

Sexual Harassment
An Overview For School
District Employees

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Sexual Harassment

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- **All school personnel** must have an understanding of the standards courts and regulatory agencies expect schools to meet in preventing sexual harassment in the schools.

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With this training, you will learn

- your reporting obligations and
- what policies and procedures apply.

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- Throughout this training, you will be asked to respond to various sexual harassment scenarios.
- At the conclusion of the training there is a quiz that must be completed in order to get full credit.

Training requirements

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- ALL LISD employees **MUST** take this training and get a 100 on the quiz.
- You may take quiz as many times as you need to get a 100.

"School Personnel" or "Employee"

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"School Personnel" or "Employee" (when used in this training) means **ALL** district employees, whether full-time or part-time, substitute teachers, and all volunteers.

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Sexual harassment is **unwelcome conduct**, either verbal or physical, that would not occur but for the sex of the individual.





Let's review

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Let's look at the following scenarios:

1. Theresa is Polish. A male co-worker tells a Polish joke at work. Theresa is offended.
2. Theresa is female. A male co-worker tells a sexist joke at work. Theresa is offended.



Which scenario is considered sexual harassment? The first one? The second one?



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Only in the second scenario is the male co-worker's behavior based on sex. Therefore, only in scenario two was a Theresa the potential victim of sexual harassment.

The key word is “unwelcome”

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In order for actions to be considered “sexual harassment,” the conduct must be unwelcome.

- Conduct which may be offensive to one person may not be to another.
- The “victim” has an **obligation** to tell the actor that she/he finds the conduct offensive.
- If the behavior continues beyond that point, then it is sexual harassment.

We cannot expect people to read our minds.





But wait! There is an exception

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- It is not as easy as you might think. Board policy says that sexual harassment of ***students by staff*** is defined to include “welcome or unwelcome advances.”

Therefore, although a student may appear to welcome an employee’s flirting or overtures of romantic interest, the employee’s acts are still sexual harassment and prohibited by policy.

Different forms of sexual harassment

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- Sexual advances
- Requests for sexual favors
- Jokes or comments with sexual content or implications
- Gestures with sexual content
- Statements that “put down” someone based on gender or stereotypes about gender
- Pictures or posters with sexual content
- Hugs, massages or other touching

Employee Vulnerability

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- hugs
- putting students on laps
- one-on-one conferences
- driving students
- zipping pants and changing undergarments
- faculty / student parties



Two types of harassment

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The courts recognize two distinct types of sexual harassment:

- quid pro quo and
- hostile environment.

Quid Pro Quo

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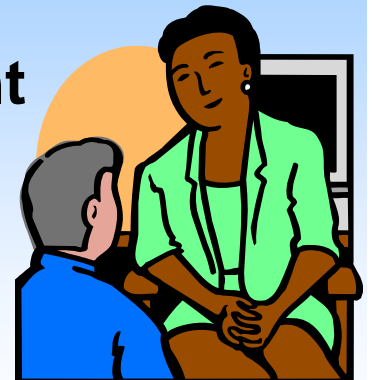
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A quid pro quo is when an individual in a position of authority offers a subordinate a benefit in exchange for a sexual favor. This can happen:

- between administrator or supervisor and employee
- between teacher and student



Quid Pro Quo

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Examples:

A supervisor may offer an employee a higher evaluation or a promotion in exchange for accompanying the supervisor to dinner.

A teacher may offer a student a better grade or a particular position on an athletic team in exchange for a kiss.





Quid Pro Quo review

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True or False?

Because perception is not always reality, it is imperative that school personnel in any type of supervisory setting keep all actions job related and not ask special favors of any student or staff member.



Quid Pro Quo review

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This is a **true** statement and wise advice for all school personnel, including parent volunteers.

Hostile Environment



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A hostile environment is created when unwelcome advances, requests, or conduct have the effect of interfering with the performance of duties or creating an intimidating, hostile, or otherwise offensive work or learning environment.

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This is an environment caused by repeated acts of taunting, teasing, name-calling, sexual innuendoes, advances, gestures, dirty jokes, touching, etc. This behavior, occurring sometimes daily, has the effect of deflating an individual's enthusiasm and interest in his or her work or in learning.



Hostile Environment Review

About this training

Which of the examples below could create a hostile environment?

Basic definitions

- Cindy Martin, a substitute teacher, sees a male student passing a love note to a female student. The girl reads the note, turns red, and tears it up.

