



THE NEW SEX EDUCATION

Some Inland Empire experts say social media has made it easier for students and teachers to engage in inappropriate extracurricular relationships.

BY JEANNE BOYER

Teachers and students have been involved in intense relationships for centuries—sometimes leading to sex, children and marriage. Or jail.

Several well-publicized recent cases, including ones that have led to teachers being arrested and lawsuits being filed against school districts,

have led observers to wonder if such relationships are becoming more common.

Opinions differ on the subject, and it's tough to find any reliable statistics.

However, a number of experts are concerned that the increasing number of ways teachers and students can connect on social media may provide opportunities to become over-involved after school is out.

"There have always been inappropriate relationships between teachers and students," says Gretchen Shipley, a San Diego attorney whose firm also has an office in Corona, and whose practice focuses on education, technology, and privacy concerns. "But I think it has been more of a growing problem because of the breaking down of barriers with social media and the ease with which you can talk with each other."

Riverside attorney Heather Cullen also believes

increased use of social media may be contributing to inappropriate teacher-student relationships. "Especially with technology, the lines have been blurred between the formal teacher and student relationship," Cullen says. "Possibly it's easier to breach that formality than 30 years ago when you couldn't text someone or see them on social media."

School districts have been scrambling to devise ways to take advantage of social media—because so many students and parents use it almost exclusively to communicate—and yet not stumble into uncharted territory that allows access to private lives.

"Those policies aren't necessarily uniform," says Ed Sibby, a communications consultant for the California Teachers Association. "Some districts have more of a free-form approach," while "others require a third-party program" where communication is through a channel that can be monitored by parents and school administrators, rather than using personal phone numbers and social media accounts.

Teachers need to follow policies established by their own district, Sibby says. Overall, "it's an increasing challenge for teachers" as the "social media phenomenon becomes all-encompassing for students."

In those cases where a teacher is drawn into a

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relationship that becomes personal rather than simply professional, text messages and emails sometimes offer incriminating evidence that the exchanges weren't always about homework.

Why would teachers get involved in a situation that could end their careers and possibly send them to jail?

"Certainly it's an opportunity to have someone who idealizes them," says Mitchell Rosen, a licensed marriage, family and child therapist in Corona. "It's very alluring to have someone who hangs on your every word. For some teachers, they are getting older or never felt attractive, it's a way of being validated sexually or romantically."

Both counselor Rosen and lawyer Cullen emphasize that even if the student agrees to the sexual relationship, in California individuals under age 18 are not legally able to give consent. (The age of consent varies; in some states it is 16 or 17.) Even if a student is 18, most school districts have policies prohibiting teacher-student sexual relationships.

"It's never consensual even if stated because of the age and power difference," Rosen says. While some teachers who became sexually involved with their students say the student pursued them, "All of us have the option to say no," Rosen says. "I have seen situations where the child was the initiator, but courts don't give that a lot of weight in California." If a student starts making overtures to a teacher, the educator has "a responsibility to talk to your superiors or the child's parents."

However, he notes teachers can be vulnerable if they are feeling lonely and unhappy, and being the subject of adoration and affection from a student can sway their emotions. For students, the thrill of having an older authority figure paying special attention to them can be very gratifying, Rosen says, and they may realize, "I like being that powerful."

Despite the seeming proliferation of teacher-student sex stories on the internet, Rosen isn't convinced that the percentage of such relationships is increasing dramatically.

"There's not an epidemic of these cases, there's an epidemic of reporting," he says. "That's good," because where previously cases might have been hushed up out of shame and concern about a family's reputation, today people are more likely to acknowledge the situation and demand redress.

In the past, when traditional thinking assumed a victim must have been at fault, "the parents would somehow blame their child," Rosen says. Even if a student spoke up, "no one would believe you anyway, because no one spoke of these things."

Riverside attorney Cullen agrees students and their families are more likely to file complaints. "Definitely things get reported more," she notes. Especially in cases where a male student is involved, and the assumption has long been that he must have consented, or even "lucky him!"

