

CITY OF NEW YORK
THE SPECIAL COMMISSIONER OF INVESTIGATION
FOR THE NEW YORK CITY SCHOOL DISTRICT

EDWARD F. STANCIK
SPECIAL COMMISSIONER

**The Consequences Of Failing To Report
An Improper Relationship Between
Teacher And Student**

An Examination of the Glenn Harris Case

By: **Regina A. Loughran**, Deputy Commissioner
Maureen Spencer, Supervising Investigator
Ivan Palma, Senior Investigator
Kathleen Donovan, Investigator

May 1996

ACKNOWLEDGEMENTS

It took the resources of the entire office of the Special Commissioner to bring Christina home and Harris to justice. The Special Commissioner is grateful for the tireless efforts of his investigative, legal and administrative staff. A special thanks to those investigators and attorneys who, along with those listed on the cover page, crossed the country pursuing Glenn Harris and bringing Christina to safety, including: current First Deputy Commissioner Robert Brenner, former First Deputy Commissioner Robert Viteretti, Deputy Chief Investigator Robert Werner, and Senior Investigator Maureen Kempton.

The Special Commissioner thanks the United States Attorney's Office for the Southern District of New York, and the Manhattan District Attorney's Office for their assistance in the apprehension and prosecution of Glenn Harris. The Special Commissioner is also grateful for the cooperation and assistance of the police departments of Montgomery, Alabama; Berkeley, California; Santa Clara, California; Las Vegas, Nevada; and Denver, Colorado, as well as the Federal Bureau of Investigation.

THE CONSEQUENCES OF FAILING TO REPORT AN IMPROPER RELATIONSHIP
BETWEEN TEACHER AND STUDENT
An Examination of the Glenn Harris Case

INTRODUCTION	1
HARRIS AND CHRISTINA'S EVOLVING RELATIONSHIP AND THE SCHOOL'S RESPONSE	4
Harris Meets Christina	4
Pizza and More	5
Three Months Later:	
A Complaint About Harris Is Made To This Office	7
March 8, 1995: Harris Kidnaps Christina	11
Harris Surrenders and Christina Returns	14
THE FALLOUT HITS CLC	18
Fisher's Version(s) of What He Knew and When He Knew It	18
Changes At CLC	20
The Teachers' Obligation to Report	21
CONCLUSION	23
RECOMMENDATIONS	26
APPENDIX	28
i. Joint Directive of the Chancellor, Special Commissioner, and Board President issued May 6, 1991	
ii. Joint Directive of the Chancellor, Special Commissioner, and Board President issued October 13, 1993	

INTRODUCTION

On the night of March 8, 1995, fifteen-year-old Christina¹ ran from her mother through the rainy streets of Manhattan. She ran to a former teacher at her junior high school, the Creative Learning Community ("CLC"), thirty-three-year-old Glenn Harris. At Penn Station, the two boarded an Amtrak train bound for Washington D.C., beginning a journey that would take them to Tennessee, Mississippi, Alabama, Georgia, Texas, California, and Nevada before Harris became the subject of a warrant for kidnapping Christina. For the next ten weeks, the couple evaded investigators from the Office of the Special Commissioner who were often only a step behind. Only when Harris's money ran out and nationwide attention was focused on Christina's plight did Harris give himself up.

On May 16, 1995, Glenn Harris was arrested by investigators from this office. He was prosecuted by the New York County District Attorney's Office for abducting Christina, who at fifteen was legally too young to consent to running away with a man almost 20 years her senior. On July 25, 1995, Harris pleaded guilty to the felony charge of Custodial Interference in the First Degree and was sentenced to a conditional discharge.²

This office, with the assistance of Christina's mother, publicly announced the flight of Glenn Harris and Christina on May 10, 1995, hoping that someone who spotted the couple would alert the authorities so that Harris could be apprehended and Christina could be returned home. The intense public attention on the case did cause Harris to surrender. It also triggered reports from the staff at CLC that it was

¹ It is the usual policy of this office not to identify student crime victims by their first or last names. However, since Christina's first name was widely used by the media in describing this case, we are using it here. We are not using her last name even though many media accounts included that as well. To protect the identity of other students interviewed regarding this case, they will be referred to as Students B and C.

² This office was not a party to the plea agreement.

well known at the school as early as the fall of 1994 that Harris and Christina were immersed in a relationship. Individuals at CLC said that they had noticed inappropriate behavior by Harris toward Christina beginning in October 1994 and that they had reported their observations to CLC Director Michael Fisher. However, Fisher did not bring the matter to the attention of this office until January 20, 1995. No other CLC faculty or staff member made a complaint about Harris to this office. In not reporting the matter, Fisher and various members of his staff were in direct violation of the Board's own rules concerning allegations of sexual misconduct.³

This report first describes what is known of the relationship between Christina and Harris in the months immediately preceding the kidnapping, and the extent to which certain staff at CLC was aware of the romantic nature of that relationship. This section also describes the delay between the time CLC Director Michael Fisher and various staff members learned of the relationship, in October 1994, and the time this information made its way to our office, in January 1995. Next, the report examines Harris's kidnapping of Christina from March 8, 1995 until her safe return on May 17, 1995.

