

Don't Hire the Perp: Avoid Organization-Killing Pitfalls During the Recruitment Process

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Jill Ostrove is the VP of SML, EPL Public Entity, and D&O Risk Management at ePlace Solutions, Inc. She is a licensed attorney in California, where she received her JD with honors in both criminal law and public service from Western State University College of Law and her Bachelor of Arts in Political Science from University of California, Riverside.

Prior to joining ePlace Solutions, Jill gained significant experience in various areas of law, including civil, insurance defense, and as in-house corporate counsel. However, from a young age, her passion was firmly rooted in criminal prosecution.

As a prosecutor, Jill handled thousands of cases from filing charges through hearings, jury trials, and sentencing. Those cases encompassed, in part, domestic violence, child abuse, sex offenses, animal cruelty, gang crimes, and everything in between.

As the VP of EPL Public Entity, SML, and D&O Risk Management, Jill is responsible for oversight of all 3 practice areas. She develops thorough policies, procedures, and extensive training materials to prevent avoidable tragedies, claims, and suits.

Since she was a child, Jill has always focused her attention on helping vulnerable and at-risk populations, whether that is sending sex offenders to prison, volunteering on the Board of Directors for local nonprofits, helping the homeless population, or running a nonprofit animal rescue.

AGENDA

The 4 Steps

A.I. and Recruitment

Liability and Real World Cases

Pro Tips, Q & A, and Contact Info

A COUPLE THINGS FIRST...

- PowerPoint organization and slide count
- These are things that are not GOING to happen, these are things that ARE happening. Applies to YOU, not just your members.
- Trigger warning: We will be discussing topics and real cases that may mention sexual abuse, sexual assault, or other serious and violent crimes. Please take a break when needed and take care while listening.
- Everything I say is subject to your state law and Open Meetings Act

THE 4 STEPS

Job Applications

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graph TD; A[Job Applications] --> B[Behavioral Interviewing]; B --> C[Reference Checking (A secret gold mine!)] ; C --> D[Multistate Pre- and Post-Hire Background Checks]
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Behavioral Interviewing

Reference Checking (A secret gold mine!)

Multistate Pre- and Post-Hire Background Checks

*“MY
STANDARD IS
NOW THAT, ‘I
WANT YOU TO
FIGURE OUT A
WAY NOT TO
HIRE THIS
PERSON.’”*

DO YOU AGREE?

STEP 1:

JOB APPLICATIONS

LET'S TALK ABOUT JOB POSTINGS

Include EEO language in all job advertisements.

At a minimum, state the employer as an equal opportunity employer and all applicants will be considered for employment regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, veteran, or disability status and any other characteristic protected by law.

But. what about when religion, sex, or national origin is a “bona fide occupational qualification?” Talk to an attorney if you think this applies to a position!

Consider including a statement about disability accommodations.

Check for any state or local requirements that a salary range be disclosed *in the job post*.

Do *not* state that those with a criminal background need not apply.

Ensure *where* you are advertising is not inadvertently excluding protected classes (i.e. Advertise in two separate markets to reach different audiences).

Don't target job advertisements to particular classes.

WHAT TO INCLUDE ON JOB APPLICATIONS

Examples of statements that may be included, depending on your state, include:

- Statement requiring the applicant to provide proof of legal authorization to work;
- Certification that the applicant has not knowingly withheld any information, that the information provided on the application are true and correct, and a statement that any omission or misstatement of material fact shall be grounds for rejection of the application or immediate termination;
- Authorization for the employer to thoroughly investigate all references, work record, education and other matters related to suitability for employment;
- Understanding that nothing contained in this application or interview is a contract for employment and that any employment is at-will;

WHAT TO INCLUDE ON JOB APPLICATIONS

Examples of statements that may be included, depending on your state's law, include:

- Acknowledgement that the employer may obtain and investigate a consumer report about the applicant, with a list of types of reports that may be pulled, and a statement that any job offer is contingent upon receipt of a favorable consumer or investigative consumer report;
- Understanding that any offer of employment is conditioned upon taking and passing a post-offer/pre-employment drug test, and if necessary for the position, a post-offer/pre-employment medical examination, with a statement that any refusal will result in the offer being immediately withdrawn; and
- **Bold** or all-CAPITALIZED statement that the applicant has read, understood, and accepts *all* conditions of employment.

JOB APPLICATION PRO TIP #1

Every person needs to fill out a job application.

Every single person. Every single role.

No exceptions.

JOB APPLICATION PRO TIP #2

The applicant doesn't want you to contact their previous or current employer.

Add a line to your application asking why.

Not contacting a current employer is not necessarily a red flag.

