



SCHOOL WORKPLACE HARASSMENT



Presented by:
HR Department
January 23, 2018

District Policies

- **DIA (Legal):** Addresses harassment of district employees...
 - A public official commits a Class A misdemeanor if, while acting in his or her official or employment capacity, the official intentionally subjects another to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly. *Penal Code 39.03*
- **DIA (Local):** Addresses discrimination, harassment, and retaliation involving district personnel...
 - Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature
 - Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or
 - The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment.

District Policies - *continued* -

■ DH (Legal):

- Educators shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall work cooperatively with others to serve the best interests of the District.

■ DH (Local):

- Each district employee shall recognize and respect the rights of students, parents, other employees, and members of the community. The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. *19 TAC 247.10*

Duty to Investigate

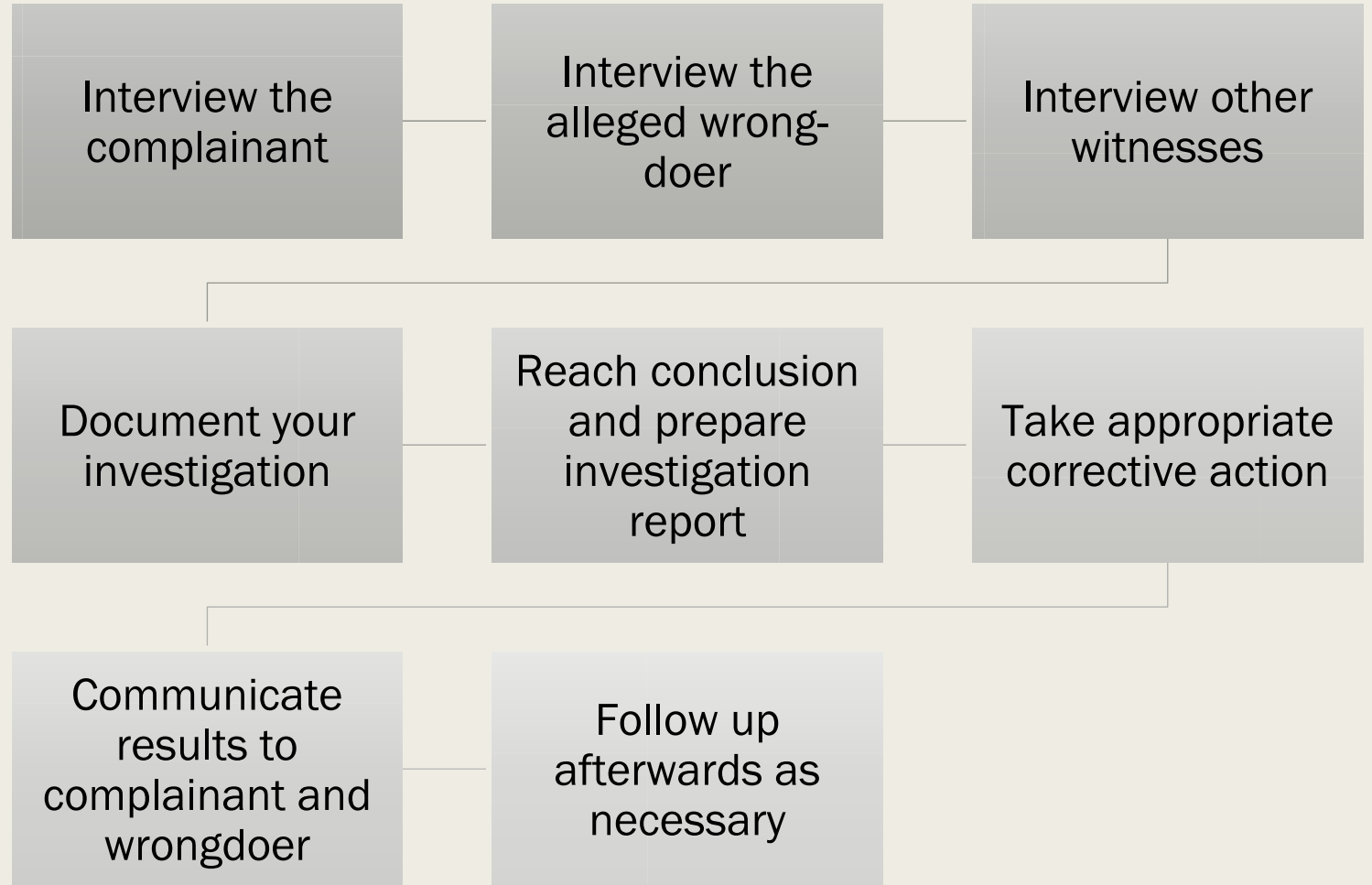
Federal and state harassment/discrimination laws impose legal duty on employer to investigate employee-related complaints