In the last section, the report returns to CLC and summarizes Fisher's conflicting statements to what was, at the time, mounting criticism of his failure to report this matter in a timely fashion, and further describes Fisher's apparent retaliation against teachers who joined in that criticism. Finally, before turning to our recommendations, we briefly discuss the obligation of teachers to report allegations of

³ Pursuant to a Resolution of the Board of Education, every officer and employee of the New York City School District has the affirmative obligation to report to the Office of the Special Commissioner of Investigation any and all information concerning corrupt or criminal conduct, conflicts of interest, unethical conduct, or misconduct by officers and employees of the New York City School District.

Further, by a directive signed by the Chancellor, Special Commissioner, and Board President, all officers and employees "must contact the Special Commissioner's Office immediately upon receiving any information concerning sexual misconduct and/or sexual abuse involving students by Board of Education employees...." This directive, originally issued May 6, 1991 and re-issued October 13, 1993, is appended to this report.

sexual abuse to our office.

HARRIS AND CHRISTINA'S EVOLVING RELATIONSHIP AND THE SCHOOL'S RESPONSE

Harris Meets Christina

CLC is a small, alternative school for at-risk seventh, eighth, and ninth graders, housed within Jackie Robinson Junior High School (JHS 13) located on Madison Avenue at 106th Street in Manhattan.

In September 1994, Glenn Harris started as a new teacher at CLC. Harris was assigned to a seventh grade social studies class and occasionally taught English and gym. Fourteen-year-old Christina, who had been at CLC since seventh grade, entered the ninth grade that September. With few exceptions, the faculty and staff at CLC told us that during the fall of 1994, Christina, whom they had previously known to be an extremely quiet girl and a good student, turned into an aggressive young woman who was quick to make sarcastic comments and whose grades started to slip. Again, with few exceptions, they also told us that they noticed Christina always "hanging around" Glenn Harris -- often accompanied by her friends, Students B and C.

We spoke with more than half the faculty and staff at CLC about Christina and Harris. Again, with only a few exceptions, we were repeatedly told that Christina -- usually along with Students B and C -- was always with Glenn Harris. Although he taught only seventh graders, Christina would come to Harris's classroom every day early in the morning.⁴ On more than one occasion, Christina was caught in Harris's classroom after the bell had rung when she was supposed to be in class and he was supposed to have a free period. They were together at lunchtime

⁴ Harris occasionally served as a substitute teacher for Christina's gym class.

while Harris had lunch duty. Faculty and staff members warned both Harris and Christina to curb this behavior and some told us that they believed it stopped. They also told Michael Fisher -- as early as October 1994 -- about their observations. However, instead of stopping, Harris and Christina merely started meeting elsewhere.

Pizza and More

On October 26, 1994, Christina's fifteenth birthday, Harris took her out for pizza. He also gave her a T-shirt as a gift. Although the original plan was for others to attend the celebration, it happened that Harris was alone with Christina. This fact came to the attention of Christina's homeroom teacher who quickly spread news of it throughout the faculty and staff at CLC. In addition, students started teasing Christina for being Harris's "girlfriend" and they commented to staff members that Harris was Christina's "boyfriend." On October 28, 1994, Student B told a teacher that Christina had taken a walk in Central Park with Harris. That information was immediately reported to Fisher.

On two occasions during the fall of 1994, a school secretary observed Harris and Christina together outside of school. The first time, the secretary and another staff member were heading home when they saw Harris, Christina, and Student C ahead of them. Student C went her own way at Lexington Avenue while Harris and Christina continued together to Third Avenue. They stopped there and let the staff members pass. The secretary told Fisher about the incident the next day.

On the second occasion, the secretary was leaving school and observed Christina standing outside, apparently waiting for someone. She then saw Harris exit the building and leave with Christina. The secretary reported the information to Fisher.

During yet another incident in early October 1994, two teachers observed Harris in his classroom "wrestling" with Christina while other students watched. Christina broke away from Harris and ran down the hall laughing, with Harris in pursuit. This, too, was reported to Fisher.

By November, several teachers had told Christina's mother that her daughter was spending a lot of time with Harris, that her attitude had changed, and that her grades were slipping. According to Fisher, he called Christina's mother after he learned that Harris took Christina to lunch for her birthday, and again on Christmas Day to discuss her daughter and Harris.