JOB APPLICATION PRO TIP #3

We're in a new era of A.I.-written resumes.

Ask for a live writing sample to ensure competency (one that's emailed can be A.I. written and/or A.I. proofread).

STEP II: BEHAVIORAL INTERVIEWING



DOES THIS SOUND FAMILIAR?

“I’m a really great judge of character and have made excellent hiring decisions in the past. I can accurately get a sense of how good a job applicant will be by asking the standard “yes” and “no” interview questions I’ve always used.”

BEHAVIORAL INTERVIEWING...HUH?

The most accurate predictor of future performance is past performance in similar situations.

Simple “yes” or “no” questions will not accurately reflect an applicant’s past experiences in the workplace.

Behavioral interviewing focuses on an applicant’s past experiences by asking them to provide specific examples of how they have demonstrated certain behaviors, knowledge/skills/abilities. The answer to these questions provides insight into the applicant’s thought process and can trigger red flags.

One of the most common ways to accomplish this is by using the **STAR** method:

- **Situation:** Tell me about a time...
- **Task:** When you didn’t agree with something your manager told you to do.
- **Action:** What did you do to resolve it?
- **Results:** How did it turn out? What did you learn from this experience?

SAMPLE QUESTIONS

These questions and the answers that follow, provide important insight into the mind, thinking process, and past behavior of an applicant.

The answer to these questions can trigger red flags or warning signs of someone that may be potentially harmful to your organization.

SAMPLE QUESTIONS

Tell me about a time when you were extremely upset with a coworker or your supervisor.

- What happened?
- What was the outcome?
- How do you feel about the outcome?
- Would you do anything differently to prevent this from happening in the future?

Tell me about a time when you tried to accomplish something you and it failed/didn't go as planned.

- What challenges did you come across?
- What was the outcome?
- How did you feel about the outcome?
- What did you learn from the experience?

Describe the most difficult employee relations situation you have had to handle.

- What was the situation?
- What did you do to try to resolve it?
- Did you come across any challenges?
- Were you happy with the outcome? Why?

Tell me about an ethical situation you have encountered at work.

- What challenges did you come across?
- What was the outcome?
- What did you learn from the experience?
- What would you do differently next time?

QUESTIONS TO AVOID

Age

Do not ask:

- Date of birth
- Date of high school graduation
- Date of college graduation

Instead, ask:

- If hired, can you show proof that you are at least 18-years-old?

Gender and Family Status

Do not ask:

- Number of children/childcare arrangements
- Marital status
- Questions around pregnancy
- Maiden name
- Sexual orientation
- Gender identity

Instead, ask:

- What hours can you work?
- Can you meet the job's travel requirements?
- Do you have relatives employed here?

Religion

Do not ask:

- What is your religion?
- What church/temple/mosque do you attend?
- What is the name of your priest/rabbi/minister/religious leader?
- Does your religion prevent you from working holidays/weekends?

Instead:

- Make statements re regular days, hours, or shifts to be worked and ask if they can meet them.

Be consistent when asking questions!

PROTECTED CLASSES

Federal Law

Age (40+)
Race
Color
National Origin
Sex (inc. sexual orientation,
gender identity, and pregnancy)
Religion
Disability
Military/Veteran Status
Genetic Information

Many States and Cities

Marital Status
Domestic Violence Victim Status
Age (18+)
Citizenship Status
Arrest or Conviction Record

Some States and Cities

Weight
Familial/Caregiver Status
Parental Status
Credit History
Source of Income
Current Unemployment Status
Hairstyles
And more!

Be consistent when asking questions!

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STEP III: REFERENCE CHECKING

REFERENCE CHECK RED FLAGS

Negative Comments - Applicants typically provide references who they know will speak highly of them. Any negative feedback about an applicant's work performance is something to consider prior to making a hiring decision.

Lack of Specificity - You can generally expect an overly positive review. When faced with overselling, ask for specifics. If a reference refuses to provide, it may mean that the person did not work closely enough with the applicant, which may bring the applicant's judgment into question for choosing them as a reference. It may also mean that the reference had a negative experience and doesn't want to prevent the applicant from getting the job.

Inconsistencies in Factual Information - Small inaccuracies (i.e. the exact date of employment) might not be a reason to raise a red flag. However, if you find that an applicant is lying about more significant issues, such as what their responsibilities were, it may be a warning sign about their reliability and truthfulness.

References Who Did Not Know They Were References - If the reference is surprised to hear from you, it may be a red flag. The applicant should give their reference a head's up that you'll be contacting them before handing out their contact information.

