



Advocates: Sexual assaults underreported in schools

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Fear of stigma, retaliation deter many victims, experts say.

By **Cynthia McCormick**



Every year, Cape Cod school districts discipline hundreds of students for offenses ranging from fighting and physical attacks to use of illegal substances.

But of the thousands of local students punished for various offenses over the past four school years, only two were disciplined for sexual assault or rape.

Now, advocates for student victims of sexual assault say the disciplinary statistics filed with the state Department of Elementary and Secondary Education don't tell the whole story.

Sexual assault in schools, as in society in general, "is significantly underreported," said Colby Bruno, senior legal counsel with the Victim Rights Law Center, a national organization based in Boston.

"Right now it's not safe for victims to disclose," Bruno said. "In middle school and high school this crime is almost never reported, and if it is, the victims are so badly treated and retaliated against, the future victims know not to disclose their incidents."

For parents of a Barnstable High School student who say their eighth-grade daughter was sexually assaulted in a high school stairwell in the fall of 2014, Bruno's statements hit close to home.

The father of the student said he and his wife found out about the incident when another mother joined a school meeting over their daughter's educational plan and told them about the abuse, allegedly by an older boy with a criminal history.

The parents notified the school district and town this fall of their intention to sue for \$1 million for violating their daughter's educational rights, in part by denying her the residential treatment they requested to cope with her trauma.

Michael Turner, the attorney representing the parents, said the youth accused of attacking the girl, who was then 13, is in the custody of the state Department of Youth Services for other reasons.

If the youth was ever disciplined for the alleged sexual assault, it did not show up on reports filed by the school district with state education officials.

According to the discipline reports found online, although 14 students in the Barnstable school district were disciplined during the 2014-15 school year for nonsexual physical attacks and assaults, not one was disciplined for sexual assault or rape.

One student in the district of 5,201 students was disciplined for sexual harassment that year.

According to state records, the only students disciplined for sexual assault or rape over the past four school years were one student in the Falmouth district in 2014-15 and one student in what is now known as the Monomoy Regional School District in 2012-13.

The disciplinary statements did not disclose what actions were taken by the districts, whether they consisted of suspensions, expulsions or removals.

"The incident predates me," Monomoy Regional Schools Superintendent Scott Carpenter wrote in an email. "It also predates any current principal or any school counselor who would have been involved and would have context to provide." He also said he can't release information on how any student is disciplined.

Falmouth Schools Superintendent Nancy Taylor said both the school district and Falmouth police investigated the sexual assault case during the 2014-15 school year.

"There was an incident at Falmouth High School, a sexual assault," Taylor said. "The offending student was a minor."

There was one victim, according to school records, Taylor said.

As far as sexual harassment is concerned, the Cape schools that have disciplined the most students over the past four years have been Dennis-Yarmouth Regional High School in South Yarmouth and Cape Cod Regional Technical High School in Harwich, each of which took disciplinary action against 15 students during that period.

"We do take all matters seriously, especially (when) students feel they were sexually assaulted or harassed inside or outside the building," said William Terranova, Cape Tech principal.

In disciplinary action reports from two Cape school districts — Bourne and Sturgis Charter Public School in Hyannis — there were no sexual harassment cases listed over the four-year period.

"Most schools do not want their records to show numerous reports of sexual harassment and assault," said Esther Warkov, who with her husband formed a group called Stop Sexual Assault in Schools after their daughter was raped while a student in the Seattle schools.

"It tarnishes their reputation and could make them more vulnerable to litigation," Warkov said in an email.

Another issue is the reluctance of middle school and high school students to disclose being victimized by sexual abuse, Warkov and Bruno said. Peer pressure and cyberbullying make victims loathe to speak out, they said.

"Any parent will tell you that the social dynamics of middle and high school students are vicious, and social media only exacerbates that tricky dynamic," Bruno said.

Adam Campbell, teen outreach coordinator with Independence House in Hyannis, said reported cases are "just the tip of the iceberg."

He also said that technological advances have created new ways to sexually harass students, such as videotaping them without their consent.

Technology that blurs the lines between what happens in school and outside of class has created additional complexities for school officials already struggling with how to handle cases of sexual abuse.

"Administrators don't know anything about Title IX," which forbids discrimination by gender in education, including sexual assault, Bruno said.

Schools are required under Title IX to conduct investigations into complaints of sexual assault, Bruno said. "Ignorance is not an excuse."

"Schools need to be educated on trauma-informed responses to reports of sexual harassment so that students will be encouraged to report sexual harassment and sexual assault," said Warkov, whose organization has created a training video on how students can report and schools should handle cases of alleged sexual harassment and assault.

Currently, victims fear "they will be humiliated rather than supported," Warkov said.

To get a sense of how few sexual assaults cases face serious action in Massachusetts' elementary and secondary schools, consider that of the 41,744 students penalized for a variety of offenses during the 2015-16 school year, only 92 — about a quarter of 1 percent — were disciplined for sexual assault or rape.

About nine times as many students — 872 — were disciplined for sexual harassment, but even that number paled compared with the 6,364 students who faced punishment for nonsexual physical attacks, which did not include fights.

"Sexual harassment is normalized at the expense of students," Warkov said. "Because schools don't address it, students believe they have to live with it. We know that they occur at alarming rates in K-12 schools."

Too often, the victim ends up not going to school and accumulating tardy notices because of depression and post-traumatic stress disorder, Bruno said.

The stress and anxiety can derail young victims' education at the time they need to be accumulating A and B grades to get ready for college, she said.

Students and their parents need to know that by law schools must make accommodations so that victims don't have to sit in class daily or otherwise come into contact with their abuser, said Bruno, whose organization provides free services to victims of sexual assault and rape.

The Barnstable man who said his daughter was assaulted in eighth grade said the teen's grades took a tumble and her mental health suffered as a result of the incident. "She went down to D's and F's," he said. "She's growing up now, but she went through a lot."

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