

Educator Sexual Misconduct: The Relationship between Gender and Court Case Outcomes

Briana Martinez
Department of Social Work

Capstone Advisors: Erica Lizano & Juye Ji

ABSTRACT

The rates as which men and women are convicted and sentenced of crimes have historically been unequal, as men are seen as more violent and women have been perceived to be more innocent. Educators of both genders are working with children in various contexts, and take advantage of a vulnerable population. The present study aimed to see if there was a relationship between the gender of the defendant and the court case outcome when it comes to educator sexual misconduct. This study was a secondary analysis of data from the Educator Sexual Misconduct Database and consisted of 321 cases gathered from various media outlets through LexisNexis. The study analyzed the following court case outcomes: pleading guilty, charged with a felony, being acquitted of their charges, incarcerated, given probation, and had to register as a sex offender. A series of Chi-Square tests were conducted. Analysis from the Chi-Square tests revealed that there is not a significant relationship between the gender of the defendant and the outcome of the criminal court case in regards to educator sexual misconduct. This analysis from this study assumes that Judges are sentencing defendants without impartial bias on the basis of gender.

INTRODUCTION

Significance of the Study

- Limited statistics regarding rates of sexual misconduct by educators have been accumulated due to the victims being vulnerable populations in need of privacy
- Bias within the criminal justice system has not been thoroughly researched
- Demographic factors like gender, age, and ethnicity could influence court case outcomes

Purpose of the study

- The purpose of the study is to identify whether or not there are discrepancies and potential bias within the criminal justice system

Research Question

The present study aims to draw conclusions to the following research question: “Is there a relationship between the gender of the defendant and the case outcome of a sexual misconduct case?”

It is hypothesized that:

- Male educators plead guilty and are convicted of a felony at higher rates than females
- Females have lower rates of being incarcerated, register as a sexual offender, or be put on probation for educator sexual misconduct than their male counterparts
- Females educators will be acquitted of their charges at a higher rate than male educators

LITERATURE REVIEW

- It is estimated, that approximately ten percent of children will experience sexual misconduct by a school employee while attending school (Grant et al., 2017; Shakeshaft, 2004).

Male Abusers

- Male educators make up a majority of the persons who are committing sexual crimes against their students; previous research put the numbers anywhere between 57 to 96 percent (Abboud et al, 2018; Shakeshaft, 2004).
- Men have historically been accused of being aggressive, dominant, assertive, and continue to be stereotypically seen by the public as more likely to commit sexual crimes (Livingston, Rerick & Miller, 2019).

Female Abusers

- Female educators have been depicted in society as “harmless” sexual beings that “innocently” guide their victims into sexual situations (Denove, 2001).

Gender Bias in the Criminal Justice System

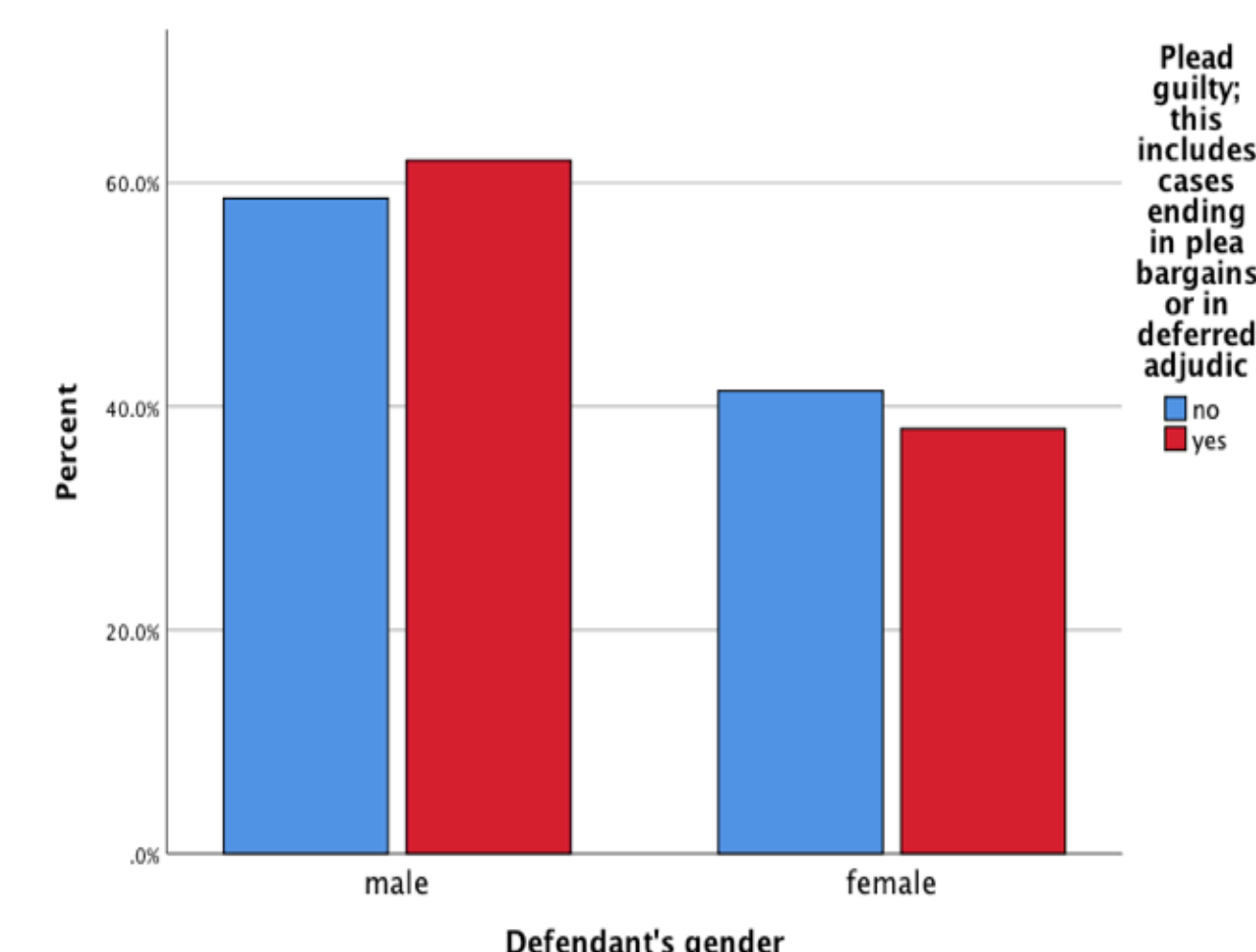
- Historically, males have been arrested, convicted and sentenced at higher rates than females, resulting in an inaccurate perception of only males committing sexual crimes (Barlow, Lynes, 2015; Finkelhor, Williams, Burns & Kalinowski, 1988).
- Female educators were charged with an average of 7.3 criminal offenses compared to the male’s average of 10.5 (Frketic & Easteal, 2010)

