

Personal Injury Law Podcast

by Rosenfeld Injury Lawyers

Can You Sue a Boarding School for Sexual Abuse by a Teacher?

Jonathan Rosenfeld:

Hello. Good afternoon. Thank you for joining me today. I'm Jonathan Rosenfeld and today on The Personal Injury Law Podcast, I am joined by attorney Marty Gould, and we are going to talk about a merging area of litigation involving sexual abuse that occurred in schools and specifically in boarding schools. This is an area that Marty has considerable experience with, and I really appreciate his insight. Marty, to begin with, boarding schools in general, a lot of people, a lot of parents send their children to boarding schools because they are looking for a school that can provide them with individualized instruction, where they may get some more personalized attention ... which is great, but unfortunately, I think what we're seeing in some situations is ... some teachers and some other school officials maybe taking this a little bit too far, a little bit too extreme. Can you talk a little bit about some of your experience with abuse in a boarding school setting?

Marty Gould:

Sure. Well John, there's 67 New England private boarding schools and over the past 25 years, according to a Boston Globe story, more than 200 students have accused private school authorities of sexual abuse or sexual harassment, and that includes teachers, administrators, staff members, and even in one case, an admissions officer. One of the issues with the boarding schools is that you're in a more intimate setting with the teachers. They're not only teaching you, but sometimes they're living in the dorms, they're inviting you to their homes, and because of the access that you have to a teacher, which can be good in certain circumstances, it also makes children more vulnerable. That's often where children are abused. They're groomed by somebody who's supposed to be their mentor and there's more opportunities to abuse the child because they're also interacting with the student outside of the classroom. It's like I said, sometimes even in the teacher's homes, and that's why it's important for a school to have the right policies and procedures in place to make sure students who are uniquely vulnerable at a boarding school are safe.

Jonathan Rosenfeld:

I think one of the positive things of these boarding schools is that they really are all-encompassing when it comes to school, when it comes to sports, when it comes to socialization, when it comes to living arrangements. Unfortunately I think, we've seen in some situations is that these schools have really insulated the students from the outside world and sometimes these episodes of abuse may go on for some time without getting reported until after the fact. Can you

share maybe, without getting into too much detail or anything, can you share some situations that you may have run into where someone is a victim in this setting?

Marty Gould:

We've had several cases involving sexual abuse of students by teachers at boarding schools. Then in one of the instances, sometimes there's a feeling to protect the school's reputation at the expense of the allegation and they either ask the teacher to quietly resign, where then they go on and they can apply to another school and they can abuse a child again. That's called passing the trash and those circumstances, you can potentially hold both institutions responsible. In a case that, John, you and I recently resolved, the school didn't have a two-adult policy in regards to having the students at teachers' houses or places that were in private, and unfortunately one teacher was able to groom a student, invite the student back to their home and then began abusing them there. That's why it's important for schools to have the right policies like a two-adult policy when it comes to being with students in private settings and other policies to make sure that the children are safe because their parents aren't around like they would be in a regular public high school or a high school you attend in your own community.

Jonathan Rosenfeld:

One of the things that comes up in boarding school cases, and really all types of sexual abuse is this whole concept of grooming. When we talk about grooming, it seems sort of an innocuous type thing to begin with, but it, over time, these relationships morph from a peer relationship or a teacher-student relationship into something that transitions into something much more deviant. Can you talk a little bit about this grooming concept and what's involved in some of these situations?

Marty Gould:

John, one of the supposed benefits of attending a boarding school is the opportunity to develop close bonds with your teachers. They're in a better position, maybe, to write a recommendation because they see you so often. Predators are able to use that expectation that they'll be able to be close with that student unsupervised and they take advantage of it. So innocent invitations to go to sporting events, lunches, dinners by yourself with the teacher, can turn into building trust with that student and the student becomes confident with that relationship, and then that's when the relationship can take a turn where they can be abused.

Marty Gould:

John, in the case that we had, the teacher was using her position of power to coerce the student into continuing the relationship that they wanted to get out of. The student's grades were docked while he was attending this school and he felt like he was trapped. He was trying to get into college and then when he tried to step away from the relationship, he suffered academically. That's essentially how it happens. It's that confidence that you build and they're grooming you early on and that's how they can take advantage of you.

Jonathan Rosenfeld:

Now, in boarding school cases and really all civil litigation, there's an issue of statute of limitations. A lot of times, this episode may occur when someone's young and maybe in their

early teen years or something. It may not be for 10 or 20 years after the episode, that they actually develop the confidence to come forward and say, "Hey, look, this happened to me. I was a victim here." There's a lot of feelings of guilt. There's a lot of feelings of sadness, anger, frustration, it goes on and on and on, but ultimately there's the statute of limitations, these time constraints to file a case. Obviously, these cases are fact-dependent, but can you talk a little bit about how the statute of limitations applies to a boarding school sexual abuse case?

Marty Gould:

So the statute of limitations that applies generally would be the statute of limitations for childhood sexual abuse within the state in which the boarding school in which the abuse occurred. That can vary from state to state. What's important to know is that because of the public pressure, because of the media attention regarding childhood sexual abuse, politicians have changed a lot of laws that have now allowed survivors to finally bring claims that may have been expired. That's why it's very important to speak to a lawyer to find out if there's [inaudible 00:08:18] but if the laws have changed, whether it's through, what's called the revival statute, that creates a window in which you can file claims that may have been barred by a time limit, or to check to see if there's any legislation pending in that state.

Marty Gould:

So people will call me and say, "I heard that the statute of limitations expired in XYZ state," and I'll say, "That's true, except that there's a bill pending in your state legislature that may be passed, that will say, 'You may have an opportunity to bring this case in six months.'" So we follow all those in all the different states that we're in, to make sure that we know if there's going to be an opportunity to bring these clamps.

Jonathan Rosenfeld:

I think what you just spoke about in terms of the evolving law that applies to these situations is really the reason why people need to reach out to an attorney who has experience with these cases specifically, because a lot of times, I've heard people, I've spoken to people who've said, "Hey, I spoke to my accident attorney down the street, I spoke to him or her about the situation and they've told me I don't have a case." At the end of the day, they really need to talk to someone who has experience with these particular cases. Now, if someone is watching this and they say, "Hey, I want to reach out to an attorney, but I don't have the assets. I don't have the funds to hire an attorney." What would you say to them? How do you handle these types of cases and how would you help someone if they don't have the funds necessary to fund this type of litigation?

Marty Gould:

Well, first John, I would say that it's always important to know your rights. Even if we take on cases, even if the statute of limitations has expired, we try and do an outreach to the church or the boarding school or whomever it may be, to see what kind of a possible resolution we can reach even without filing a lawsuit. The last thing that a survivor needs to deal with in these situations is worrying about paying legal fees, and that's why we don't charge any money for any consultation. We don't charge any fees unless we can actually get a compensation and a recovery

for the survivor. If we're unable to, if we take on the case and we for whatever reason cannot obtain any type of settlement, the survivor doesn't owe us any money.

Jonathan Rosenfeld:

Well, I appreciate your time and hopefully, if people are watching this and they have some questions, they'll certainly be able to reach out to you because you're certainly an advocate for these people. So thank you for joining me today. I appreciate it.

Marty Gould:

Thanks for having me on your podcast, John.