Not Being the Correct Person to Speak With - If the reference states that they are not the best person to speak with, ask for specifics. In the uncommon event that your understanding differs from what you hear from the reference, you can also ask the applicant to explain and may find that it is nothing to be concerned with.

REFERENCE CHECKS...HOW?

It's simple!

Reference checks are simply behavioral interviewing
for the reference!

SAMPLE QUESTIONS

There are many questions that can be asked of references. These questions are likely to elicit substantive and material information about the applicant who could be potentially violent and/or dangerous.

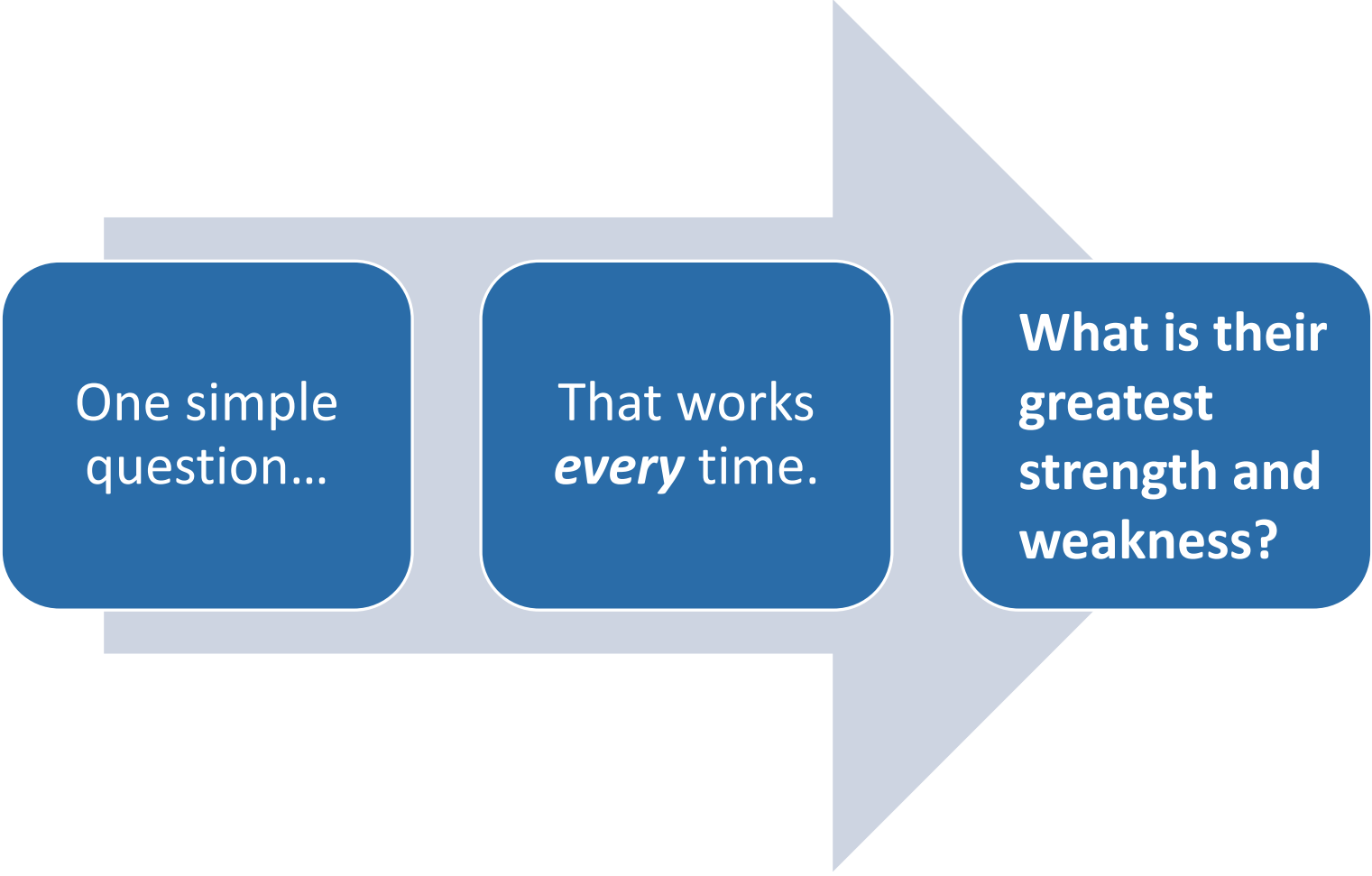
If the Reference was a Superior of the Applicant

- How did they meet the challenges of the role and manage the pressure of the job?
- Were there any workplace conduct or ethical incidents caused by this applicant when they worked for your company? Please describe.
- Is the applicant eligible to be re-hired and would you re-hire them? Why/why not?

