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A LEGISLATIVE AND JUDICIAL ANALYSIS OF SEXUAL RELATIONSHIPS
BETWEEN AMERICAN SECONDARY STUDENTS AND THEIR TEACHERS (318
pp.)

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The purpose of this study is to analyze legislation and case law regarding sexual relationships between American secondary school students and their teachers. Chapter one provides an introduction to the study, and chapter two reviews relevant literature. In chapter three, codes of criminal and administrative law are reviewed to determine which sexual relationships between educators and students are permissible and prohibited in each state. Federal statutes, including Title IX of the Rehabilitation Act of 1972 and § 1983 of Title 42 of the United States Code, are reviewed to determine how federal law applies to sexual relationships between teachers and students.

Next, case law is reviewed to determine how state and federal courts have ruled regarding sexual relationships between teachers and students. While the primary focus of the dissertation is sexual relationships between teachers and students, case law related to sexual relationships between students and other school employees is reviewed as well. In chapter four, the dissertation reviews state and federal court cases in which employees terminated for engaging in sexual relationships with students filed suit against their former employers or state boards of education alleging wrongful termination or other

adverse employment action. In chapter five, the dissertation reviews state and federal court cases in which students who engaged in sexual relationships with educators filed suit alleging various rights violations by the school district.

In chapter six the study analyzes the trends of the judicial rulings. Generally, in wrongful termination claims, courts tended to support schools if they provided due process to terminated employees. In student suits against school districts alleging Title IX or § 1983 violations, courts tended to support schools that did not display deliberate indifference to actual knowledge of sexual harassment or display a custom or policy that promotes harassment.

Finally, the study provides a primer for school administrators. The primer discusses warning signs of sexual harassment, offers tips for school administrators to prevent sexual relationships between employees and students, and gives guidance to school administrators to respond properly when such relationships come to light.