Despite the fact that CLC was "buzzing" with the information that Harris and Christina were "an item," no one -- not the teachers, the secretaries, or the director -- reported any of this information to this office.

Three Months Later:
A Complaint About Harris Is Made To This Office

At CLC, Christina participated in a mentor program administered by North General Hospital. Her friend, Student B, was part of the same program. On Tuesday, January 17, 1995, Student B disclosed to her mentor that Christina had been to teacher Glenn Harris's apartment.⁵ Student B reported that Christina told her that Harris had taken his clothes off because he was more comfortable that way. Student B also said that Christina told her that Harris and Christina had kissed.

Student B's mentor was concerned enough about the content of the student's revelation to give the information to CLC Assistant Director Gerald Malachi that same day. Malachi told us: "I wanted to investigate before I said 'Glenn Harris did this, this, this,' or I'd get into a predicament." To "investigate" Malachi decided to wait until Thursday, January 19th, when Christina was scheduled to see her mentor.⁶ Malachi intended at that time to question the mentor to determine whether Christina had told her anything about Harris. However, neither Christina nor the mentor showed up for the Thursday session. Malachi decided he could not wait any longer, and on Friday morning, January 20, 1995, he told Fisher the new information about Harris and Christina.

Before Fisher heard from Malachi, he was called at home by Harris. On the night of January 19th, Harris informed Fisher that Christina had told him she had been abused by her father when she was a child and that she was thinking about running away. On January 20th, Fisher called together the school's Crisis Intervention Team who met with Harris and decided that the allegation regarding

⁵ The mentor is not a Board of Education employee. She works at North General Hospital and counseled Student B as part of a special program between CLC and the hospital.

⁶ Christina and Student B did not see the same mentor.

Christina's father should be reported to the State Central Register for Child Abuse and Maltreatment, commonly referred to as "the hotline."⁷ CLC's psychologist called in that allegation. She told us, as did other members of the Team, that Harris made no allegation about any type of abuse by Christina's mother, with whom Christina lived.⁸ Outside of Harris's presence, the Crisis Team also agreed that the allegation against Harris should be reported to this office and Fisher did so that day. However, Fisher failed to report what would later become a significant fact: that Christina spoke with Harris about running away.

It is probable that Harris decided to disclose Christina's allegation against her father at this time because he had himself just learned that he was the subject of an investigation. This occurred when Malachi, as part of his investigation, asked Christina's good friend, Student C, about the relationship between Harris and Christina. Although Student C denied knowing anything about it, it is likely that she alerted Christina to the inquiry. Additionally, around the same time, Christina had a falling out with her other good friend, Student B. Christina may have feared that Student B would no longer protect her and Harris, as had Student C. There was no other reason for Harris to suddenly disclose this information about child abuse which had allegedly occurred years earlier and had been inflicted by

⁷ School officials are mandated reporters of suspected abuse or neglect occurring in a child's home. See Social Services Law Section 413.

⁸ In order to make a report to the hotline, CLC's psychologist spoke with Christina. Christina told her that she had accidentally met her father on the street in November and he wanted to see her. She said that her father called her, but after she told him to leave her alone, the father attempted no further contact with Christina. Christina said she thought about running away because her mother wanted to make all the decisions in her life. Christina did not complain about abuse by her mother.

Harris told the Crisis Team that Christina called him on January 19th prior to his call to Fisher to say that she wanted to run away. He also said that shortly after the start of school Christina started relating "abusive memories" of her father to Harris. Harris was aware of the contact between Christina and her father in November. Nevertheless, Harris delayed in reporting her allegations for two months after that meeting on the street. Harris's timing supports the likelihood that he was preparing his defense rather than tending to her well being.

Christina's father who neither lived in Christina's home nor had visitation rights. Thus, it appears that Malachi's "investigation" actually "tipped off" Harris to the complaint against him, and gave him the time he needed to put his defense -- that he was protecting Christina from child abuse -- into play. He eventually expanded on the "child abuse" defense to include Christina's mother, and used it to great effect during the course of his prosecution.

Shortly after the complaint was made against Harris, he left CLC and began to teach at Landmark High School. School officials, as well as Harris's colleagues, agree that Harris planned to leave CLC prior to Fisher calling this office to report Harris's relationship with Christina. However, Landmark did not learn that an allegation of sexual abuse had been made against Harris until investigators from this office arrived there asking questions about him.

After receiving the allegations concerning Harris, investigators from this office interviewed Fisher at CLC. Fisher repeated the information which Student B had relayed to the mentor. He also told us about Harris's allegations regarding abuse by Christina's father. Fisher stated, incorrectly, that no one other than Student B, Christina, and her mother had information pertinent to the allegation against Harris, and that no one from his staff had spoken to either student. In fact, his assistant director, Malachi, had interviewed Student C about Christina and Harris and had reported what he learned to Fisher. Fisher withheld not only that information from our investigators, but he also failed to reveal that he had personally spoken to Harris about Christina and that numerous staff members had information about the couple.