If the Reference was a Coworker of the Applicant

- What were the easiest and most challenging aspects of working with the applicant?
- Did s/he get along well with management and co-workers?
- How did the applicant handle conflict? How about pressure? Stress?

THE MAGIC QUESTION



One simple
question...

That works
every time.

What is their
greatest
strength and
weakness?

PRO TIP

You ***can*** ask references for additional people that may be helpful to speak with.

You are ***not*** limited to only the people the applicant lists.

Verify **all** credentials and employment listed on resume.

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**STEP IV:
MULTISTATE PRE- AND
POST-HIRE
BACKGROUND
CHECKS**

MULTISTATE BACKGROUND CHECKS

MULTISTATE CHECKS ARE A MUST AND REGISTRIES ARE A MESS!

Sex Offender

Child Abuse

Domestic Violence

Narcotic Offenders

Violent Crimes and Felonies

Animal Abuse

Vulnerable and Disabled Adults

Elder Abuse

Arson

White Collar Crime

Gun Offender

Warrants

WHAT CAN YOU CHECK?

Criminal histories, subject to your state's laws. Search AKAs and alternate DOBs.

Criminal histories

Nationwide Federal and Specific State Offender Registries – Employers should be checking all offender registries in your state. Each state may have different registries.

License database searches – Handymen, doctors, nurses, dentists, massage, HVAC, teachers, contractors

Social Media - An astounding 73% of employers are not using social media to screen job candidates. It is an easy approach and may be hard to defend an organization that did not avail itself of free and publicly available information.

Depending upon the position, some employers are allowed to check driving history, liens and judgments, and credit history. These categories, however, are very narrow.

Make sure to have a comprehensive policy in your employee handbook explaining both pre- and post-hire background checks, as well as how the organization will deal with a criminal record that may be uncovered during a periodic check.

This new policy should include:

- What, specifically, you will review (for example, criminal records, offender searches, social media, etc.).
- How often, and when, you will conduct this check. Depending on your industry, this could be annually or as frequently as monthly. In terms of timing, the background check might be based on an employee's anniversary date or some other date such as the beginning of each year.
- A statement that the policy applies to all employees.
- A request that employees self-report any criminal cases that they may have been involved in and a notice that failure to self-report may result in termination if, and when, such offense is found.
- An explicit policy that refusal to cooperate or provide consent can result in termination.
- A detailed and specific termination policy if something new is found in their background check or if any falsehoods or omissions are discovered post-hire.

UPDATE YOUR EMPLOYEE HANDBOOK

NOTIFY EMPLOYEES

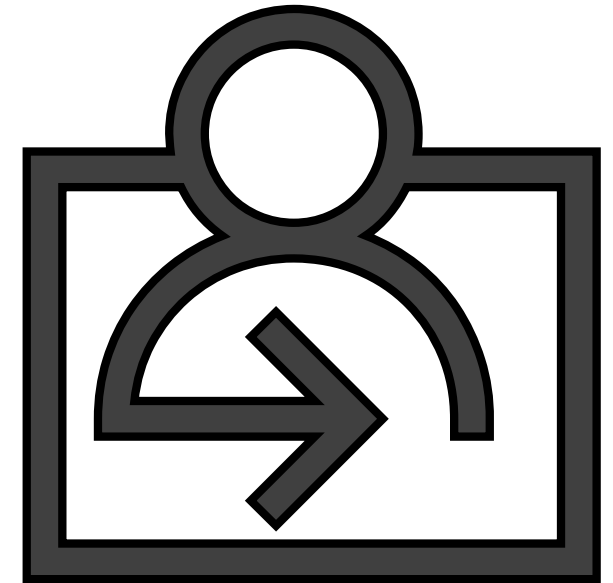
You will want to notify and clearly explain the new policies to existing employees, explaining the importance of regular screening for the organization and for them. It is highly recommended to get each employee to sign-off on the new policy, thereby avoiding any potential future issue or statement that they did not know about the policy.

Some tips to keep in mind:

- Make sure that all employees know who to contact, and how, and ask that they be proactive in alerting you to any incidents that may occur with them.
- When you hire new employees, clearly state that your policy is to conduct routine background checks on all employees, and how often they occur.

Employees will find this new process less threatening if they:

- Remain informed and educated about your process, why it is being implemented, and its benefits to the company, them, and your customers can help alleviate any anxiety or concerns.
- Expect it to happen on a regular basis.
- Know that everyone is being screened for the benefit of all.



“BAN THE BOX” LAWS

Removes the question about criminal convictions or arrests from employment applications.

Delays when an employer can request criminal conviction or arrest information.

