Mansfield Independent School District
Discrimination, Harassment & Retaliation
Administrator Training Notes

**MISD Board Policy DIA-LOCAL/LEGAL**

Complete information about harassment and discrimination is found in the MISD Board Policy DIA-Local. This policy grants every employee the right and freedom from discrimination harassment and retaliation in the work place.

**Discrimination**

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, gender, nationality, age, disability or any other basis prohibited by law, that adversely affects the employee’s employment.

**Harassment**

Harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee’s race, color, religion, gender, nationality, age, disability or any other basis prohibited by law when the conduct is so severe persistent or pervasive that the conduct

1. Interferes with the employees work performance
2. Creates an intimidating, threatening, hostile or offensive work environment; or
3. Otherwise adversely affects the employee’s performance, environment or employment opportunities

**Sexual Harassment is defined as a form of discrimination that includes:**

- Unwelcomed sexual advances
- Requests for sexual favors
- Sexually motivated, verbal, nonverbal or physical conduct or communication

It must be unwelcomed
It must be sexual in nature

**Why is there a special emphasis for Sexual Harassment?**

- Because sexual harassment exists
- Because supervisors often ignore it
- Because employees often fail to report it
- Because it is the most prevalent form of harassment

**Negative effects of Sexual Harassment include:**

- Litigation claims (School districts and employees are sued regularly)
- School employees can face personal liability and job loss
- Victims of harassment suffer a loss of productivity
- Bad publicity results for the employee and the district
- People get hurt (adults and students)
Two types of Sexual Harassment:

**Quid Pro Quo**
Created when an individual in a position of authority offers a subordinate a benefit in exchange for a sexual favor

**Hostile Environment**
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

How do you prevent being accused of committing sexual harassment?
Educate yourself
Be sensitive and perceptive when interacting with others
Think before you act or speak
Do not make inappropriate contact, gestures or engage in sexual conversations
Keep all actions job-related
Avoid personal relationships with students
Try to never be alone with a student
Be mindful of your informal interactions with co-workers.

Reminders
Sexual Harassment can be **Verbal, Non-Verbal or Physical**
**Rarely** does a single incident rise to the level of Sexual Harassment
The **key word** regarding Sexual Harassment is **UNWELCOMED**
Sexual Harassment is based on the **feelings** of the person on the receiving end
Romantic relations with students are **illegal** even if welcomed by the student
Sexual Harassment is an **Equal Opportunity Problem**
Anyone can be a **victim**… Anyone can be a **perpetrator**

Deliberate Indifference
An administrator or supervisors who knows or should have known of the discrimination or harassment and fails to take prompt remedial action commits Deliberate Indifference.

Reporting Discrimination, Harassment or Retaliation
Reporting starts with you
First tell the person who is the source of the problem… **if it continues**
Report it to your Supervisor… **if it continues**
Report it to Human Resources
Document your efforts to stop the discrimination or harassment

Retaliation
The district prohibits retaliation against an employee who makes a report in good faith, serves as a witness or participates in an investigation.

**Discrimination, Harassment, Retaliation: Take it seriously!**

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