Christina and Student B were interviewed by our investigators. They were spoken with separately, but with the CLC psychologist present. A tearful Christina denied having any relationship with Harris beyond that of a good friend and advisor, and Student B, having mended her friendship with Christina,

recanted the information about Harris and Christina that she had told to her mentor. Although the presence of the investigators looking into the allegation against Harris was no secret within CLC, no teacher or staff member approached the investigators to divulge the information given to Fisher during the fall semester.

Christina's mother, Luz Diaz,⁹ was contacted by this office and she acknowledged that she had been told that her daughter was spending a lot of time with Harris. The mother was personally aware of Harris's interest in her daughter, as well. In fact, the mother had spoken to Harris and pointed out to him that her daughter was only fifteen and that he could not date her. The mother reported to us that her daughter seemed much more "like herself" after she was interviewed by our investigators and she had hope that whatever was going on between Harris and Christina was cooling off. In reality, however, Christina and Harris had merely become more covert with their relationship. Thus, Ms. Diaz, and others, were taken by surprise by the events which followed.

⁹ It is the usual policy of this office not to name anyone who could lead to the identity of a victim, for example a parent. However, Ms. Diaz appeared on national television as a result of the kidnapping of her daughter and we therefore divulge her name. Her last name differs from Christina's.

March 8, 1995: Harris Kidnaps Christina

By March, the witnesses we knew about were denying the existence of a relationship between Christina and Harris, and Fisher did not inform us of the other witnesses who may have been helpful in making a case against Harris. Furthermore, Fisher failed to make this office aware of a critical piece of information: Harris had talked about running away with Christina.

On March 9, 1995, this office received a telephone call from Christina's mother reporting that her daughter had run away from her the evening before, following an argument about Harris. Diaz had not heard from Christina since and she suspected that the girl was with Harris. She attempted to make a report to the New York City Housing Police, but was told Christina would be home soon because "it's raining out." At the local precinct she spoke with a detective who took a complaint, but said it would be referred to the Missing Persons section of the New York Police Department. The mother was dismayed by his lack of concern. Diaz spoke with Christina's friends and with family members, but no one had heard from the girl. Having nowhere else to turn, Diaz sought our assistance.

We were not successful in our efforts to find Harris, or Christina, at Harris's residence. Nor was Harris present at CLC or his new assignment, Landmark High School. We interviewed Christina's friends who, like Ms. Diaz, suspected that Christina was with Harris. Having no immediate leads as to Christina's whereabouts, we assisted Ms. Diaz in obtaining a Person In Need of Supervision ("PINS") warrant from Family Court. This is not a criminal warrant, but it allows designated law enforcement officials to restrain a child designated as "in need of supervision" and to return that child to Family Court where a judge will make a decision relating to the child's safety and custody. Once in Family Court, Christina, or others acting on her behalf, would be able to assert any allegations of child abuse that

would be relevant to a decision regarding custody. Armed with the PINS warrant, we continued our efforts to find Christina and Harris.

What our investigation ultimately revealed was that on March 8, 1995, the day before Ms. Diaz's call to our office, Harris kidnapped¹⁰ Christina and left New York City with her on an Amtrak train bound for Washington D.C. By tracking Harris's automated withdrawals from his Chemical savings account in various states, as well as Department of Motor Vehicle records in Alabama, we determined that Harris and Christina were in Washington D.C. on March 9, 1995, and that they then headed to Jackson, Mississippi. By March 21, 1995, they were in Montgomery, Alabama, where Harris applied for a driver's license using the address of his brother, Nathan "Nate" Johnson.

Besides Johnson, Harris had other relatives living in Montgomery. These included his sister, Cynthia Harris; his brother, Mitchell "Gene" Harris; Gene's wife; and Gene's wife's children. On April 8th, they each related to our investigators that Harris arrived unexpectedly from New York and that he was traveling with his girlfriend, "Chrissie," whom they identified through photographs as Christina. Johnson added that the two arrived on March 15th and spent the night in a hotel, then slept on the floor of Johnson's apartment from March 16th to April 5th.