In jurisdictions having ban the box laws, employers can only ask about criminal history after a conditional offer of employment.

Timing of inquiry varies by jurisdiction.

FAIR CREDIT REPORTING ACT (“FCRA”)



Not just about credit!



Applies to all types of consumer information



- Criminal background checks
- Credit checks
- Educational references
- Job references
- Past addresses
- Social media searches



Only applies when an employer uses a third-party consumer reporting agency.



Failure to comply is **costly!**



Up to \$1,000 **per** violation **per** employee, **plus** punitive damages, costs, and attorney fees!

OBTAINING A CONSUMER REPORT

Disclosure and Written Authorization

- Separate from other pre-employment documentation;
- Must be “**clear and conspicuous disclosure**” in writing; and
- **Must** get authorization in writing.

Attach the Consumer Financial Protection Bureau Summary of Rights

Don't forget state- and local-specific content, if required.

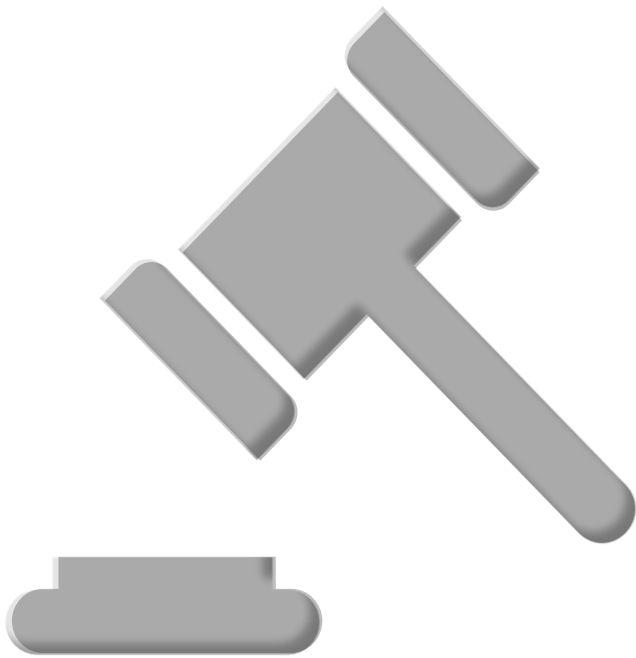
EEOC BALANCING TEST

Factors to consider:

- The nature and gravity of the offense or conduct;
- The time that has passed since the offense, conduct, and/or completion of the sentence; and
- The nature of the job held or sought.

Examples:

- Conviction for credit card fraud; applying for a position collecting documents to be shred.
- Conviction for drug manufacturing; applying for a position as a residential pest control technician.
- Conviction for burglary of a residence; applying for a position on an oil rig.



USING BACKGROUND INFORMATION

Step 1: Issue Pre-Adverse Action Notice

Step 2: Review Period

Step 3: Issue Adverse Action Notice

THE REALITY OF POST-HIRE BACKGROUND CHECKS

Can an Employer Run a
Post-Hire Background
Check on an Employee?

*Absolutely, and they
should.*

Almost 80 million Americans, or 1 in 3 adults, have a criminal record. This is a staggering number. As a result, background checks should **never** be a, "one and done," type of situation.

*If you think that you don't have to
run background checks because a
prospective or current employee
will be honest and volunteer their
criminal background to you,
think again.*

It is just as important to conduct a background check on a current employee. An employer may discover post-employment that critical information was missed during the hiring process.

Employers should not assume that passing an initial background check means there will never be issues down the line.

It is extremely likely that at least one person who passes a background check will commit a crime after beginning employment.

THE 5 EASY RULES FOR BACKGROUND CHECKS

Remember the 5 steps for background checks with the acronym **UPICD**, as in you picked the employee so you should make sure that they are not a potential safety hazard to your municipality!

U - Update job applications

P - Have a detailed policy in your employee handbook

I - Inform and notify

C – Always get consent

D - What to do if you find damaging information

PRO TIP

Use **different** forms for your Job Application and FCRA Background Check Consent.

It is **insufficient** to check convictions only. NASDTEC is **not** enough.

Most perpetrators are **not** convicted.

Avoid “Pass the Trash”

PRO TIP

Do an in-house background check **AND** use a 3rd party background checking company. They can check certain things much faster and easier (i.e. military records).

It's also another level that takes 0 time to catch lies and discrepancies because you can see the information that the candidate or employee entered into the 3rd party site.