Statistical Analysis

The present study used Statistical Program for Social Science Version 26 to examine and supply descriptive statistics for the sample demographics and inferential statistics. A series of Chi-Square test was conducted to examine the relationship between gender of the participants and all six court case outcomes regarding educator sexual misconduct.

Plead Guilty

- Based on the chi-square test, there was no significant relationship between gender and pleading guilty ($\chi^2(1) = -.227, p = .634$). A majority of males and females in the study plead guilty or had their cases end in plea deals; 82.0% of men compared to 79.8% of women.



Acquitted

- No significant relationship between gender and defendant’s being acquitted ($\chi^2(1) = 1.296, p = .255$)

METHODOLOGY

Research Design

The present study is a secondary analysis of the data found in The Educator Sexual Misconduct Database, a database comprised of publicly available information on criminal cases concentrated on sexual misconduct between minors and educators in the school system.

Sampling Method

- Data was collected from various newspapers, media coverage and Associated Press reports through LexisNexis news for a total sample $n = 321$.
- The search was restricted to include only cases reported in the continental United States during the years 2005-2010.
- The sample was comprised of approximately 61.1% males and 38.9% female perpetrators.

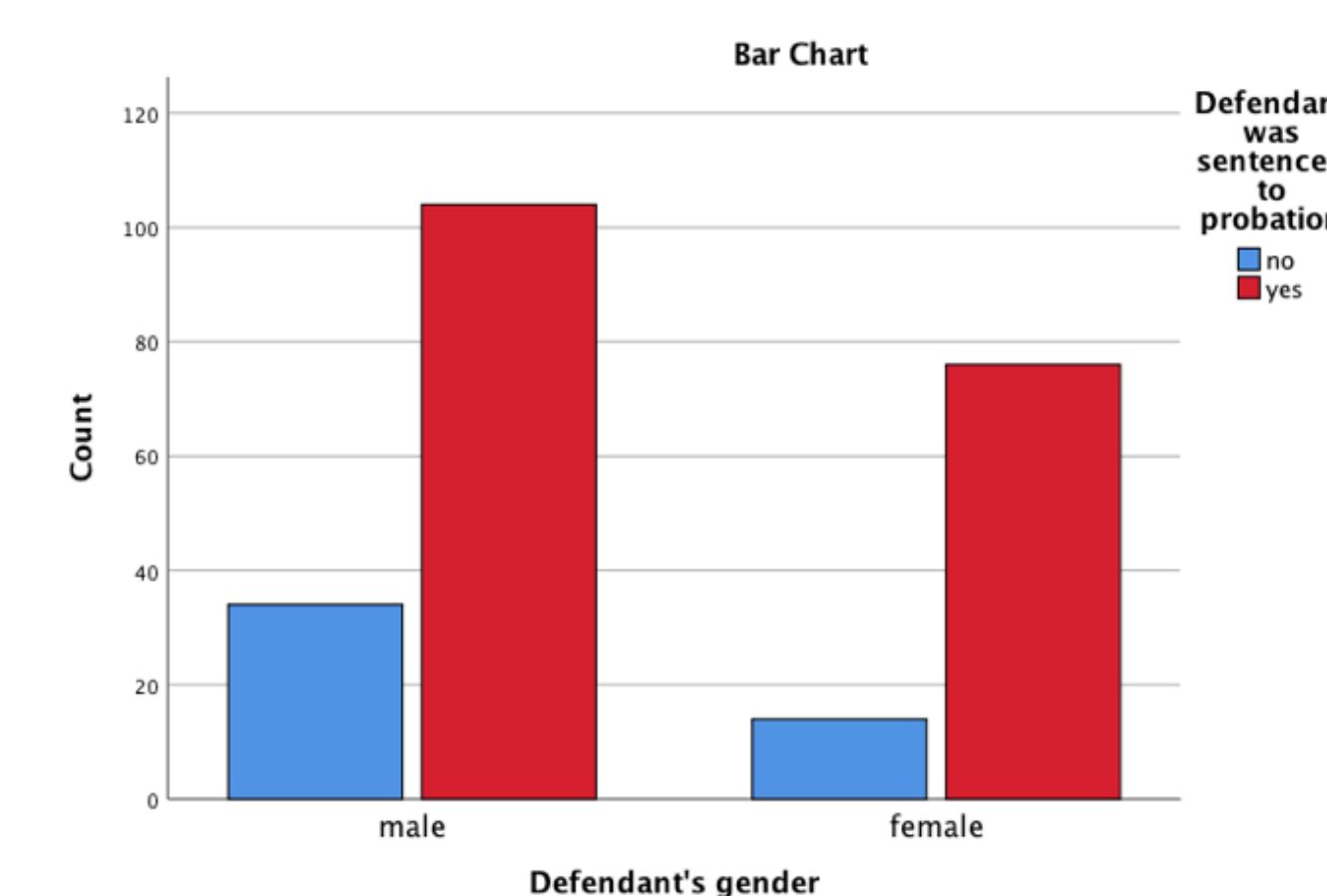
Measures

- The Educator Sexual Misconduct Database is comprised of 26 variables, some of which were used to analyze the present study.

Descriptive Statistics: Study Variables (N = 321)

Variables	n	%
Defendant's Gender		
Male	196	61.1
Female	125	38.9
Plead Guilty	250	81.2
Acquitted	19	6.2
Felony	266	86.1
Incarcerated	222	73.5
Probation	180	78.9
Sex Offender	208	76.5

RESULTS



Felony

- No significant relationship between gender and defendant’s being convicted of a felony ($\chi^2(1) = .748, p = .397$)

Incarcerated

- No significant relationship between gender and defendant’s being incarcerated ($\chi^2(1) = .038, p = .845$)

Sex Offender

- No significant relationship between gender and defendant’s being required to register as sex offenders ($\chi^2(1) = 1.558, p = .212$)

Probation

- No significant relationship between gender and being sentenced to probation ($\chi^2(1) = 2.703, p = .100$)

