DIA LOCAL
Discrimination, Harassment and Retaliation

Mansfield Independent School District
Human Resource Services
605 East Broad
817-299-6305

Dr. Tracey Patton, Executive Director
Human Resource Development

Various Forms of Harassment and Discrimination

- Race
- Color
- Religion
- Gender
- Nationality
- Age
- Disability
- Sexual



Board Policy-DIA (LOCAL)

The Right and Freedom
from discrimination, harassment, and retaliation

- **DISCRIMINATION**

  Conduct directed at an employee on the basis of **race, color, religion, gender, national origin, age, disability** or any other basis prohibited by law, that adversely affects the employee's employment

Board Policy-DIA (LOCAL)

The Right and Freedom
from discrimination, harassment, and retaliation

- **HARASSMENT**

  Physical, verbal or nonverbal conduct based on an employee's **race, color, religion, gender, national origin, age, disability**, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct

  - **Interferes with employee's work performance**
  - **Creates an intimidating, hostile or offensive work environment**
  - **Affects the employee's employment opportunities**

Board Policy-DIA (LOCAL)

The Right and Freedom
from discrimination, harassment, and retaliation

- **RETALIATION**
  Retaliation may include termination, refusal to hire, demotion, denial of promotion, threats, unjustified negative evaluations, unjustified negative references or increased surveillance

Board Policy-DIA (LOCAL)

Two Warnings

The district **prohibits retaliation** against an employee who in good faith:

- **Makes a report**
- **Serves as a witness**
- **Participates in an investigation**

An employee is subject to **appropriate discipline** if they intentionally

- **Make a false claim**
- **Offer false statements**
- **Refuse to cooperate with a district investigation**

REPORTING STARTS WITH YOU

If you believe you or another employee has experienced discrimination, harassment or retaliation you should report the alleged acts **IMMEDIATELY** .



Reporting Process

- Tell the **other person** how you feel.
- Tell your **supervisor** if it continues.
- Tell **Human Resources** if it **STILL** continues.



Discrimination|Harassment|Retaliation Claims District Contact

Starting Point

Your Immediate Supervisor

Dr. Tracey Patton, Executive Director Human Resource Development MISD Title IX Administrator 817-299-6343

Dr. Jennifer Stoecker Associate Superintendent Human Resource Services MISD Human Resources 817-299-6300

SPECIAL FOCUS

Sexual Harassment

Why?

- Because Sexual Harassment **exists**
- Because supervisors **ignore** it
- Because employees fail to **report** it
- Because it is the most **prevalent** form of harassment

Sexual Harassment Litigation



- School districts **and** employees are sued regularly
- **Lawsuits cost**
- Insurance Premiums may **rise**
- School employees face **personal** liability and job loss
- Insurance companies **may not** cover punitive damage awards

Other Negative Effects of Sexual Harassment

- Loss of productivity
- Bad publicity
- Co-workers get hurt
- Children get hurt





Board Policy-DIA Local

SEXUAL HARASSMENT

A form of discrimination defined as
unwelcomed sexual advances
requests for sexual favors
sexually motivated, verbal, or nonverbal conduct or communication of a sexual nature when:

1. **Submission to the conduct is a condition**
   of an employee's employment
   an employment action results with rejection

2. **Conduct is so severe, persistent, or pervasive** that the employees **work performance suffers**
   a hostile or **offensive work environment** results

Two Notes:

- **Supervision is NOT:**

  Sexual Harassment

- **A Single Incident rarely rises the level of:**

  Sexual Harassment

Definition

Sexual Harassment

- It must be **unwelcomed**
- It must be **sexual in nature**

There are two types of sexual harassment…

#1 Quid Pro Quo

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

Example:

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

A supervisor may offer an employee their choice kitchen assignment in exchange for meeting them after hours for dinner.

#2 Hostile Environment

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.**



Sexual Harassment

An Equal Opportunity Problem

Male to Female

Female to Male

Male to Male

Female to Female

Employee to Student

Student to Employee

Supervisor to Employee

Friend to Friend

Employee to Parent, Visitor, Community



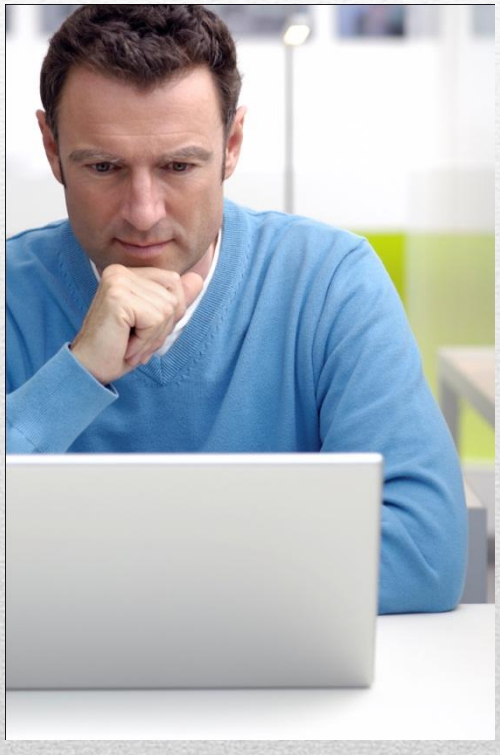
Sexual Harassment
Verbal



- Name calling
- Jokes
- Sexual comments
- Comments about appearance/clothing
- Suggestive sounds or whistles
- Negative comments about gender
- Discussing sexual orientation
- Obscenities