Johnson also said that he questioned Harris about Christina's age and that Harris told him "to mind his own business." Johnson stated further that Harris and Christina looked into getting married and that, towards that end, Harris was working on creating fraudulent identification for Christina which would show her to be older than her actual years. We later learned from Christina that it was in Montgomery

¹⁰ The crime of Kidnapping in the Second Degree requires that the defendant "move" or "confine" the victim without the victim's consent. The law provides that a child under sixteen years old cannot consent to being "move[d]" or "confine[d]" even if the child victim acquiesces. See New York Penal Law sections 135.00 and 135.20. In this case, Christina apparently acquiesced to the abduction, but was nonetheless a victim of kidnapping because she was only fifteen years old at the time.

that she first had sexual relations with Harris.¹¹

Harris learned that he was being actively sought by law enforcement when, on April 5th, a local detective canvassed Johnson's apartment in an effort to locate Harris. The detective did, in fact, find Harris inside and made up a pretext to have a short conversation with him. According to Johnson, Harris and Christina left his apartment for a Travel Inn immediately following the detective's visit. Harris also rented a car, using Johnson's credit card, and told Johnson that he was headed for Berkeley, California, where he had an elderly aunt.

Harris and Christina spent the next few days on the road. On April 8th they arrived in Berkeley where they stayed with Harris's aunt. She told our investigators that Harris and Christina left her home suddenly on April 9th, after Harris's relatives in Montgomery called and told her that investigators knew that Harris would be with her. Their departure was so sudden, in fact, that they left behind the majority of their belongings. Several of these items served to document that Harris had kidnapped Christina from New York and traveled across the country with her. In particular, investigators found an Amtrak ticket from New York's Penn Station to Washington D.C. dated March 8, 1995. They also found photographs of Christina and Harris together in Montgomery, as well as a highlighted copy of the Mississippi marriage laws, hotel receipts, ATM receipts, and coloring books and crayons.

Taking Christina, Harris left Berkeley and went to Santa Clara, California. Again, in Santa Clara, we discovered more evidence of the kidnapping, this time in the form of a bank videotape depicting an ATM transaction. Harris, accompanied by Christina, was shown on the tape as he withdrew money from his account. From Santa Clara the two traveled to nearby San Jose, and from there, to Las

¹¹ Sexual intercourse by an adult man with a fifteen-year-old girl constitutes the crime of Rape in the Third Degree in New York State. See New York Penal Law section 130.25. The sexual relations with Harris that Christina told us about all occurred outside of New York and were thus not prosecutable in this state.

Vegas.

Investigators from the Office of the Special Commissioner, with the assistance of the FBI and local police departments, pursued Harris and Christina across the country: Washington D.C., Mississippi, Alabama, Texas, California, and Nevada. Although we were often only hours behind him, Harris eluded capture by keeping on the move. Ultimately, with all leads exhausted, this office, with the support of Christina's mother, decided to seek the assistance of the public to locate Harris. On May 10, 1995, the story of Harris's kidnapping of Christina was widely publicized from coast to coast.

Harris Surrenders and Christina Returns

Harris surrendered to this office on May 16, 1995, six days after the national media carried the story of Christina's abduction by her teacher on television and in newspapers. The coverage included pictures of Harris, pictures of Christina, and an impassioned televised plea from Luz Diaz to her daughter urging her to come home. By the time of Harris's surrender, we had obtained a warrant for his arrest, with the assistance of the New York County District Attorney's Office, on New York State kidnapping charges.

We had also obtained a federal arrest warrant, for Unlawful Flight to Avoid Prosecution, with the assistance of the FBI and the United States Attorney's Office for the Southern District of New York.

Harris surrendered to our office accompanied by his lawyers, but, notably, unaccompanied by Christina. Moreover, his attorneys declined to reveal her exact whereabouts, or to allow us to coordinate her trip back to New York, which they said they would arrange. Our attorneys, as well as the Assistant District Attorney assigned to prosecute Harris, raised concerns about Christina's safety travelling alone on a plane trip across the country. Our fears were summarily dismissed by Harris's

attorneys. At a press conference with his attorneys held shortly before his surrender, Harris himself provided more evidence that he was guilty of the kidnapping charges when he freely admitted to his cross country journey with Christina. He repeated these admissions during the course of later press interviews.

Despite every indication to the contrary, Harris asserted on these occasions, and his lawyers asserted in court, that Harris left with Christina to remove her from an abusive situation at home. He repeated what he had told CLC staff in January, that Christina had been abused by her father years earlier,¹² and added a new allegation which neither he nor Christina had ever raised: that Christina was also the victim of more recent abuse at the hands of her mother.

Harris's words and actions after his arrest continued to reflect his disregard not only for the law, but for Christina's best interests. At the time of Harris's arrest, Christina had not had any contact with a family member for over two months, since her abduction on March 8, 1995. Moreover, she had not attended school during this period, and had spent many nights sleeping in motel rooms and on floors.

