

CREATING A SAFE, RESPECTFUL, INCLUSIVE SCHOOL CULTURE

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Safe, **Respectful**, Inclusive School Culture

Clear understanding

SEXUAL HARASSMENT/ DISCRIMINATION NYS LAW/TITLE IX

- PROFESSIONAL BEHAVIOR / BOUNDARY CROSSING
- SOCIAL MEDIA ISSUES
- FERPA -CONFIDENTIALITY
- YOUR RIGHTS, ROLE and RESPONSIBILITY IN CREATING
A SAFE, RESPECTFUL SCHOOL CULTURE
- Q&A

What is your right?

- You have a right to work in an environment that is free from Sexual harassment and discrimination!

What is your responsibility ?

- As an employee you are obligated to foster a working environment that is free of sexual harassment and discrimination
- As an employee you have a duty to provide a learning environment that is free of sexual harassment and discrimination

Sexual Harassment in the Workplace

Sexual harassment will not be tolerated.

Today's training will:

- Help you better understand what is considered sexual harassment
- Show you how to report sexual harassment
- Show you external reporting options



**Combating
Sexual Harassment**

What is Sexual Harassment?

Sexual harassment:

- Is a form of sex discrimination and is unlawful
- Includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.
- Is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment or education

What is Sexual Harassment?

Under New York State law, harassment need not be “severe or pervasive” to be unlawful.

Any of the harassing conduct described in this training can be unlawful unless it is shown to be no more than “petty slights or trivial inconveniences.”

Harassment and discrimination are often intersectional, meaning other identities, including an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace.

When Does Behavior Escalate to Harassment?

Generally, any behavior in which an employee or covered individual is treated worse because of their perceived or actual gender, sexual orientation, or gender expression is considered a policy violation.

What is Gender Identity?

Understanding gender diversity is essential to recognizing sexual harassment & gender discrimination.

Though there are many gender identities, the three most common ways people identify are:

- **Cisgender:** a person whose gender identity aligns with the sex they were assigned at birth.
- **Transgender:** a person whose gender identity is different than the sex they were assigned at birth.
- **Non-Binary:** a person who does not identify exclusively as a man or a woman. Some may identify as transgender, but not all do

SEX STEREOTYPING

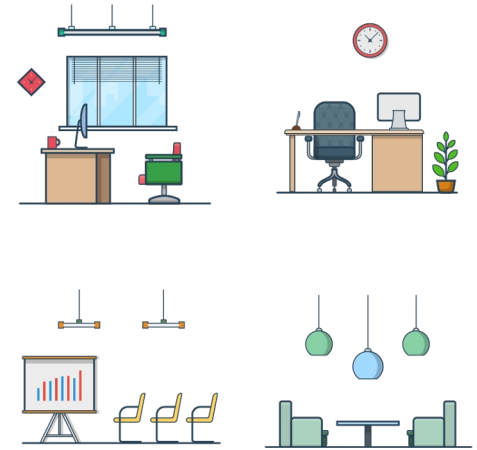
- Harassing a person because that person does not conform to gender stereotypes as to “appropriate” looks, speech, personality, job or lifestyle is sexual harassment and discrimination.

-

Respect: don't judge someone, whatever label they use. Don't use offensive language, even if you think it's a joke.

- Use students' preferred names and personal pronouns

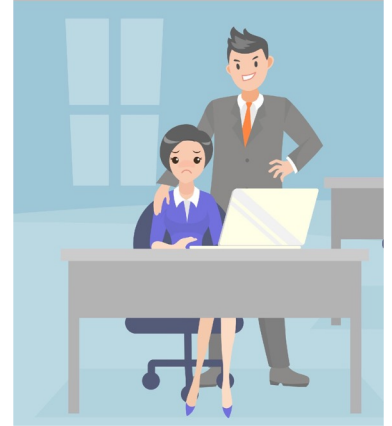
Hostile Environment



- Hostile Environment
- Sexual or discriminatory displays or publications anywhere in the workplace
- Hostile actions taken against an individual because of that individual's sex

Hostile Environment

- Pressure for dates;
- Making offensive remarks about looks, clothing, body parts;
- Touches in a way that may make an individual feel uncomfortable;
- Telling sexual jokes, sending sexual texts, hanging sexual posters;



: derogatory comments, or sexual epithets, requests for sexual favors, sexual innuendoes, offensive jokes or stories, repeated propositioning.

Staring, derogatory or suggestive gestures, winking, throwing kisses, shunning, and ostracizing.

offensive pictures, photos, cartoons, posters calendars, magazines, posts ,texts, or objects

unwelcome touching, hugging, kissing, patting, stroking, standing too close.

unwelcome personal letters, notes or emails,texts snap chat

QUID PRO QUO

- Occurs when a person in authority trades, or tries to trade, job benefits for sexual favors.
- Occurs between an employee and someone with authority, who has the ability to grant or withhold job benefits.
- Staff member who trades grades or playing time
- For sexual favors

Who can be the Target?