Sexual Harassment
Non Verbal

- Displaying sexual calendars, cartoons
- Sexual graffiti, drawings, posters
- Sexual notes, cards, emails
- Forwarding sexual emails
- Sexual surveys
- Viewing unauthorized internet sites



Sexual Harassment
Physical

- Touching, patting, stroking, hugging
- Brushing against a person
- Tickling, pinching
- Kissing
- Massages
- Leering
- Sexual assault, sexual abuse



The key word is UNWELCOMED

- Conduct which may be offensive to one person may not be to another.
- The “victim” has an **obligation** to tell the other person that he/she finds their conduct offensive.
- If the behavior continues beyond that point, **then** it becomes harassment.
- **Rarely does a single incident rise to the level of sexual harassment**

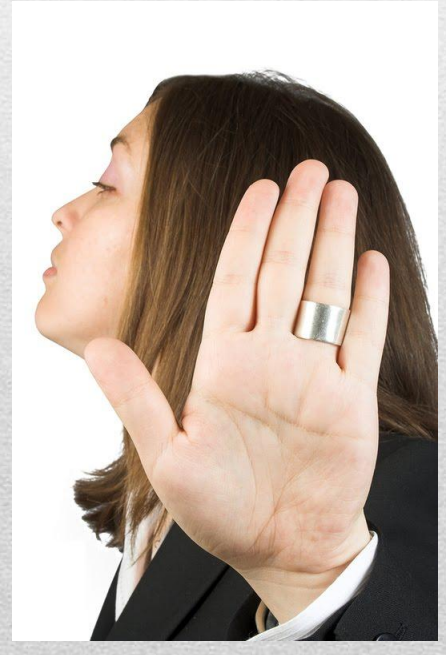
When Does Liability Attach for Employee Harassment?



A school district or **individual** administrator or supervisor may be **liable** for the sexual harassment of an employee when he or she acts with **Deliberate Indifference**

Deliberate Indifference

When the administrator or supervisor knew or should have known of the harassment and ***failed*** to take prompt remedial action.



Sexual Harassment Employee to Student



- Violation of Policy/Against State Law
- Unprofessional
- Loss of Certificate and/or Job
- Child Abuse Charges
- Criminal Penalties

Romantic relationships with students are *illegal*:

Even if welcomed by the student

Age of student does not matter

Examples of soliciting/engaging in a romantic relationship with a student

- Emotional attachments
- Pattern of exclusivity or special favors
- Behaviors and communications unrelated to job duties
- (Texts, emails, letters of affection or attraction)
- Inappropriate sexual comments
- Requesting details of students sexual history, fantasies, problems or sexual preferences
- Requesting a date
- Inappropriate hugging, kissing, touching
- **Suggesting a relationship after they graduate or are “legal”**

