

# **Sexual Harassment**

## ***An Overview For School District Employees***

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# Sexual Harassment

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- **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.

# About this Training

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

With this training, you will learn

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

# About this Training

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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"

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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

# Sexual Harassment

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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





# Let's review

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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?





# Let's review

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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”

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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



# Two types of harassment

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

The courts recognize two distinct types of sexual harassment:

- quid pro quo and
- hostile environment.

# Quid Pro Quo

About this training

Basic definitions

Types of Harassments

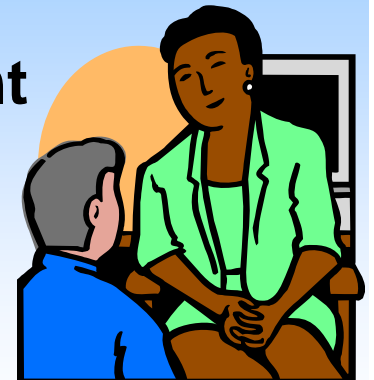
Preventing an Accusation

Our Policy

Litigation

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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

## 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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

## 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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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

# Hostile Environment



About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

**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.**

# Hostile Environment

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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.

Preventing an Accusation

Our Policy

- 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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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.**

# Board Policy

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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.

# Board Policy

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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



About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

**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



About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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



# Title IX Director

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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

# Protection of Students

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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?*



About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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



About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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?

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

- 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

About this training

Basic definitions

Types of Harassments

Preventing an Accusation

Our Policy

Litigation

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