



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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