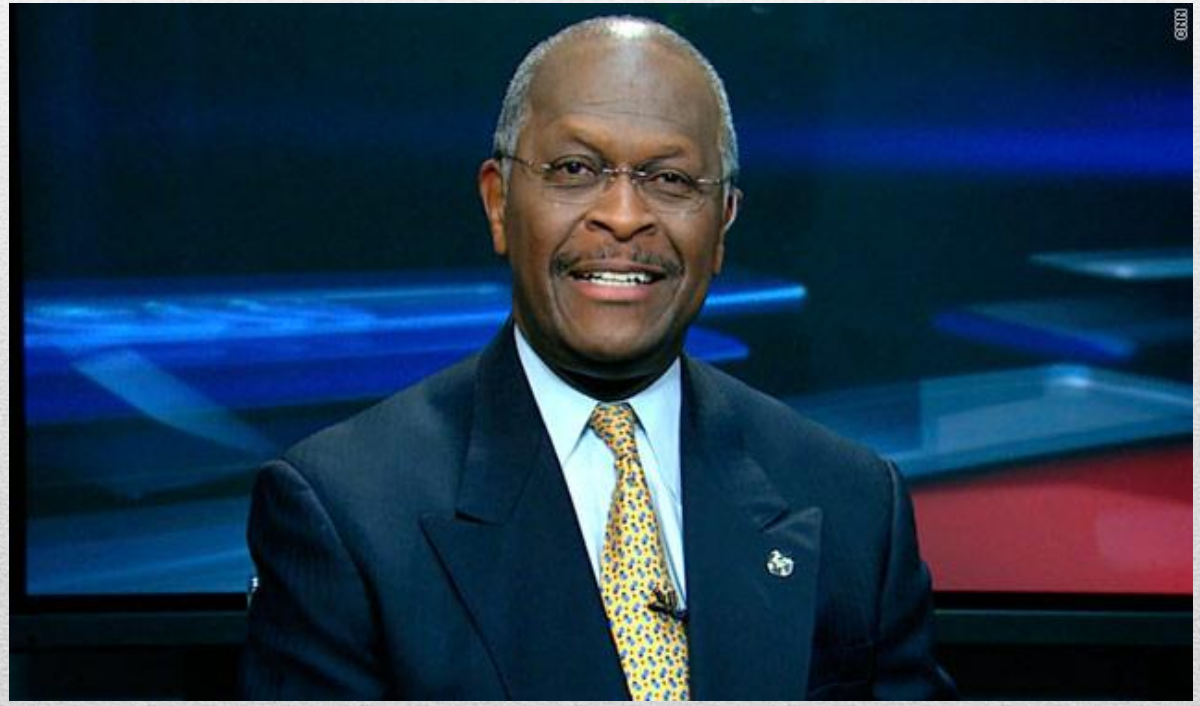


Vila Fualaau (12) & Mary Kay LeTourneau (34)
Former 6th Grade Student:Teacher
Guilty: Two counts of felony second degree rape of a child.
Incarcerated 1998-2004

Herman Cain

The **impact** of an allegation…

Can derail a career before guilt/innocence is even established.



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
- Keep all actions **job-related**
- **Avoid** personal relationships with students
- Try to never be **alone** with a student

Employee Vulnerability



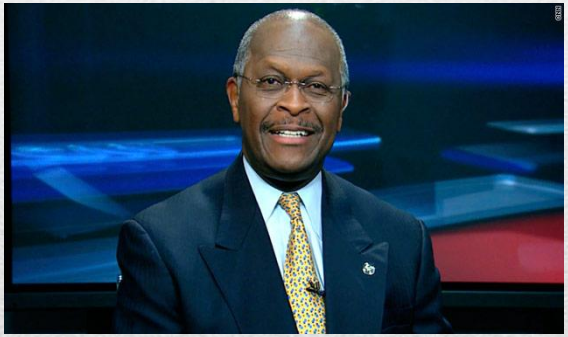
- Physical Contact
- Inappropriate jokes or gestures
- Closed door meetings/conferences
- Driving students alone
- Faculty-Department parties/meetings



Publicity Test



Jerry Sandusky-**Sexual Harassment/Abuse?**
Asst. Coach-Penn State; "The Second Mile"
Found Guilty; 45 Sexual Abuse Charges over a 15 year period; Sentence:30-60 years in prison



Herman Cain-**Sexual Harassment?**
2012 Republican Party Presidential Contender; 2011accused by two women of sexual harassment; campaign suspended



Joe **Paterno-Deliberate Indifference?**
Head Coach-Penn State 1966-2011
Investigations conclude concealing facts and the non-reporting of information.

How Do I Prevent Being Held Accountable for Someone Else's Acts of Sexual Harassment?

- If you see it happening, **STOP IT** !
- **Tell** your supervisor
- **Document** that you have reported the harassment to your supervisor
- **Supervisors:** Be familiar with and **enforce** district policy



Scenarios

Mansfield ISD
Sexual Harassment Review Sheet

1. The MISD Title IX Administrator who ensures that sexual harassment claims are investigated is _____.
2. The key word in sexual harassment is _____.
3. Employees have a _____to work in a discriminatory-free environment.
4. Supervisors have a _____to report any allegations of sexual harassment.

Mansfield ISD
Sexual Harassment Review Sheet

5. _____ is providing a benefit in exchange for a sexual favor.
6. Sexual jokes or comments have no place in the workplace because they are not_____ related.
7. Complete information about harassment and discrimination is found in the MISD Board Policy _____.

Mansfield ISD
Sexual Harassment Review Sheet

8. Sexual comments about a persons' clothing is an example of _____ sexual harassment.
9. Passing along sexual pictures or emails is an example of _____ sexual harassment
10. Filing a _____claim can result in disciplinary action for the employee, which may include termination.

Mansfield ISD
Sexual Harassment Review Sheet

11. MISD prohibits _____ against an employee who makes a sexual harassment report.
12. When a supervisor/administrator knows of harassment and fails to take prompt action they can be sued for_____.
13. Severe and persistent sexual harassment can lead to a _____ work environment.

Mansfield ISD
Sexual Harassment Review Sheet

14. Sexual Harassment claims rarely come from a _____ incident.

15. Sexual Harassment is an _____ problem.

Q & A

Questions|Concerns|Comments



Training Acknowledgement

POLICY-DIA LEGAL/LOCAL

Discrimination|Harassment|Retaliation

Take it Seriously.

Thank you

Mansfield Independent School District

Human Resource Services