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A.I. AND RECRUITMENT

A FEW PROS

Candidate sourcing

Applicant screening

Interview assistance

Predictive analytics

Recruitment chatbots

COMMON USES OF A.I. IN HIRING

A LOT OF CONS

CONS

- **Can Be Off-Putting For Candidates:** While technology is useful, it's important not to lose sight of the human factor. Top talent might be put off by the lack of human touch. One-way video screening interviews are being done by software instead of humans. Not everyone performs well when being recorded. Many suffer from anxiety under such conditions, resulting in low metrics and missed opportunities. Use technology wisely.
- **Ignores Resumes That Aren't Search Engine Optimized:** Most job seekers aren't aware of how A.I., or an applicant tracking system, will process their resume. This creates the challenge for the recruiter of missing out on great candidates if the resume isn't written in the most appropriate format.
- **Lacks Gut Instinct:** A.I. may be a good way to replace simplistic job responsibilities. However, there will always be the need for the human touch, including incorporating gut instinct into the hiring experience. The key is to keep the human aspect involved in the question and answer part of the process.
- **Doesn't Assess Tone, Personality Or Soft Skills:** If you're using a "matching" algorithm that is nothing more than a word-for-word match, you're not assessing tone, personality or soft skills. If you're using sentiment analysis, the resume is one of the worst docs for assessing tone and personality. Soft skills such as communication, empathy, and problem-solving are essential, but are challenging for A.I. to evaluate accurately. While A.I. can analyze certain aspects like language use and social cues from video interviews, it may miss nuanced human interactions that show these skills effectively.

CONS

- **Misses Diamonds In The Rough:** We need a real human being overseeing the A.I. process to detect flaws, inconsistencies and invariably uncover the “diamonds in the rough” candidates that are not congruent with A.I. patterns, sequencing and norms. Human judgment must always be at the forefront.
- **Can't Predict Cultural Fit:** A.I. can't predict how well a person will fit into a culture. You also need to do an in-depth review of a person's references to find out about their character under stress. Don't overlook the human component when hiring. Also, make sure A.I. is not filtering out someone based on something that is not crucial to their job.
- **Won't Evaluate Judgment And Decision-Making Skills:** A.I. screening can not assess whether the candidate can make good judgment calls. Can the candidate make decisions or will they be paralyzed with data? Given a certain skill set, is the candidate able to apply it in a context that is relevant to the job description? Is this person capable of asking the right questions in the context of the job? Good judgment trumps skills or experience.
- **Limited To The Candidate Pool That Applies Through The System:** HR professionals need to be wary of A.I. systems that essentially mean hiring the best candidate from a pool. The whole pool might be B or C players, so even if you hire the best in the pool, you still get a B player. Sometimes you need to start over and get a whole new pool of candidates. The ultimate hiring process starts with the purpose of the role. Purpose establishes clarity from the outset.

CONS

- **Algorithmic Bias:** “Algorithmic discrimination” refers to the use of an A.I. system that results in differential treatment or impact disfavoring an individual based on protected characteristics (*e.g.*, age, color, ethnicity, disability, national origin, race, religion, veteran status, sex, etc.).
- Despite its potential to reduce human bias, A.I. is not immune to biases. These biases often stem from the training data used, which may overrepresent or underrepresent certain groups. While A.I. aims to drop human bias, it can inadvertently mirror existing inequalities. A.I. needs a lot of data and learns through observing repetitions of previous behaviors. There is a risk that it will adopt biases from these patterns if it is not updated properly. For example, Amazon reportedly scrapped an A.I. recruiting tool that was biased against women due to being trained on historical data dominated by male resumes.
- **Impact on Individuals with Disabilities:** The use of A.I. must follow the ADA. A.I. tools that inadvertently screen out individuals with disabilities who can perform the job with reasonable accommodations risk violating the ADA. Employers are responsible for ensuring that their algorithmic tools comply with the ADA, even if these tools are administered by 3rd party vendors. Reasonable accommodation must be provided to all candidates.
- **Cultural Sensitivity and Language Proficiency:** Cultural sensitivity and multilingualism are often key requirements in hospitality. A.I. can evaluate language ability to some extent, but it may struggle with understanding context, idiomatic expressions, and the subtle differences in language use that are crucial for effective communication.

