

Why Should I Care? Willful Tolerance

By Alison Hershberger Filo

How is it possible that respectable organizations like USA Swimming, the Catholic Church, and Penn State could abandon their moral compasses at the expense of children? What went wrong? How did once well-intentioned people get so far off track and how can it be prevented from happening again?

The United States Olympic Committee has directed each of its participating sports to develop a SafeSport program – designed to educate sporting participants and organizations on ways to prevent abuse, recognize it when it occurs, and report it when necessary. While the program is a step in the right direction, the program can only be effective if people realize that what happened at Penn State was not an isolated incident driven by the influence and power of a football program. Instead, the abuse of children, and failure to properly report such abuse, happens all around us in our simple, everyday lives.

U.S. Figure Skating's SafeSport handbook defines willful tolerance of misconduct as follows: *"It is a violation of this Athlete Protection policy if a coach, official, director, employee, parent or volunteer knows of misconduct, but takes no action to intervene on behalf of the athlete(s), participant(s), staff member and/or volunteer."*

It may also be a crime.

By way of example, California Penal Code section 11166 requires mandated reporters to make a report whenever the reporter "has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect." You should review the law of your own state to determine who is, and who isn't, a mandatory reporter. But, the moral message of the USOC and U.S. Figure Skating is simple enough—if you work with, supervise, or coach children regularly, you must avoid situations that facilitate abuse, recognize abuse when it happens, and promptly report it when it does.

As a child sexual assault prosecutor in Santa Clara County, California, I have handled many cases that could

have been prevented if someone had exercised common sense, paid attention, and reported what they'd seen. We all think we would do the right thing when called upon, but throughout my career, I have watched people make terrible decisions that have endangered children. These are not people trying to protect a multi-million dollar football program. They are parents, neighbors, relatives, friends, co-workers, and peers who, for one reason or another, don't do the right thing.

Over the past two years, I prosecuted the companion cases of school teacher Craig Chandler and elementary school Principal Lyn Vijayendran. The story of their prosecution demonstrates exactly how the tragedy at Penn State can happen at any place, at any time.

In October 2011, a 7-year-old student at an elementary school in northern California told her mother that she didn't want to go to school. She said that her second grade teacher, Craig Chandler, kept her in at recess, blindfolded her and put things in her mouth. She showed her mom a jacket that she had been wearing at school the day before. It had a conspicuous evidentiary stain on it. When the child's mom went to the school principal, Lyn Vijayendran, to report the incident, the principal interviewed the child and took copious notes of their conversation. The notes were shocking. They included quotations from the child which were unmistakable descriptions of child abuse. Yet, rather than calling the police and letting professionals trained in the art of interviewing children and suspects handle the investigation, Vijayendran initiated her own investigation.

She interviewed Chandler to get his side of the story. Not surprisingly, Chandler convinced the principal he was teaching a lesson to the children about sensitivity—making them navigate the world without sight—by blindfolding them and having them guess what he had put in their mouths. She did not ask why this "lesson" was being taught exclusively to girls, during recess, with the classroom door closed. Instead, Vijayendran admonished Chandler not to do it again. There was no follow

up to insure that her admonition was being followed. The mother and the student were sent home. The student's jacket was washed and any evidentiary value it had was lost. The police were not notified.

Within three months, another child had been molested.

By the time the investigation and prosecution were over, Chandler stood convicted of molesting five second and third grade students over a two year period. He has been sentenced to 45 years to life in a state prison. Sadly, his prosecution and conviction are not that newsworthy. Save and except his position as a school teacher, he is not that unique. He is a convicted pedophile who will spend the rest of his life in prison as he deserves.

Principal Vijayendran's conviction however, is highly unique. She is the first school administrator in the State of California convicted of violating Penal Code section 11166—a misdemeanor—Mandatory Reporter who Failed to Report a Suspected Incident of Child Abuse. Her conviction is an important lesson to anyone who works with children—especially teachers and coaches.

First and foremost, our obligation to prevent misconduct and abuse before it can happen is paramount. Principal Vijayendran not only accepted a ridiculous explanation for Chandler's actions, she also did nothing to insure that his misconduct ceased. He continued to pull children out of recess to "meet" with them behind closed doors. Another child was molested and no one noticed. U.S. Figure Skating has taken steps to eliminate those opportunities. Requiring at least two adults to be present during off-ice meetings, directing appropriate locker room supervision, and announcing travel policies are just some of the ways that U.S. Figure Skating is limiting and controlling the situations in which abuse occurs.

Second, pay attention to what is happening around you and trust what you see. Although the debate rages on about who knew what at Penn State, many people believe that administrators knew what was happening to children and knowingly swept it under the rug to perpetuate a successful football program. If true, they are unforgivably complicit in the molestation of additional children. It is easy to morally and legally condemn the intentional ignorance of those who are protecting a successful football program, but it is important to remember that it is not just intentional acts that lead to harm.

By all accounts, Principal Vijayendran is an ordinary woman who has dedicated her life to the education of children. She allowed herself to accept a completely ridiculous explanation for what was clearly a report of child abuse. Through her rose colored glasses, she could not see that monsters walk among us. They can be our family members, neighbors, teachers, co-workers, and coaches. They can be clever and convincing. Vijayendran failed to trust her instincts and instead, was glad for an explanation that left her world intact and spinning.

Lastly, we need to act by promptly reporting intoler-

RESOURCES

- U.S. Figure Skating SafeSport Handbook
- How to make a report:
 1. If you are aware of an incident of misconduct, contact your local child protective services office or law enforcement agency so the proper professionals can make an assessment. Many states have a toll-free hotline to report suspected child abuse or neglect; visit www.childwelfare.gov to find out where to call.
 2. Report the incident to U.S. Figure Skating by sending a detailed description to safesport@usfigureskating.org and U.S. Figure Skating will take appropriate action.
 3. Report the incident to your local club SafeSport Compliance Chair to file a complaint at the club level and begin the conflict resolution process and/or alert rink management, if appropriate.
- State Law
 - Although federal legislation sets the minimum standards for defining child abuse and neglect, their definitions vary by state. To read more about mandatory reporting and state reporting laws, visit: www.childwelfare.gov/systemwide/laws_policies/statutes/manda.cfm
 - For state toll-free child abuse reporting numbers and to search the definitions of child abuse by state, visit: www.childwelfare.gov

able conduct—not by investigating it ourselves. The police are trained to investigate reports of abuse. They are charged with collecting evidence to convict the guilty and exonerate the innocent. Principal Vijayendran was fooled by a predator who planned and schemed to facilitate his crimes. She alerted Chandler to a mother's complaint and gave him the opportunity to destroy evidence. The jacket was washed. Thankfully, the San Jose Police Department's trained investigators were able to expose the ridiculous story and collect key evidence from the classroom. They identified three additional victims. Their work was extraordinary.

The lesson here is simple: leave the investigation to the experts. Do not be afraid to report. At least in the State of California, the law is replete with protection for reporters. Maybe you are wrong. Maybe you didn't see what you think you saw, but what happens if you did? Wouldn't you rather be wrong than be banished from the sport you love, convicted of a crime, and sentenced to live a life full of guilt for failing to protect children in your charge? ❖

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