

**SUMMARY OF THE DEPARTMENT OF EDUCATION’S FINDINGS
RE: ROXBURY’S DELAY IN REPORTING THE SEXUAL ASSAULT CASE
of February 26, 2003**

REPORT ISSUED FEBRUARY 23, 2004

In a letter dated January 29, 2004, Morris County Prosecutor, Michael M. Rubbinaccio, requested that the Commissioner of Education, William L. Librera, investigate the two-month delay in reporting a sexual assault in the Roxbury Public Schools to the Roxbury Police Department. It was the charge of the Morris County Prosecutor’s report that the Department of Education “take remedial and administrative action in order to ensure that school officials and employees understand the nature of their obligation to report school related criminal activity.” Given that charge, the Morris County prosecutor stated very clearly that, “It should be stressed to school officials that, especially in cases of sexual assault and other serious crimes, the mandatory reporting obligation should be liberally and broadly applied and school officials should not undertake independent investigations of serious offenses but rather must first notify the appropriate law enforcement official without delay.” The Commissioner recused himself from the investigation and assigned Assistant Commissioner for the Northern Region, Dr. Judith Weiss to investigate all the relevant issues and prepare a report and recommendations to the Deputy Commissioner, Dr. Dwight R. Pfennig.

The Department of Education reviewed/investigated four issues surrounding this event:

1. Thorough review of the *Report To The New Jersey Commissioner of Education and the Morris County Superintendent Of Schools Regarding The Delayed Reporting Of A Sexual Assault Which Occurred On The Property Of Roxbury High School On February 26, 2003.*
2. A review of the proactive measures taken by the Roxbury School District in the areas of curtailing bullying and sexual harassment, defining athletic responsibilities of coaches as they pertain to students in their charge, defining athletes’ responsibilities as they pertain to behavior and/or deportment, gender/women’s issues, and providing staff/student training for intervention in matters relevant to the formerly listed items subsequent to the occurrence of the incident.
3. A review of staff accountability, awareness and training on criminal reporting requirements and procedures encompassed by Board of Education Policies, New Jersey Administrative Code, and the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials.*
4. A review of student safety and school security measures taken by the Roxbury School District subsequent to the occurrence of the incident.

Additionally, the Department of Education has engaged in a dialogue with the New Jersey State Interscholastic Athletic Association for the purpose of defining their involvement in matters related the incident. In the long term, it is the intent of the Department of Education to work cooperatively with NJSIAA in formulating plans to move the Roxbury School District forward.

Increased Training and Awareness for Students/Staff Regarding Bullying and Sexual Harassment

Of utmost concern to the Department of Education is the area of a perceived school culture that has for years, “exalted” certain athletic teams and athletic issues, thereby presenting students and staff with conflicting messages about behavioral responsibilities they may have. This culture, in part, may have directly or indirectly influenced the actions of the perpetrators on February 26, 2003. This culture, in part, may have also directly or indirectly been influenced by the lack of administrative and athletic leadership stability in the district as demonstrated by an unusually high turnover of administrative positions within the Central Office as well as the high school. Over the last ten years, Roxbury has had 5 superintendents, 6 assistant superintendents, 5 high school principals, 4 athletic directors, and a myriad of coaches.

Athletic program misguidance and/or abuses were of concern 10 years ago and continue to plague the district. There have been too many abusive situations involving athletic teams and athletes reported in the press in the most recent past, in a variety of communities and educationally related institutions, to ignore the need to take proactive measures to address a perceived culture of permissiveness, superiority, lack of individual and group responsibility, and a lack of respect for other individuals. To that end, it is positive to note that the Superintendent has held various workshops for staff and students this year on bullying, harassment and intimidation. Additionally, the Athletic Director and the new Principal are directed by the Department of Education to review the ethical responsibilities of students and staff, as well as the behavioral responsibilities of students and staff as they pertain to Roxbury High School in general with added emphasis on the athletic and extra-curricular program. There should be neither misunderstanding about the definition of unacceptable student and staff behavior, nor the consequences for such behavior.

Staff Accountability and Training on Reporting Requirements and Procedures

The Prosecutor’s report clearly states that “...the delay in reporting did not rise to the level of criminal conduct”, and “... that the failure to report was due to the school officials’ serious misunderstanding of the reporting requirement...set forth in the administrative code and the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*”. Even though the high school administration became aware that “something had happened” as early as February 28, 2003, their investigation did not begin until March 4, 2003 as a “high level” school official became aware of the alleged sexual assault. The investigation included multiple attempts to have the parents of the alleged victim and the alleged victim come into the school to corroborate the alleged incident that the alleged perpetrators (wrestling team members) denied in interviews conducted between March 5, 2003 and March 7, 2003. After May 1, 2003, following consultations with the Morris County Prosecutor’s office, the Superintendent and, in some instances the board attorney, had no fewer than 4 meetings with district administrators to clarify and outline their responsibilities related to reporting incidents if “*there is a reason to believe*” a crime involving sexual contact has been committed, NOT *if they can determine a crime has been committed*. The Prosecutor through the Office of Assistant Prosecutor is confident that all district administrators – including the Board attorney – are now clear on the protocols and responsibilities of reporting. The Superintendent is directed by the Department of Education to ensure the sustainability of a program for all Roxbury School District staff members to ensure the details of protocols and responsibilities of reporting in concert with Board of Education policies and *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*.