Types of Harassments

- Dan Johnson, the chair of the department, continues to send graphic email with sexual innuendo and jokes to all faculty members.

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- Joanne Martin, a parent, volunteered to chaperone the band members on a school-sponsored trip. While on the bus, Joanne witnesses a boy flipping the bra straps of many girls and then advising his male friends the girls' estimated cup size.

Litigation



Hostile Environment

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All three examples illustrated behavior that, if allowed to continue, could create a hostile environment for those affected.

Therefore, all instances of inappropriate behavior based upon sex, whether isolated or otherwise, must be addressed immediately.

Board Policy

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Our Board of Trustees has adopted a strong “**zero tolerance**” policy prohibiting sexual harassment.

- School personnel violate the law and policy if they sexually harass **students, staff, or visitors.**

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- LISD policies on Sexual Harassment are the following:
 - for district employees
 - [DIA](#) (legal)
 - for students
 - [FFH](#) (legal) definition
 - [FFH](#) (local) reporting procedures
 - [FNC \(local\)](#) students conduct

Board Policy

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- Students and staff should be required to report all known or suspected instances of harassment or abuse to appropriate district administrators.
- The **Title IX Coordinator**, Edna Garza at Human Resources department, is the person to be contacted if an employee or student believes they are being sexually harassed. Complaints may also be directed to the supervisor or campus principal.

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- School officials who have authority to take corrective action must do so once learning of sexual harassment of abuse.
- Employees and student who engage in sexual harassment are subject to immediate disciplinary measures.
- Retaliation for reporting sexual harassment is prohibited and may be grounds for dismissal.
- Reports regarding sexual harassment, shall be made according to DIA(LOCAL) and FFH (LOCAL).

Preventing an Accusation

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- Allegation of sexual harassment can permanently damage your career or reputation.
- Educate yourself. Learn what is inappropriate behavior for the workplace.
- Try to never be alone with a student. Without a witness, it is your word against the child's as to what occurred. Do not set yourself up for this. It is a no-win situation.

Preventing an Accusation

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- Be sensitive and perceptive when interacting with others. Watch students' and staff's facial expressions and body language when communicating to them. Sometimes even a harmless compliment can be offensive.
- Keep all actions **job-related**. Dirty jokes are never job-related. Nor is flirting.

Preventing an Accusation

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- Avoid inappropriate or unprofessional personal relationships. Fraternizing with students is prohibited by board policy. Sometimes, even personal relationships with staff can be wrongly interpreted.
- Touch student and school personnel only when necessary. Today, even hugs can be dangerous.

Preventing an Accusation

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- Ask yourself the following questions before speaking:
 - Would I make the same comment in front of my spouse?
 - Would I want my spouse to hear the same comment made to him/her?
 - Would I make the same comment (or act the same) if it was going to be broadcast on the local news?
- ***Think SMART!***

Let's Review



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Of the statements below, which do you believe to be true?

- School personnel who find themselves personally involved with a student risk not only losing their jobs and professional certificates, but also face potential civil and criminal liability.
- Sexual harassment of a student by school personnel can include both welcome and unwelcome conduct.
- The victim of sexual harassment has an obligation to inform the harasser that the conduct is unwelcome.

Let's Review



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The first two statements are **true**.
The third statement is true only
when the victim is an adult.

Title IX Director

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- Edna Garza, PHR
- Human Resources Coordinator
- 1702 Houston St.
- (956) 795-3212
- egarza@laredoisd.org

Protection of Students

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- If you see sexual harassment occurring, stop it!
- Make the appropriate report within **48** hours to the Texas Dept. of Protective and Regulatory Services if you believe a child is the victim of **abuse**.

When Does *Liability Attach for Employee Harassment?*



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A school district or individual administrator **may be liable** for the sexual harassment of an employee when the administrator ***knew or should have known of the harassment and failed to take prompt remedial action.***

Sexual Harassment Litigation



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- Lawsuits cost money
- School districts and employees are being sued at the drop of a hat.
- School employees face personal liability.
- Insurance companies will not cover punitive damage awards.

When Does Liability Attach for Student Sexual Harassment?

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- If you “turn a blind eye” to conduct constituting sexual harassment, a court could find that the district acted with **deliberate indifference** to the behavior.

- A district or individual administrator will face liability when the administrator acts with ***Deliberate Indifference***.



Report to Supervisor

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- To avoid this finding, school personnel having knowledge of sexual harassment occurring by and between students **should report the matter to their supervisor.**