- **Colorado:** The law identifies hiring, compensation, promotion, performance management, and termination as high-risk areas when using A.I. Employers with 50+ employees will have obligations when A.I. is involved in the decision-making processes. Specifically, the law was developed to protect consumers from “algorithmic discrimination.” Effective 1/1/26.
- **Illinois:** Under HB 377, employers will be required to notify employees when they use A.I. for recruitment, hiring, promotion, renewal of employment, selection for training, discharge, discipline, tenure or the terms, privileges or conditions of employment. Effective 1/1/26.
- **Illinois:** A.I. Video Interview Act mandates that companies obtain consent before recording interviews, inform applicants if A.I. is going to analyze their recorded interviews, and specify the traits or characteristics that A.I. will be assessing.
- **New York:** LL 144 prohibits employers and employment agencies from using an automated employment decision-making tool unless they ensure a bias audit was done and provide notices. Effective 7/5/23.
- **California:** The CA Civil Rights Council published its 2nd round of modifications: The definition of an "agent" expanded to include any person acting on behalf of an employer to exercise a function traditionally exercised by the employer. This may include recruitment, applicant screening, hiring, promotion, or other decisions regarding pay, benefits, or leave. Employers bear a higher burden of proving they performed anti-bias testing to avoid unlawful discrimination.

A FEW A.I.-RELATED STATE LAWS

SO NOW WHAT?

STRATEGIES TO MITIGATE RISK

Vendor Due Diligence:

- Conduct thorough due diligence when selecting A.I. vendors. Ensure that the vendors know and follow relevant anti-discrimination laws and guidelines.
- Have you asked your A.I. vendor the tough questions about bias and compliance?

Bias-Mitigating Techniques:

- Implement techniques to detect and mitigate biases in A.I. algorithms. Regular audits and adjustments can help address unintended biases and improve the fairness of A.I. tools.
- When was the last time you audited your A.I. tools for bias?

Education and Training:

- Proactively educate HR and IT teams about the potential for A.I. discrimination and its legal requirements. Ongoing training can help teams stay informed about the latest legal developments and best practices.
- Are your teams equipped to manage the complexities of A.I. in recruitment?

STRATEGIES TO MITIGATE RISK

Internal Documentation:

- Maintain detailed internal documentation of A.I. tool usage, decision-making processes, and compliance efforts. This documentation can be crucial in defending against potential legal challenges.
- Is your documentation robust enough to protect you in a legal challenge?

Be Transparent

- Job candidates and employees should be informed of A.I. tools being used in their selection process or evaluations. On the flip side, employers may want to ask for confirmation that candidates did not use A.I. to produce application materials.

Prepare for Accommodations

- Have accommodation plans in place should a candidate seek a disability accommodation, particularly recognizing that many laws and federal regulations instruct employers to provide an alternative to the A.I. tool.

Develop A.I. Usage Policies

- In crafting policies, employers should consider how their employees may use A.I. along with how employers want them to use the technology. Policies should have usage guidelines and best practices.

STRATEGIES TO MITIGATE RISK

Stay Informed

- It is important to stay up to date on existing and pending legislation related to A.I. to ensure A.I. tools are consistent with federal, state, and local law, and to update policies and practices consistent with legal developments.

Maintain Human Oversight

- Combine A.I. tools with human judgment to ensure that recruitment decisions consider both objective data and subjective factors.

Prioritize Data Privacy

- Implement strong data protection measures and comply with relevant regulations to safeguard candidate information.

Continuous Monitoring and Improvement

- Regularly evaluate and update A.I. systems to address any emerging biases or issues and ensure they remain effective and fair.

KEY TAKEAWAYS

Be careful and tread very, very lightly. Don't use A.I. where there isn't a need.

“An inefficient recruitment process and impersonal approach can be a major turnoff for job applicants and lead to a poor candidate experience. In fact, a survey revealed that 52% of job seekers report declining a job offer due to a poor recruitment experience.”

A.I. Is changing and we don't have enough information (i.e. Bias being both a pro and con).

Expect to see significant changes in the next couple years and significant suits and claims in the next 5+ years.