Student Safety and Building Security Measures

Even though the criminality of the alleged event had not been discerned after interviews with the alleged perpetrators, it was evident that there had been a security breach of the wrestling team room on February 26, 2003. In that vein, On March 12, 2003 the Superintendent began to address what he viewed as security issues in the high school. He included the Athletic Director, coaches, the Director of Buildings and Grounds, high school administrators and custodians in developing security procedures for all staff. Additionally, between March 2003 and February 2004, the building and locker rooms were all rekeyed, cameras were installed, a security guard was hired, and a swipe card entry system is currently being installed. Monthly meetings have been held to review the record-keeping of reporting events and persons in the gym area, as well as any concerns to be addressed by staff. The Superintendent is directed by the Department of Education to ensure the sustainability of a program for building security at Roxbury High School as well as all other schools in the district. In so doing it is incumbent upon administration to ensure that all district staff members have a clear understanding of the details of protocols, responsibilities and district policies related to building security.

CONCLUSIONS

After a complete investigation of the handling of this incident, it appears that the administration had “reason to believe” that a crime involving sexual contact had been committed on school property, and therefore the Principal should have contacted law enforcement officials. However, there did seem to be some confusion as to the protocols, procedures, and policies concerning the reporting of a criminal incident based on the advice of the attorney and the belief that the alleged victim and/or the alleged victim’s parents needed to corroborate the rumors of the alleged sexual contact. At this time it is evident that the Superintendent has begun and continues to take appropriate measures that: ensure that the staff and students are aware of behavioral expectations and consequences for violations of those expectations; ensure the safety and security of the building; and, clarify the responsibilities of the administration in reporting to the police in the future.

(It is important to note that many of these actions began prior to the Morris County Prosecutor’s report being issued to the press and subsequently forwarded to the Commissioner of Education).

To that end, the Superintendent, in conjunction with the Morris County Superintendent is directed to draft a two-year Corrective Action Plan to include the following components:

1. Expand the development and implementation of a program/program components in the areas of curtailing bullying and sexual harassment, defining athletic responsibilities of coaches as they pertain to students in their charge, defining athletes’ responsibilities as they pertain to behavior and/or deportment, and providing staff/student training for intervention in matters of student behavior and gender/women’s issues.
2. The provision of staff accountability awareness and training on criminal reporting requirements and procedures encompassed by Board of Education Policies, New Jersey Administrative Code, and the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*.
3. The incorporation of student safety and school security measures in the Roxbury School District long range facilities plan, inclusive of the method(s) through which school safety and school security procedures shall be made known to all staff members.
4. The review and updating of all Board of Education Policies and procedures relating to the issues investigated by the Morris County Prosecutor’s Office as well as the Department of Education.

Specific emphasis should be placed on developing standards of conduct for athletics and all other extra curricular activities.

The Corrective Action Plan will be reviewed and approved by Drs. Pfennig and Weiss no later than March 15, 2004, followed by the approval of the Roxbury Board of Education. The Corrective Action Plan shall require quarterly meetings between Roxbury administrators and the County Superintendent to review the written status reports. The results of the quarterly meetings shall be presented to the public at the first meeting of the Roxbury Board of Education following their approval by the State Department of Education.

It is anticipated that these actions will begin to correct student/staff/athletic behavior and attitudes which have been perceived as endemic athletic problems in the district for many years as well as security issues paramount to student safety and achievement in any school. Stability in leadership is also the “key” in moving the Roxbury School District forward. Stability creates an important message to all students and parents – that standards will be set enforced and implemented for everyone. Those administrators will be evaluated, in part, based on those standards and the successful implementation of the CAP. It is time to permit the administrators to address and take the necessary steps forward to correct the problems, as well as sustain the improvements already implemented to ensure that such events become an issue of the past and that public accountability continues in the future.

Clearly, there is much work to be done to address the critical needs of the district. However, any long-term improvements will require the cooperation and partnership between the district administration, Board of Education, parents, students, staff, coaches, and the community in order to give a single message regarding the behavioral expectations of all students and adults, and reinforced by reasonable standards and firm policies, making all members of the Roxbury educational community responsible for changing attitudes and behaviors.

Respectfully submitted,

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