"As men or boys are more comfortable reporting, it gets reported more," she says. However, many people believe strongly that a male can't be the victim, as Cullen found out when she represented a student at Redlands' Citrus Valley High School. The student was 16 when he became involved in an affair with his 28-year-old teacher, who gave birth to his child the following year. After his family filed suit against Redlands Unified School District, Cullen says a number of callers to her office left voicemail messages saying essentially, "because she was a hot teacher it was OK."

Maybe they were fans of Van Halen's 1984 song "Hot for Teacher," or maybe they were indulging in a bit of personal fantasy, but they didn't express any sympathy for the teen involved.

"People are very passionate about the topic, much more than they would have been if a minor female got pregnant—the public would be on her side," Cullen says. "I think that now if those cases become public, male victims are able to reach out for help instead of being victimized."

California law requires people in various professions, including education, to report suspected cases of child abuse. Such "mandated reporters" are obligated to inform authorities if they believe a teacher is having sex with a student younger than 18.

In the case where Cullen represented the Redlands student and his family, allegations were made that Redlands Unified School District employees knew about the affair between the student and English teacher Laura Whitehurst. An investigation by the San Bernardino County District Attorney's Office found insufficient evidence to file charges against the school district.

The school district refused to admit wrongdoing, saying that both Whitehurst and the student denied the affair when suspicions arose and the two were questioned separately six weeks before her July 2013 arrest.

Whitehurst gave birth in June 2013, with the father of her child in attendance. After the boy's mother reported the affair to school officials July 1, district officials called police, who arrested Whitehurst soon after.

Whitehurst, who resigned from the school district and surrendered her teaching credential, accepted a deal to plead guilty to six felony counts, including four counts of unlawful sexual intercourse with the father of her child.

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PHOTO: JIM DORSEY



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The other two counts of oral copulation involved two other former students who came forward after she was arrested, saying they had had sex with Whitehurst several years earlier.

One of those former students talked to reporters about his experience with Whitehurst during the 2007-2008 school year at Redlands High School, where Whitehurst taught previously.

“I didn’t feel like a victim; I’m not scarred for life or anything,” the former student told TV station NBC4. “To be honest, I had a good time when it was going on.”

The San Bernardino County District Attorney’s office said the plea deal was intended to provide an opportunity for Whitehurst’s rehabilitation, and included a requirement for her to attend counseling. She was also sentenced to five years’ probation and had to register as a sex offender. Whitehurst served about six months in jail and was released in 2014; she is now reportedly trying to rebuild her life as she raises her young daughter.

Cullen brought in Irvine attorney Vince Finaldi, who specializes in sex abuse cases, and a suit was filed against the school district in 2014. While denying any wrongdoing, Redlands Unified School District officials agreed to a \$6 million settlement to settle the case in 2016. Finaldi described it as one of the largest settlements ever paid by a school district in such a case.

“As with any victim of child abuse, for the rest of his life he’s going to have to be burdened with this issue,” Cullen says of her client. While the cash settlement can help provide assistance dealing with the problems that result, “I don’t think any victim of child abuse is relieved of that burden from money.” Cullen adds that it was sad for her client to endure the gibes and suggestions that he really wasn’t a victim in the affair.

Redlands Unified School District officials said the district has appropriate policies in place to protect students, but former teacher Whitehurst betrayed the district’s trust and violated its policies. Sensational media coverage of the case also played a role in the decision to settle, spokesman Tom DeLapp said, and district officials were concerned that a civil trial would have been drawn-out and painful for all concerned, so they followed legal advice to settle the case.

“People love salacious stories,” Corona counselor Rosen remarks. Americans have difficulty accepting sexuality, he adds. Instead of gossiping and gloating over such cases, which take a toll on a community, people should try to look out for one another. “It’s anyone’s responsibility to protect children,” he says. “I hope we could as professionals monitor each other” if it seems obvious inappropriately flirtatious behavior is taking place.

“Should you be silent? Never. It could be your daughter, your son—it could be you.” ■