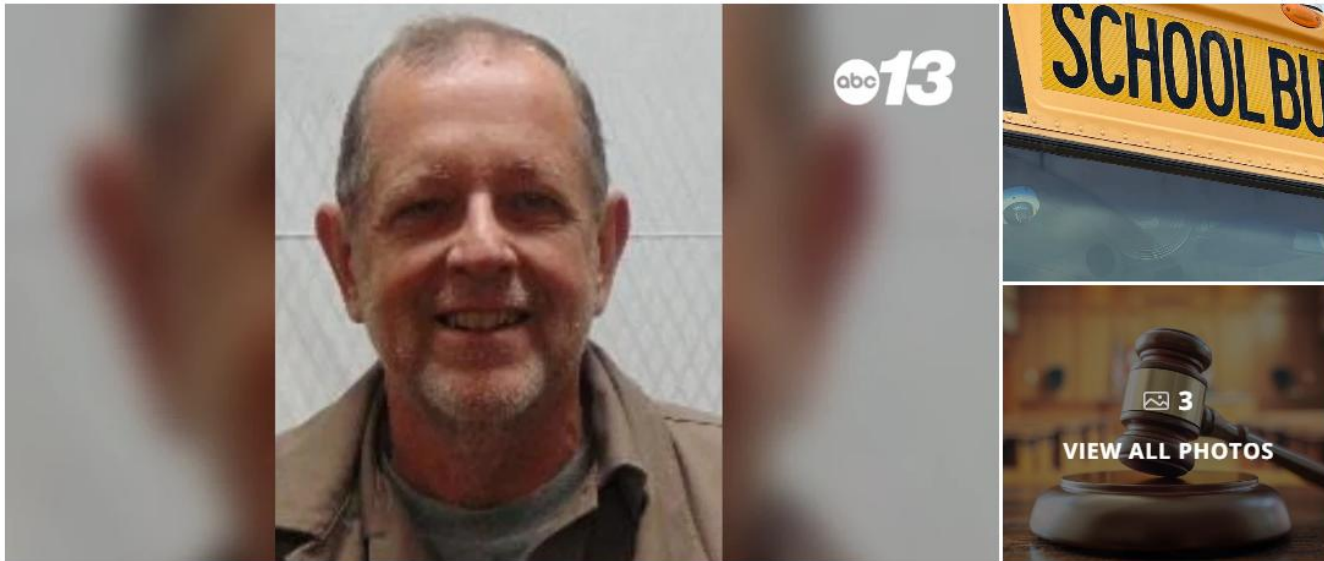
**LIABILITY,
REAL WORLD
CASES, and
“PASS THE TRASH”**



Civil lawsuit alleges NC school officials ignored student's sexual abuse by teacher

by Deanna Sipe | Thu, November 13, 2025 at 1:55 PM

Updated Thu, November 13, 2025 at 1:55 PM



A civil complaint accuses several Burke County public school officials of failing to protect students after a third-grade teacher was sentenced for sexually abusing dozens of children over the course of a decade. (Photo: North Carolina Department of Adult Corrections)

Serving 49.5 years in prison for the sexual abuse of dozens of children over a decade. Lawsuit alleges the superintendent and school administrator knew about complaints from a student's mother years before, alleging that he, 'had taken unauthorized, deviant photographs of her child while in school at Glen Alpine, requiring her to pose alone, pull back her blouse, roll up her pant legs, and wear a wig.' The complaint said Alexander would film and upload images of the abuse online for 'other sexual deviants around the world' to see."

The complaint also alleges the school chose to remain indifferent to the claims, conducted no investigation, placed none of the complaints into Alexander's file, and continued to let Alexander teach and transfer to a different elementary school the following year.

NEGLIGENT HIRING AND RETENTION

The Seattle School District has agreed to a \$16 million settlement (the largest settlement ever paid in the District's history) to a former student at Garfield High School who claimed that she was sexually abused and assaulted over several years by two coaches at the school.

Among other things, the lawsuit alleged that the plaintiff was forcibly raped when she was just 13-years-old by her basketball coach. One of the coaches who sexually abused the plaintiff had been hired by the district even though he was previously fired and barred from coaching in another school district because of allegations of inappropriate sexual contact with minors.

NUCLEAR VERDICTS

- A jury awarded \$30 million to the mother of a 6-year-old who was beaten to death by a LAUSD employee in 2019. She accused LAUSD of negligently hiring Tyler D'Shaun Martin Brand, who killed Dayvon while babysitting him at her apartment. Her lawsuit accused LAUSD of negligent hiring, alleging Brand had a checkered employment history.
- A.H. was a student at Tamalpais High School, where he was coached by a full-time P.E. teacher and tennis coach. In his junior year, the coach began sexually abusing him under the guise of providing therapeutic massages for sports-related issues. Concerns about the teacher's behavior surfaced as early as 2002. Despite acknowledging the incident's inappropriateness and creating an Incident Report, the principal did not place the report in the personnel file or inform other staff members. A.H. filed a lawsuit against the District, alleging negligence in failing to protect him from sexual misconduct. The complaint highlighted the District's failure to take appropriate action against the coach despite multiple complaints and its lack of proper supervision. The jury awarded A.H. \$10 million.
- LAUSD admitted negligent hiring, supervision, and retention of the teacher, Paul Chapel. In the past, the school settled close to a dozen cases for the same teacher, costing the school more than \$10 million. Despite previous allegations, LAUSD retained him as an employee and allowed an opportunity for Chapel to continue his actions. In his defense, Chapel pled no contest to the abuse of another 13 victims.

SCHOOL DISTRICT IMMUNITY

Don't get comfortable.

Changes are coming to a state near you.

THANK YOU FOR ATTENDING!

CONTACT ME WITH QUESTIONS.

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