Sexual harassment can occur between any individuals, regardless of their sex or gender.

The law protects employees, paid or unpaid interns, and non-employees who work in the workplace.



**Combating
Sexual Harassment**

NATURE OF SEXUAL HARASSMENT

Sexual Harassment May Occur:

- ★ Student to Student
- ★ Staff to Student
- ★ Student to Staff
- ★ Staff to Staff
- ★ Male to Male
- ★ Female to Female
- ★ Male to Female
- ★ Female to Male



Who can be the Perpetrator of Sexual Harassment?

- The perpetrator of sexual harassment can be anyone in the workplace:
- The harasser can be a **coworker** of the recipient
- The harasser can be a **supervisor** or **manager**
- The harasser can be any third-party, including: a **non-employee, intern, vendor, parent, or visitor.**

INTIMIDATION, THREATS OR ABUSE

■ ACTUAL OR PERCEIVED
RACE

■ COLOR

■ AGE

■ WEIGHT

■ FAMILY OR MARITAL
STATUS

■ NATIONAL ORIGIN

■ ETHNIC GROUP

■ RELIGION, RELIGIOUS
PRACTICE

■ PHYSICAL OR MENTAL
DISABILITY

• SEXUAL ORIENTATION

• GENDER

• DOMESTIC VIOLENCE VICTIM

• GENETIC INFO

• MILITARY STATUS

Where can workplace harassment occur

Whenever and wherever employees are fulfilling their work responsibilities, including:

- Employer-sponsored events
- Conferences
- Office parties
- Off-site or during non-work hours

Title IX of the Education Amendments Act of 1972

23

“No person in the United States, shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”

Harassment Scenario Exercise

Which of these scenarios are a reason for filing a harassment or discrimination claim?

1. A coworker frequently comments with discriminatory language about minorities
2. A staff member sends a sexually explicit text to a coworker
3. A coach comments on how much more “developed” a female athlete has become over the summer
4. A maintenance worker discusses his sexual prowess loudly
5. An employee gets handsy with a coworker at a conference
6. Staff members grade new employees on looks

If you are harassed

- Tell someone
- Keep a journal –document, document
- evidence, witnesses
- If you feel that you can, tell the person to stop
- File a formal complaint

Filing a complaint

- District Title IX coordinators
- Katie Smith – Director of Human Resources
- Scott Mueller
-
- Complaint form

New York State Division of Human Rights (DHR)

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 - A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.
 - Complaints may be filed with DHR any time within one year of the alleged discrimination. You do not need to have an attorney to file.
 - If an individual did not file at DHR, they can sue directly in state court under the Human Rights Law, within three years of the alleged discrimination.
 - An individual may not file with DHR if they have already filed a Human Rights Law complaint in state court.
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- 1-800-harass-3 Monday – Friday 9-5
 - HOTLINE – 1-800-HARASS-3 free legal counseling

United States Equal Employment Opportunity Commission (EEOC)

- An individual can file a complaint with the EEOC anytime within 300 days from the alleged discrimination. You do not need to have an attorney to file.
- A complaint must be filed with the EEOC before you can file in federal court.
- For more information, visit: www.eeoc.gov.
- NOTE: If an individual files an administrative complaint with DHR, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Investigation Process

- The individual or department designated will conduct prompt review of the allegations, and take any interim actions
- Relevant documents, emails, or phone records will be requested, preserved, and obtained
- Interviews will be conducted with parties involved and witnesses

INVESTIGATIVE AND CORRECTIVE ACTION

- Investigation and Corrective Action
- Anyone who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
- All employers must investigate all reports of harassment, whether information was reported in verbal or written form.
- An investigation of any complaint should be completed within a reasonable timeframe.

- The investigation will also be confidential to the extent possible.
- Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment.
- It is illegal for employees who participate in any investigation to be retaliated against.

Bystander Intervention

5 Methods of Bystander Intervention

1. Interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior.
2. Ask a third-party to help intervene in the harassment.
3. Record or take notes on the harassment incident to benefit a future investigation.
4. Check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok.
5. Confront the harassers and name the behavior as inappropriate only when you feel safe.

Protected Activities

Any employee engaged in “protected activity” is protected by law from being retaliated against.

