

A Safe Distance

The NEA offers practical advice for all school employees on avoiding false allegations of improper conduct with students.

It's the absolute worst thing that can happen to any school employee: being falsely accused of inappropriate behavior with students. And while the television news crews and newspaper reporters may be hungrily on hand to cover the allegations, few bother to report when an educator's name is cleared. Even if you're ultimately exonerated, the damage has already been done.

And the stigma can linger for years.

In Virginia, NEA member and teacher Ron Mayfield Jr. committed suicide just two weeks after being wrongly accused of hitting a wheelchair-bound, middle school student. He jumped off a bridge into the Roanoke River, not far from where he had often fished with his father and later with his own son.



When it comes to false allegations, the stakes are incredibly high. That's why the NEA Representative Assembly voted to provide suggestions for how school employees can avoid compromising situations that might lead to bogus accusations of abuse.

His widow told *The Washington Post* that Mayfield had been depressed, tired, and nervous during his suspension from work. "I cannot have my face on television and in the newspaper over this incident," he wrote to her in a note.

Tragically, Ron Mayfield Jr. never knew that the police already had cleared him of any wrongdoing. The day before he took his own life, investigators notified school officials that there was no evidence to substantiate the charge. The case had been closed.

While educator suicides are relatively rare, false allegations are not. Greg Lawler, an attorney with the Colorado Education Association (CEA), is the coauthor of a book that documents how false allegations can ruin careers and lives, *Guilty Until Proven Innocent*. "Whenever there is an allegation, there is a victim, whether it is the accused or the accuser," Lawler says.

"Students these days know all too well the consequences of an abuse complaint, and they know how to game the system," he warns. "They know how to get an unpopular teacher fired by making false allegations, and unfortunately some of them try to do just that."

What should you do if something happens?

Contact GAE ASAP.

GAE UniServ Directors are trained to provide assistance. Our attorneys are specialists in educator defense.

Stay calm.

Hold your temper and resist the temptation to vocalize an immediate defense of the accusations. Take careful notes of any discussions. Tell your supervisor you will respond later.

Don't resign.

If you do, you may cancel any further rights you might otherwise exercise.

Don't sign anything under pressure.

If you are ordered to sign under threat of insubordination charges, sign the document, adding a statement that you disagree with the content and are signing under duress.

Don't involve other educators, students, or the media.

It's best to keep quiet until you've talked with GAE.

IT'S A FACT. Male employees are far more likely to be accused of inappropriate contact with students than female employees. Accusations involving female teachers and male students make up less than five percent of cases.



“Whenever there is an allegation, there is a victim, whether it is the accused or the accuser,”
Lawler says.

GAE was there to defend!

Court dismisses criminal complaint. A teacher at Shamrock Middle School was accused of bruising a student's arm. The parent took out a warrant for the teacher's arrest. The student claimed that the educator pinched her arm. During the hearing, evidence was presented that other teachers were present in the class the entire day. At no time did the student complain to any adults during school. The student had to be removed from class due to her behavior. After hearing testimony from the parent, student, and teacher, the Court found no probable cause to issue the warrant. **The case was dismissed.**

Commonsense Pointers for Avoiding False Allegations.

- 1 Whenever possible, never be alone with a student.**
Authorities often tend to favor the alleged victim. Don't be alone with a student in a house or a car, and never give a student a ride home. To the extent possible, avoid being alone with a student in a classroom. Avoid risky situations: one-on-one tutoring, counseling, after-school or recess detention, and make-up tests. If you can't avoid being alone with a student at school, keep the door open and stay in plain sight.
- 2 Always maintain a professional demeanor and distance.**
No flirting, teasing, or joking about sex. Don't socialize with students or treat them as “pals” or “friends.” Don't single out any one student for constant special attention or flattery. Never send emails, text messages, or cards to students unrelated to schoolwork. Don't ask students about their social lives or comment on their personal appearance. Avoid discussing intimate details of your own private life. Be the adult and maintain boundaries.
- 3 Avoid physical contact with students.**
In the early elementary grades, an occasional hug is probably OK. As a general rule, it's best to avoid most forms of physical contact, especially kissing, hair stroking, tickling, and frontal hugging. Use common sense. A “high five” to acknowledge a job well done is fine. A slap on the bottom is not. Male teachers have to be especially careful when it comes to physical contact of any sort. Male employees are far more likely to be accused of inappropriate contact with students than female employees. Accusations involving female teachers and male students make up less than five percent of the cases.
- 4 Avoid using physical force to enforce discipline.**
When students are misbehaving or out of control, avoid touching or grabbing them to get their attention. Use verbal commands and other disciplinary methods. There may be a rare occasion when you will have to use physical force in self-defense or to prevent injury to others. Use the minimum force necessary to prevent harm and immediately call for help. If this is a persistent problem, you may want to ask your district for special training.
- 5 Never allow a student to obsess over you.**
Crushes can be flattering. They also can be fatal, so always nip it in the bud. An unfulfilled fantasy can result in a student acting out to gain attention or retaliating for being ignored. If a student expresses a love interest, respond with an unambiguous “no.” Don't equivocate and certainly don't encourage the student by acting pleased by the attention. Share this information with another adult and your GAE Association Representative. In some circumstances, it may be appropriate to tell your supervisor and ask that the student be transferred.
- 6 Be particularly wary of “troubled” students.**
Some students come to school with a host of emotional needs and chronic problems. They may confide in you and ask for your support and guidance. While you can and should express concern and compassion, don't take on the role of confidant or counselor. Instead, refer the student to the school counselor who has the expertise to assess what services the student may need and the experience to know how to arrange for the delivery of those services.

This list was prepared by Michael D. Simpson, NEA Office of General Counsel, with input and assistance from attorneys for numerous NEA state affiliates.