DISCUSSION

The Chi-Square test determined that there were insignificant relationships between gender and all of the court cases outcomes that were analyzed.

- Interpretation of the findings were not consistent with the hypothesis in the study, as defendants were given relatively similar charges and outcomes, regardless of gender.
- Educators were charged appropriately and are unable to return to the schools in which the perpetration was taking place.
- The analysis done found that there is not inconsistencies in sentencing for males and females, and that they are punished for their crimes accordingly.

Future Research

- Conducting the study with a larger sample size
- Including a larger pool of participants by not limiting the areas in which research is collected
- Continue research regarding prevalent rates of educator sexual misconduct



REFERENCES

- Abboud, M. J., Wu, G., Pedneault, A., Stohr, M. K., & Hemmens, C. (2018). Educator Sexual Misconduct: A Statutory Analysis. *Criminal Justice Policy Review*, 0887403418806564.
- Barlow, C., & Lynes, A. (2015). (The Good), The Bad and The Ugly: The Visual Construction of Female Child Sex-offenders. *Journalism and Mass Communication*, 5(9), 480-494.
- Denove, M. 2001. A culture of denial: Exploring professional perspectives on female sex offending. *Canadian Journal of Criminology*, 43(3): 313-329.
- Finkelhor, D., Williams, L. M., Burns, N., & Kalinowski, M. (1988). *Nursery crimes: Sexual abuse in day care*. Newbury Park, CA: Sage.
- Frketic, K., & Easteal, P. (2010). Public Perception of Teachers' Sexual Misconduct with Students-Does the Sex of the Teacher Make a Difference. *Alternative LJ*, 35, 142.
- Grant, B. J., Wilkerson, S. B., deKoven Pelton, A. C., & Henschel, M. (2017). A Case Study of K-12 School Employee Sexual Misconduct: Lessons Learned From Title IX Policy Implementation.
- Livingston, T. N., Rerick, P. O., & Miller, M. K. (2019). Psychological Explanations of How Gender Relates to Perceptions and Outcomes at Trial. In *Advances in Psychology and Law* (pp. 137-173). Springer, Cham.
- Shakeshaft, C. (2004). Educator sexual misconduct: A synthesis of existing literature. US Department of Education, Policy and Programs Studies Service. Retrieved from <https://www2.ed.gov/rschstat/research/pubs/misconductreview/report.pdf>