] immediately report his/her concerns to the principal or superintendent who have overall responsibility for all investigations. This report may be made anonymously. A student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official.

Complaints against the principal shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board chair.

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. The district may also file a request with the Oregon Department of Transportation to suspend the driving privileges or the right to apply for driving privileges of a student 15 years of age or older who has been suspended or expelled at least twice for menacing another student or employee, willful damage or injury to district property or for the use of threats, intimidation, harassment or coercion. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

Individuals may also be referred to law enforcement officials. Staff will be reported to Teacher Standards and Practices Commission, as provided by OAR 584-020-0041.

Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

The superintendent shall be responsible for ensuring notice of this policy is provided to students, staff and third parties [and the development of administrative regulations, including reporting and investigative procedures, as needed]. [Complaint procedures, as established by the district, shall be followed.]

END OF POLICY

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**Legal Reference(s):**

<a href="#">ORS 163.190</a>	<a href="#">ORS 339.254</a>
<a href="#">ORS 166.065</a>	<a href="#">ORS 339.260</a>
<a href="#">ORS 166.155 - 166.165</a>	<a href="#">ORS 339.351 - 339.364</a>
<a href="#">ORS 332.072</a>	
<a href="#">ORS 332.107</a>	<a href="#">OAR 581-021-0045</a>
<a href="#">ORS 339.240</a>	<a href="#">OAR 581-021-0046</a>
<a href="#">ORS 339.250</a>	<a href="#">OAR 581-021-0055</a>
	<a href="#">OAR 581-022-1140</a>

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

# Oregon School Boards Association Selected Sample Policy

Code: GCAA  
Adopted:

## S Standards for Competent and Ethical Performance of Oregon Educators

### Application of Rules

1. Oregon Administrative Rules were adopted by the Teacher Standards and Practices Commission (TSPC) in accordance with Oregon Revised Statutes.
2. Oregon Administrative Rules may be used as criteria by the TSPC in matters pertaining to the revocation or suspension of licenses issued by the commission under Oregon Revised Statutes or the discipline of any license holder or any person who has held a license at any time within five years prior to issuance of the notice of charges under Oregon Revised Statutes.
3. The commission determines whether an educator's performance is ethical or competent in light of all the facts and circumstances surrounding the educator's performance as a whole.
4. The commission will promptly investigate complaints:
  - a. The commission may at its discretion defer action to charge an educator against whom a complaint has been filed under Oregon Revised Statutes when the investigation report indicates that disciplinary action against the educator is pending at the local district level or when criminal charges are pending or are likely to be filed against the educator. In considering whether to defer action to charge an educator, the commission shall consider all relevant circumstances including the nature and seriousness of the allegations and whether the educator is currently employed as a teacher or school administrator;
  - b. The executive secretary shall regularly inform the commission of the status of any complaints on which the commission has deferred action.

### Definitions

The following definitions apply to Oregon Administrative Rules unless otherwise indicated by context:

1. Administrator - Any supervisory educator who holds a valid Oregon administrative license or registration;
2. Competent - Discharging required duties as set forth in these rules;
3. Educator - Any licensed or registered person who is authorized to be engaged in the instructional program including teaching, counseling, administering and supervising;
4. Ethical - Conforming to the professional standards of conduct set forth in these rules;

5. Sexual contact - Includes:
  - a. The intentional touching of the breast or sexual or other intimate parts of a student;
  - b. Causing, encouraging or permitting a student to touch the breast or sexual or other intimate parts of the educator; or
  - c. Sexual advances or requests for sexual favors directed towards a student;
  - d. Verbal or physical conduct of a sexual nature when directed toward a student or when such conduct has the effect of unreasonably interfering with a student's educational performance or creates an intimidating, hostile or offensive educational environment; or
  - e. Verbal or physical conduct which has the effect of unreasonably interfering with a student's educational performance or creates an intimidating, hostile or offensive educational environment.
6. Sexual harassment - Any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - c. Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.
7. Teacher - Any person who holds a teacher's license as provided in Oregon Revised Statutes or is registered to teach by TSPC.

### **The Competent Educator**

The teacher or administrator demonstrates a commitment to:

1. Recognize the worth and dignity of all persons;
2. Encourage scholarship;
3. Promote democratic citizenship;
4. Raise educational standards;
5. Use professional judgment.