Nonetheless, the arrangements made by Harris and his attorneys for her return to New York required her to travel alone, despite the intense media attention now focused on her situation. Predictably, a photographer who managed to book the same flight as Christina from Las Vegas to New York caused such a disturbance that both of them de-planed in Denver, Colorado. With the consent of Christina's mother, investigators from this office went to Denver and brought Christina safely home on May 17, 1995. While waiting for the flight back to New York, Christina told investigators that she had sexual

¹² In November 1994, Christina's father was found guilty of abusing his stepdaughter, a child other than Christina, after a trial before a Bronx County Criminal Court judge. He was convicted of Sexual Abuse in the Second Degree and Endangering the Welfare of a Child, and was sentenced to forty-five days in jail and three years of probation.

intercourse with Harris during the course of her abduction.

Upon her arrival in New York, Christina was immediately returned to Family Court on the PINS warrant. Initially, with the approval of the court, Christina and her mother agreed that the girl would stay with her godmother. Thereafter, custody was returned to Ms. Diaz and the matter was Adjourned in Contemplation of Dismissal, meaning that the petition was dismissed following Christina's sixteenth birthday, since no further supervision was requested by either party. Although Christina's attorneys threatened to file an abuse petition against Diaz, they never did so. Although Christina's father surfaced when media attention was focused on her return to New York, he soon dropped out of sight and continues to be without visitation rights.

Harris was released from jail on \$10,000 bail shortly after his arrest. The court also issued an order of protection barring any type of contact between Harris and Christina. Once out of jail, Harris took no time to violate the court's order, and, in fact, proceeded to violate it on a routine basis. Harris spoke with Christina on the phone every day, sometimes for hours at a time, and the two met often. Concerned that Harris was violating the order, the New York County District Attorney's Office requested that this office conduct surveillance on Harris and Christina. With the permission and assistance of Luz Diaz, we surveilled the couple on July 17, 1995.

On that date the two spent the day together, first riding the subways, and then at the Bronx Zoo where we caught them on videotape and in photographs. Harris behaved as would someone who was worried about being caught in an illegal activity: he and Christina rode back and forth on various subways with, at first, no discernable destination, wore dark glasses and baseball caps and, finally, broke into a run, while glancing behind them, as if to avoid detection.

This additional evidence against Harris was turned over to the prosecuting attorneys. On July 25,

1995, Glenn Harris pleaded guilty to the felony charge of Custodial Interference in the First Degree and was sentenced to a conditional discharge. This office was not a party to the plea agreement.

THE FALLOUT HITS CLC

Fisher's Version(s) of What He Knew and When He Knew It

Since the fall of 1994, CLC Director Michael Fisher's account of what, and when, he knew about the relationship between Christina and Harris has been a flexible one, depending on who was listening and the degree of scrutiny he was under at the time. Fisher's versions varied from having no knowledge of the relationship, to having some knowledge but not enough to make a report, to knowing about Harris and Christina as early as October 1994.

When he initially called our office with the complaint, he stated that he first learned about a problem with the two on January 20, 1995. He added, however, that in December 1994 he had notified the Community School District 4 office about Harris and had been advised by that office to "monitor" the situation. Since the "monitoring" had not resulted in anything "substantiated," he felt he could not report it any earlier than he did.

After Harris's disappearance with Christina was made public, however, staff members began to speak to the media about the conduct they had observed during the fall. In a meeting on May 11, 1995, faculty and staff of CLC and district personnel, discussed the media attention that was now focused on CLC. The school secretary recounted her sightings of Harris and Christina the previous autumn and stated openly that she had told Fisher. Fisher was forced to acknowledge during the course of that meeting that he had known about Harris and Christina as early as October.

Nevertheless, about two weeks later, on May 24th, *Dateline NBC* aired a segment on the Harris case in which they included a telephone interview with Fisher. The primary issue addressed by *Dateline* was

how a known romance between a student and teacher went unreported for months. During the phone interview, Fisher flatly denied that any CLC staff had complained to him about Harris in the early fall. He further said that: "nothing of [a] sexual, abusive, or romantic nature involving Mr. Harris came to my attention prior to January 20th. If I had known anything was going on, I would have reported it."¹³

In fact, there is more evidence that Fisher was well aware of the allegations concerning Harris in the fall of 1994. In November of that year, he discussed Harris with an educator from outside the Board of Education who was assigned to CLC through the Accelerated Schools Program. This educator told us that in early November 1994, Fisher came to her and said that Glenn Harris was being too affectionate with one student and he then named Christina. Fisher further told her that there was "hanky-panky" going on in Harris's classroom and that Harris and Christina had been seen taking walks on the street.

According to the educator, she told Fisher that he had to do something about the situation and he replied that he was "taking care of it." She also reported to us that after the Harris case was made public, Fisher asked for her "support." Fisher then said to her: "I didn't know anything, right?" The educator replied: "Maybe you just didn't want to believe it."