Protected activities include:

- Making a complaint about harassment or suspected harassment
- Providing information during an investigation
- Testifying in connection with complaint

RETALIATION IS UNLAWFUL

- It is unlawful for any employer, or any agent or employee of the employer, to retaliate against an employee who has complained of sexual harassment.
- The Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has
 - filed a formal written complaint of sexual harassment, either internally with management or human resources, or with any anti-discrimination agency,
 - testified or assisted in a proceeding involving sexual harassment under the Human Rights Law,
 - opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment,
 - complained that another employee has been sexually harassed, or
 - encouraged a fellow employee to report harassment.

Supervisors

- Supervisors should maintain a respectful workplace and not permit inappropriate behavior to go unchecked
- Supervisors should be models of good behavior and not participate in any harassing behaviors

See harassing behavior student to student

- Address It – React !!!!
- Support the victim
- Discipline the harasser
- Report harassment

MUST TAKE ACTION

- If harassment has occurred, a school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and prevent its recurrence. These duties are a school's responsibility even if the misconduct also is covered by an anti-bullying policy and regardless of whether the student makes a complaint, asks the school to take action, or identifies the harassment as a form of discrimination

CLIMATE OF RESPECT

All staff must prevent harassment

All staff must take action

report

cooperate

confidential

- supervisors take this seriously

Quick Review

- WHAT IS SEXUAL HARASSMENT?
- HOW DO YOU REPORT?
- WHAT DO YOU DO WHEN YOU SEE SEXUAL HARASSMENT
 - COLLEAGUE ?
 - STUDENT ?

FRATERNIZATION

- Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.
- Staff Student Relations- policy 6180

STATE & LOCAL UPDATES

New York Eliminates Time Limitations for Sexual Assault Claims

By Emily Haigh and Liran Messinger © Littler
February 22, 2023



LIKE



SAVE



PRINT



EMAIL



REUSE PERMISSIONS ?



Feedback

WHERE IS THE LINE ?

- **CONNECTING**
- **CROSSING
BOUNDARIES**

Dating Behaviors

- ◆ Inappropriate suggestive comments
- ◆ Inappropriate display of affection
- ◆ Inappropriate personal gifts
- ◆ Inappropriate touching
- ◆ Inappropriate communication – comments cell phone, e-mail, facebook, instagram, snap chat

GROOMING

❖ SELECTION

❖ TESTING (HOSTILE ENVIRONMENT SEXUAL HARASSMENT)

❖ SEXUAL CONTACT /EXPLOITATION

BOUNDARY CROSSING

- Friend, confidant, surrogate parent
- Savior, needy vulnerable student, needy staff
- Predator

Slippery Slope

- Do not confuse professional caring with social relationships
- “ Whose need is being met ?”
- Recognize the signs of boundary crossing behavior
- Be vigilant

Child Abuse in an Educational Setting:

Education Law Article 23-B

Abuse by employee or volunteer in an educational setting



Student willingly participates

Violation

If the alleged abuser is an employee or volunteer of another school district

- The report should be completed and forwarded to the superintendent of schools of the district where the child attends, and the district where the abuse allegedly occurred.

Protection from Liability

- Persons who file a report and act in good faith pursuant to the mandates of Education Law Article 23-B are immune from civil and criminal liability.

Breach of Fraternization Policy

- REPORT, REPORT, REPORT!!!

Harassment and discrimination are often intersectional, meaning other identities, including an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace.

- Using racially derogatory phrases, words or epithets
- Demonstrations of a racial or ethnic nature such as the use of gestures, pictures or drawing which would offend a particular racial or ethnic group.

THE CROWN ACT

- **Banning ethnic hairstyles 'upholds this notion of white supremacy.'**
States pass laws to stop natural hair discrimination

Microaggression

- A statement, action or incident of indirect or unintentional prejudice attitude toward a marginalized group.
- They can happen without any harm intended

Possible Effects Harassment and Bullying?

- **Absenteeism from school/work**
- **Increased anxiety**
- **Loss of self-esteem and confidence**
- **Depression and post-traumatic stress**
- **General deterioration in physical health**
- **Self-harm and suicidal thinking**
- **Feelings of alienation in the school environment, such as fear of other children**

You Must React/Report

BYSTANDER

New Title IX regulations require all school employees to report harassment .

ENCOURAGE VICTIM

SUPPORT

ACT !!!!!

The Supervisor's Responsibility

Supervisors and managers are held to a high standard of behavior. They are:

- Required to report any harassment reported to them or which they observe.
- Responsible for any harassment or discrimination they should have known about.
- Expected to model appropriate behavior.



**Combating
Sexual Harassment**

RECOMMENDED POLICY FOR ALL SOCIAL MEDIA SITES

- If it is something that an employee would not say at a conference or to the administration, it should not be posted. In addition, employees must not "friend" or accept as a "friend" on Twitter, Instagram or engage in similar connections on other social media sites with any current student of the School District, with the exception of their own children or an immediate family member's children.