### **Curriculum and Instruction**

The competent educator measures success by the progress of each student toward realization of personal potential as a worthy and effective citizen. The competent educator stimulates the spirit of inquiry, the acquisition of knowledge and understanding and the thoughtful formulation of goals as they are appropriate for each individual.

The competent teacher demonstrates:

1. Use of state- and district-adopted curriculum and goals;
2. Skill in setting instructional goals and objectives expressed as learning outcomes;
3. Use of current subject matter appropriate to the individual needs of students;
4. Use of students' growth and development patterns to adjust instruction to individual needs consistent with number of students and amount of time available;
5. Skill in the selection and use of teaching techniques conducive to student learning.

The competent administrator demonstrates:

1. Skill in assisting individual staff members to become more competent teachers by complying with state law, rules and lawful and reasonable district policy and contracts;
2. Knowledge of curriculum and instruction appropriate to assignment;
3. Skill in implementing instructional programs through adequate communication with staff;
4. Skill in identifying and initiating any needed change which helps each student toward realization of personal learning potential.

### **Supervision and Evaluation**

The competent educator is a student of human behavior and uses this knowledge to provide a climate that is conducive to learning and that respects the rights of all persons without discrimination. The competent educator assumes responsibility for the activities planned and conducted through the district's program and assists colleagues to do the same. The competent educator gathers relevant information and uses it in the planning and evaluation of instructional activities.

The competent teacher demonstrates:

1. Ways to assess progress of individual students;
2. Skill in the use of assessment data to assist individual student growth;
3. Procedures for evaluating curriculum and instructional goals and practices;
4. Skill in the supervision of students.

The competent administrator demonstrates:

1. Skill in the use of assessment data to provide effective instructional programs;



2. Skill in the implementation of the district's student evaluation program;
3. Skill in providing equal opportunity for all students and staff;
4. Skill in the use of employee techniques appropriate to the assignment and according to well-established standards which ensure due process for the staff being evaluated.

### **Management Skills**

The competent educator is a person who understands students and is able to relate to them in constructive ways. The competent educator establishes and maintains good rapport. The competent educator maintains and uses records as required and as needed to assist the growth of students.

The competent teacher demonstrates skills in:

1. Establishing and maintaining classroom management that is conducive to learning;
2. Using and maintaining district property, equipment and materials appropriately;
3. Using and maintaining student records as required by district policies and procedures;
4. Using district lawful and reasonable rules and regulations.

The competent administrator demonstrates:

1. Skills in managing the school, its students, staff and programs as required by lawful and reasonable district policies, rules and regulations, state and federal laws and regulations and other programs as assigned and assures that staff is informed of these requirements;
2. Skills in planning and staff utilization.

### **Human Relations and Communications**

The competent educator works effectively with others — students, staff, parents and patrons. The competent educator is aware of the ways the community identifies with the school, as well as community needs and ways the school program is designed to meet these needs. The competent educator can communicate with knowledge, clarity and judgment about educational matters, the school and the needs of students.

The competent teacher demonstrates:

1. Willingness to be flexible in cooperatively working with others;
2. Skill in communicating with students, staff, parents and other patrons.

The competent administrator demonstrates:

1. Skill in helping students, staff, parents and other patrons to learn about the school and its program;
2. Skill in communicating district and school goals to staff and public;
3. Willingness to be flexible in cooperatively working with others;
4. Skill in reconciling conflict.

### **The Ethical Educator**

The ethical educator is a person who accepts the requirements of membership in the teaching profession and acts at all times in ethical ways. In so doing the ethical educator considers the needs of the students, the district and the profession.

The ethical educator, in fulfilling obligations to the student, will:

1. Keep the confidence entrusted in the profession as it relates to confidential information concerning a student and family;
2. Refrain from exploiting professional relationships with any student for personal gain or in support of persons or issues;
3. Maintain an appropriate professional student-teacher relationship by:
  - a. Not demonstrating or expressing professionally inappropriate interest in a student's personal life;
  - b. Not accepting or giving or exchanging romantic or overly personal gifts or notes with a student;
  - c. Reporting to the educator's supervisor if the educator has reason to believe a student is, or may be, becoming romantically attached to the educator.