Nonetheless, in the face of questions from the media and mounting criticism from some CLC staff, Fisher has done everything possible to convince anyone interested that he was ignorant until January. One of his efforts in this cause was an "Open Letter to CLC Parents," a letter he sent home with CLC students in which he falsely proclaimed that "no information was ever presented to me prior to January

¹³ Following the Dateline NBC broadcast, Fisher maintained that he had a "log" of events regarding Harris and that the log supported his position that he did not know Harris and Christina were alleged to be romantically involved until January 1995. The log, which reflects a telephone call to Luz Diaz on Christmas Day 1994 to discuss Christina and Harris, is itself suspect. Several entries are crossed out or altered, including dates, in a way that would not make sense unless the document was written after the fact as a reconstruction of events. Moreover, the log was not provided to us until May 1995 even though we had requested that Fisher and CLC provide all documents relevant to Harris in February 1995.

20, 1995, which alleged any inappropriate behavior between Mr. Harris and the female student."

Changes At CLC

The *Dateline* program described above also included interviews with three CLC teachers. Their appearances and voices were disguised, but their identities were common knowledge within CLC. It was also common knowledge that an additional two teachers, who were not interviewed, shared the views of the three that did appear on *Dateline*. These five came to be known at CLC as the "*Dateline* teachers." The program, entitled "Betrayal of Trust," focused on the reporting issue. The interviewed teachers told *Dateline* that Fisher knew about the relationship between Harris and Christina as early as October 1994, and that he was at fault for not reporting it at that time.

Of the five *Dateline* teachers, only one returned to CLC for the 1995-96 school year. One resigned, citing Fisher's treatment of her. Despite her resignation, Fisher notified her that she would not be teaching at CLC during the new, 1995-1996, school year. Another started the new semester, but then took a leave of absence, citing tensions related to her earlier criticism of Fisher. Yet another was not re-hired, and the fourth was told that her position had been eliminated, despite the fact that she had seniority over a teacher who was hired to replace Harris.¹⁴ Last, the educator from the Accelerated School Program, who repeated Fisher's November comments about Harris and Christina to this office, was assigned by her program to a different school at Fisher's request.

In addition, Gerald Malachi is no longer at CLC, having resigned from employment with the New York City Board of Education.

¹⁴ Through her union, this teacher has filed a grievance regarding Fisher's action against her.

It comes as no surprise that the *Dateline* teachers believe the changes at CLC are a form of retaliation by Fisher because of their public criticism of him. Circumstantially, at least, the evidence suggests that they are correct.

The Teachers' Obligation to Report

As the teachers and staff observed Harris and Christina, they immediately reported that information to Fisher and spoke to Harris. When they saw Harris continue his inappropriate behavior, they returned to Fisher and were repeatedly told: "It's being taken care of." The teachers said they assumed that the situation had been reported by Fisher to someone -- possibly this office -- and that, therefore, they should not get involved. In fact, one teacher told us that Fisher's response led her to believe that the matter was being investigated, that there might be a "sting operation" underway, and that she should not interfere. Nevertheless, after the Harris case became public, one of the *Dateline* teachers said on camera that should the same situation be presented to her again, she would "go straight to the Commissioner's Office."¹⁵

Just as all school employees are "mandated" to notify the State Central Register if they suspect that a student is the victim of abuse in the home, school employees are required to report to this office, and not just their supervisors, any information they possess indicating that a student is a victim of abuse by

¹⁵ In a memo faxed to Dateline NBC and presented as part of the May 24th broadcast, the United Federation of Teachers ("UFT"), the union representing the teachers in New York City's public schools, said that its members at CLC had followed "proper procedure" in the Harris case. In the UFT's view, teachers should report "suspicions" of misconduct to an immediate supervisor; teachers are required to report directly to this office only if they "know" sexual misconduct is occurring. This view is in conflict with the directive issued by the Chancellor, Special Commissioner, and Board President, mandating an immediate report by any Board of Education employee -- not just supervisors -- of any information concerning sexual abuse or sexual misconduct involving a student committed by a school employee.

another employee. The rationale for the rule is a sensible one: allegations of sexual abuse should be investigated by trained professionals at the earliest opportunity. Consequently, the employee must remain responsible for making the report even if a supervisor has been notified. To allow otherwise, permits the mistakes Fisher made in the Harris case to be repeated.

CONCLUSION

It is Glenn Harris, of course, who is responsible for kidnapping Christina and inflicting on her whatever harm flowed from that act. He has been arrested and convicted for that crime. The actions, and inactions, of CLC Director Michael Fisher and his assistant, Gerald Malachi, have also been examined here, not because either of those individuals could have in any way anticipated the abduction, but because they delayed in alerting our office to the allegations against Harris. Thus, any opportunity to intervene in this harmful relationship at an earlier stage, and possibly to alter the course it took, was lost.

