



Vulnerable Educators – A Three-Part Newsletter Series

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In Part I of our three-part series on Vulnerable Educators we talked about negligent supervision of students. We stressed that this is one of the most common causes of legal action against school districts and highlighted eight basic principles of supervision that educators must understand. In Part II we will discuss what educators can do to avoid false accusations of misconduct being lodged against them.

Part II: ARE YOU A VULNERABLE EDUCATOR?

Being falsely accused of sexual harassment or abuse is one of the major concerns of educators today. Given the rash of educator-to-student sexual misconduct cases that are appearing in the headlines, it's not surprising how disconcerting this is to individuals who strive to work positively with students.

The good news is that false allegations are extremely rare. However, there is often a common thread in those cases where false accusations are made. Somewhere in the mix the adult failed to use good judgment in dealing with the student. The purpose of this article is to discuss vulnerable situations that educators find themselves in and to offer guidance on how to use good judgment in handling these situations.

BEING ALONE WITH STUDENTS:

It is not uncommon for educators to find themselves alone with a student; in a classroom, waiting outside a school building after an activity, or in an office. It is imperative that the adult never be alone with a student in a closed room or isolated area. (Even guidance counselors should either keep their office doors open or have a glass window so that others can see into the room). If you find yourself alone in a classroom with a student, continue the discussion while moving into an open area, such as the hallway. If find yourself alone with a student after an activity, whether indoors or outdoors, try to situate yourself in an open, well-lit area, visible to others. These suggestions will minimize exposure to false accusations and avoid charges of impropriety.

PERSONAL DISCUSSION WITH STUDENTS:

Educators want to support their students and gain their trust. Sometimes in trying to be approachable, educators get involved in overly personal discussions regarding their own or the student's personal relationships and life. It is fine to be empathetic and understanding, but educators must always remain in charge and have a strong sense of professional boundaries. Once When an educator provides personal information to a student, this information can often be used against them within the context of false allegations, and nowadays may end up on the worldwide web!

EDUCATORS DRIVING STUDENTS IN THEIR VEHICLES:

The best rule is for educators not to transport students in their vehicles under any circumstances. There are two main reasons: . First, the isolation that exists in a vehicle affords the opportunity for a false allegation to be made. Second, should an accident occur, the educator's own insurance coverage may come into play. There could be exposure of personal assets, especially if there is a determination that their personal insurance will not cover a work- related situation. There are some circumstances where transporting a student cannot be avoided. However, educators should use extreme caution in doing so and be sure the student rides in the back seat as far away from the educator as possible. In addition, it is recommended that the educator contact the student's family

before leaving, estimate the time they will be arriving at the student's home, and contact the student's family along the way if necessary as added protection. In addition, educators should be aware of any district policies that restrict transporting students and strictly adhere to them.

The above three scenarios are just some of the many that exist where educators become vulnerable. The best protection is for educators to use good judgment when dealing with students. Doing so will not only help the educators be more effective in their work, but also help protect them from potential exposure to liability.

Next Issue: Off Campus Supervision

We have two programs designed to address the concerns of vulnerable educators:

McGrath Vulnerable Educators Liability Training: Minimize the Risk

Training covers:

- District Liability and Individual Liability
- Duty to Supervise
- Proper Supervision and Safe Transportation Off-Campus (including overnight trips)
- Minimizing the risk of Sexual Harassment and Sexual Abuse allegations
- Volunteer selection, training and supervision
- Documentation – includes sample checklists, informed consent forms, etc.

The McGrath Athletic Liability Training Program

Training covers:

- Duty to Properly Instruct, Supervise, Condition Athletes
- Duty to Provide Safe, Adequate Equipment
- Duty to Maintain Accurate and Up-to-Date Records
- Duty to Warn and Inform Athletes and Parents about the Risks
- Safe Transportation Off-Campus
- Minimizing the risk of Sexual Harassment and Sexual Abuse allegations
- Employment Issues for Athletic Directors (includes use of volunteers)
- Documentation – includes sample checklists, informed consent forms, etc.

Learn more on our website at www.mcgrathinc.com.

Also...Prepare Adults in Your Schools to take effective action, protect students and limit the harm and liability that may attach when Bullying and Harassment go unchecked...

School Bullying: Tools for Avoiding Harm and Liability by Mary Jo McGrath (Corwin Press). This volume provides a wealth of information on liability for all types of peer harassment and intimidation, including hazing, and the tools and procedures needed for conducting legally fit investigations. It is now in print and available from McGrath Training Systems. [Order now!](#)