The ethical educator, in fulfilling obligations to the district, will:

1. Apply for, accept, offer or assign a position of responsibility only on the basis of professional qualifications and will adhere to the conditions of a contract or the terms of the appointment;
2. Conduct professional business, including grievances, through established lawful and reasonable procedures;
3. Strive for continued improvement and professional growth;
4. Accept no gratuities or gifts of significance that could influence judgment in the exercise of professional duties;

5. Not use the district's or school's name, property or resources for noneducational benefit without approval of the educator's supervisor or the appointing authority.

The ethical educator, in fulfilling obligations to the profession, will:

1. Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty;
2. Extend equal treatment to all members of the profession in the exercise of their professional rights and responsibilities;
3. Respond to requests for evaluation of colleagues and to keep such information confidential as appropriate.

END OF POLICY

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**Legal Reference(s):**

[OAR 584-020](#)-0000 to -0035

# Oregon School Boards Association Selected Sample Policy

Code: **IIBGA**  
Adopted:

# S

## Electronic Communications System

The Board is committed to the development and establishment of a quality, equitable and cost-effective electronic communications system. The system's sole purpose shall be for the advancement and promotion of learning and teaching.

The district's system will be used to provide statewide, national and global communications opportunities for staff and students.

The superintendent will establish administrative regulations for the use of the district's system including compliance with the following provisions of the Children's Internet Protection Act:

1. Technology protection measures, installed and in continuous operation, that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography or, with respect to the use of the computers by minors, harmful to minors;
2. Monitoring the online activities of minors;
3. Denying access by minors to inappropriate matter on the Internet and World Wide Web;
4. Ensuring the safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications;
5. Prohibiting unauthorized access, including so-called "hacking" and other unlawful activities by minors on-line;
6. Prohibiting unauthorized disclosure, use and dissemination of personal information regarding minors;
7. Installing measures designed to restrict minors' access to materials harmful to minors.

The administrative regulations will be consistent with sound guidelines as may be provided by the education service district, the Oregon Department of Education and/or the Government Standards and Practices Commission and will include a complaint procedure for reporting violations.

The superintendent will also establish administrative regulations for use of the district's electronic communications system to comply with copyright law.

# E

Failure to abide by district policy and administrative regulations governing use of the district’s system may result in the suspension and/or revocation of system access. Additionally, student violations will result in discipline up to and including expulsion. Staff violations will also result in discipline up to and including dismissal. Violations of law will be reported to law enforcement officials and may result in criminal or civil sanctions. Fees, fines or other charges may also be imposed.

END OF POLICY

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**Legal Reference(s):**

[ORS 30.765](#)  
[ORS 133.739](#)  
[ORS 163.435](#)  
[ORS 164.345](#)  
[ORS 164.365](#)  
[ORS 167.060](#)  
[ORS 167.065](#)  
[ORS 167.070](#)  
[ORS 167.080](#)  
[ORS 167.087](#)

[ORS 167.090](#)  
[ORS 167.095](#)  
[ORS Chapter 192](#)  
[ORS 332.107](#)  
[ORS 336.222](#)  
[ORS 339.250](#)  
[ORS 339.260](#)  
[ORS 339.270](#)

[OAR 581-021-0050](#)  
[OAR 581-021-0055](#)  
[OAR 584-020-0040](#)  
[OAR 584-020-0041](#)

Children’s Internet Protection Act, 47 U.S.C. Sections 254 (h) and (l); 47 CFR Section 54.520 (2001).  
Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2000).  
*Oregon Attorney General’s Public Records and Meetings Manual*, pp. 24-26, Appendix H, Department of Justice (2001).  
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. Sections 7101-7117.  
Drug-Free Workplace Act of 1988, 41 U.S.C. Sections 701-707; 34 CFR Part 85, Subpart F.  
Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V, 21 CFR 1308.11-1308.15 (2000).  
Drug-Free Schools and Communities Act Amendments of 1989, P.L. 101-226, 103 Stat. 1928.  
Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).  
Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).  
Oregon Government Standards and Practices Commission, Advisory Opinion No. 98A-1003 (July 9, 1998).  
No Child Left Behind Act of 2001, P.L. 107-110, Title II, Section 2441.