Clearly, no one foresaw the lengths to which Glenn Harris would go to be with Christina. Nevertheless, lessons must be learned from this case. Just as the death of Lisa Steinberg in 1987 resulted in heightening awareness within the education system of abuse in the home, so must the kidnapping of Christina change the attitude and awareness of abuse by colleagues in the school system.

The warning signs of a problem with Harris and Christina were present in the fall of 1994. The change in Christina's attitude and behavior is a classic sign of abuse and, additionally in this case, a sign of Harris's manipulation of Christina. Moreover, Fisher was told repeatedly that the two were seen together under circumstances suggesting they were romantically involved. He was armed with more than enough information which should have immediately been reported to our office.

Michael Fisher is at fault for his delay in making that report. He is also at fault for inducing faculty and staff to believe that the Harris/Christina situation was under control when it was not, thus discouraging others who might have reported Harris. Furthermore, Fisher misled investigators by telling them that no one on his staff possessed any information relevant to the allegation, thus delaying significantly our awareness of important witnesses.

Fisher also must be faulted for being disingenuous on the topic of what he knew, and when he knew, about the relationship. His conflicting statements on the subject reflect his realization that he would be criticized for his delay in reporting the allegations against Harris. Last, Fisher abused his power as director of CLC by altering the make-up of the faculty at that school in response to the teachers who were publicly critical of him. The criticism that Fisher failed to act on a serious allegation was, in fact, well-founded, and his apparent retaliation against those teachers is indefensible.

Although Student B's mentor told Gerald Malachi unequivocal information about Harris and Christina, Malachi completely failed in his obligation to report sexual misconduct. Three days before a report was made to this office, Malachi was in possession of the facts that ultimately launched the investigation into Harris. His reason for delay -- so that he could personally investigate the matter -- was entirely improper.¹⁶ All he succeeded in doing was alerting Harris to the allegation, thus allowing him to prepare his defense.

The faculty and staff, on the other hand, clearly did not understand their obligation to report misconduct. The procedure at CLC -- as at most New York City public schools -- is to make a report to the principal who will decide if further action should be taken. Obviously this procedure is in conflict with the employees' affirmative obligation to report to this office. Those who observed inappropriate conduct by Harris should not have had to wait until there was a nationwide manhunt for Harris before their complaints were heard.

¹⁶ The directive signed by the Chancellor, Special Commissioner, and the Board President specifically prohibits employees of the New York City School District from conducting their own investigations into allegations of sexual abuse or misconduct.

RECOMMENDATIONS

Glenn Harris's employment with the Board of Education was terminated in March 1995 when he failed to show up for work as a result of running away with Christina. By letter dated August 2, 1995, Glenn Harris surrendered his "New York City teaching license." While no such license existed, Harris's letter did eliminate the need for a hearing to permanently bar him from working for the Board of Education.¹⁷ We recommend that Harris be denied reemployment with the Board should he ever re-apply. We have recommended, and do so again here, that Harris's New York State Certificate of Qualification to teach be revoked and we are forwarding a copy of this report to the State Education Department.

We recommend that strong disciplinary action be taken against Michael Fisher for his handling of the Harris matter. In addition, the Chancellor should review whether the personnel changes at CLC were justified.

Gerald Malachi has discontinued his employment with the Board of Education. Nevertheless, Malachi's failure to follow proper reporting procedure warrants discipline, and we therefore recommend that appropriate action be taken to consider this matter should Malachi ever re-apply for any position with the Board.

Although they did nothing wrong and we therefore do not recommend disciplinary action, we do

¹⁷ Harris was not a tenured teacher and thus had no right to a hearing under the New York State Education Law. Nevertheless, the New York City Board of Education, under Circular 31R, gives the right to a hearing to a non-tenured teacher whose employment has been terminated.

recommend that the faculty and staff at the Creative Learning Community be trained in their roles as reporters of abuse and misconduct committed by their colleagues.

We also recommend that all faculty and staff employed by the New York City public schools be advised that reporting abuse or misconduct committed by a colleague to their principal, superintendent or other supervisor is insufficient to comply with their affirmative obligation to report to this office. Further, they should be advised that failure to make such a report, or to ensure that such a report has been made, can result in disciplinary action. We recommend that training in the area of proper reporting procedures be available to faculty and staff to the extent it is needed.

We further recommend that when a school employee who is under investigation -- especially when the allegation under investigation includes sexual misconduct or harassment -- transfers to a new school or work site, the transferring site should disclose that information to the receiving site. In this case, although Harris transferred to Landmark High School for reasons unrelated to the investigation, Landmark administrators were completely unaware of his conduct at CLC, and were thus unable to determine whether students at their facility were in jeopardy.

APPENDIX

i. Joint Directive of the Chancellor, Special Commissioner, and Board President issued May 6, 1991

ii. Joint Directive of the Chancellor, Special Commissioner, and Board President issued October 13, 1993