Dance like nobody is watching. Send emails like one day they'll be read in court.

**Dance like nobody
is watching**

**Post, text and
email like it will
some day be read
out in a court of law**

4:35 PM · 3/24/22

5 Likes



Questions

CONFIDENTIALITY

Legal Basis

FERPA

Family Educational Rights & Privacy Act

You also have an obligation to report information if you feel a student is in danger or a student is a danger to others. You understand that you are mandated reporters of suspected child abuse. We strongly encourage you to report to your director or building principal concerns involving a student who may be a danger to him/herself or others.





**Sharing privileged information with
school officials.**

vs.



SAMPLE APPROPRIATE REMEDIAL ACTION

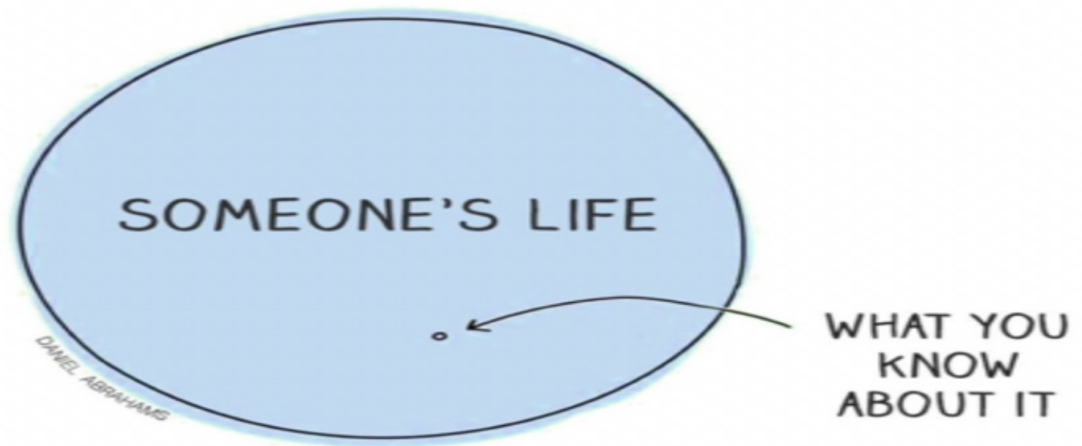
Employee

- ◆ Verbal warning
- ◆ Written letter of admonition
- ◆ Counseling/ Training
- ◆ Probation
- ◆ Suspension with pay
- ◆ Suspension without pay
- ◆ Termination

Student

- ◆ Verbal warning
- ◆ Parent conference
- ◆ Counseling
- ◆ Detention
- ◆ Suspension
- ◆ Exclusion

WHY YOU SHOULD BE KIND TO PEOPLE



empathy

[empəTHē] *noun*

the capacity to understand or feel what another person is experiencing from within their frame of reference, that is, the capacity to place oneself in another's person's shoes

Tackle Unconscious Bias & Increase Your Empathy
the live online class

- “ If we expect students to be kind, we need to be kind adults.
- If we expect students to be respectful, we need to be respectful.”
- MODEL MODEL MODEL

Importance of a Leader

- The culture is formed by the worst behavior the ADULT is willing to ignore.

Mandatory Reporting

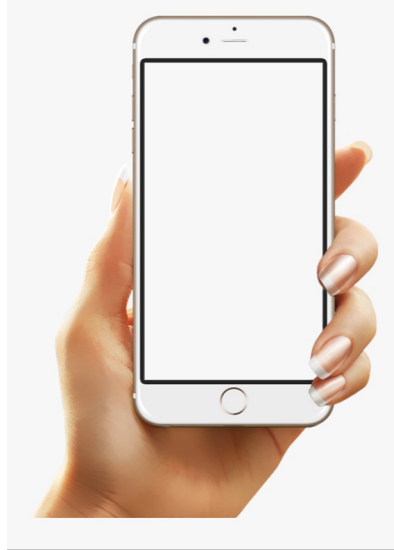
Supervisors must report any harassment that they observe or know of, even if no one is objecting to it.

- Harassment must be promptly reported to the employer.
- Supervisors and managers will be subject to discipline for failing to report suspected sexual harassment.
- Supervisors and managers will also be subject to discipline for engaging in retaliation.



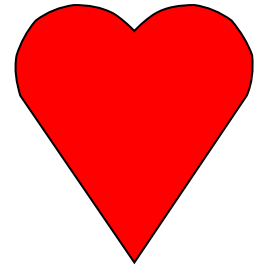
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Always Assume You Are On Camera



School Employees

- Trust
- Higher Standard
- Children



Safe, Respectful, Inclusive School Culture

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Wishing you a SAFE,HEALTHY
and SUCCESSFUL SCHOOL
YEAR!!!