Employer has no discretion to decide not to investigate, regardless of feelings of reluctant complainants/witnesses

Fact that employee is “chronic complainer” or a malcontent does not absolve employer of duty to investigate

If conduct has implications at the workplace, investigation may be appropriate or necessary

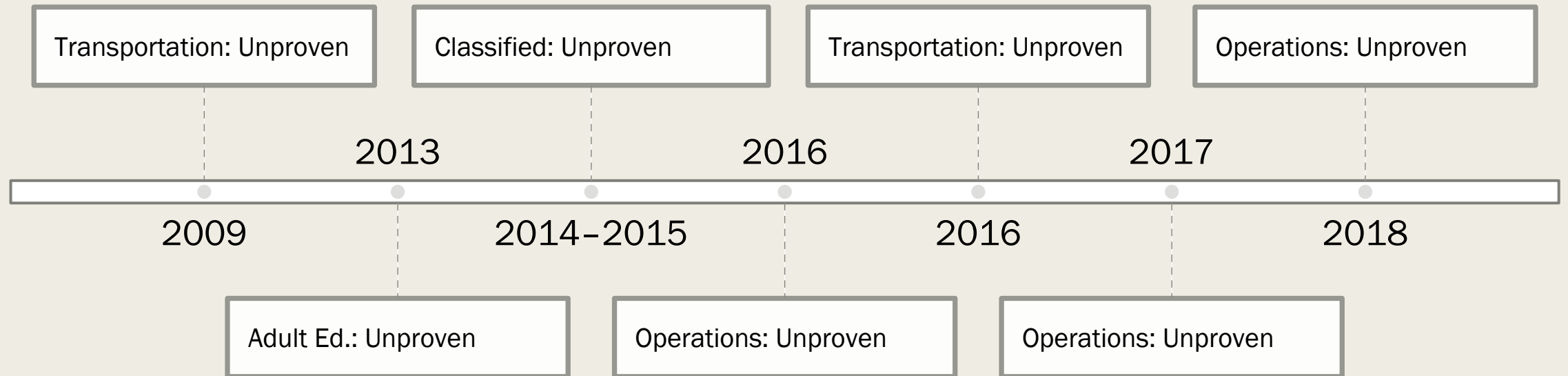
Conducting the Investigation



Importance of Investigation

As long as employer conducted reasonable, fair, thorough, and prompt investigation, and reached reasonable conclusions based on that investigation, employer may avoid liability to employee for harassment/discrimination or for failure to conduct appropriate investigation

DISD Allegations Historical Perspective



Proactive Process: Safe School Training

Video: Sexual Harassment: Staff-to-Staff (Full Course)

- Course provided every year to all district employees
- Covers a basic understanding of staff-to-staff sexual harassment as well as strategies to maintain a harassment-free environment in the school workplace
- Includes:
 - *Definition of sexual harassment and sexual harassment in the workplace*
 - *What behaviors constitute sexual harassment*
 - *How all employees can help prevent sexual harassment and what to do when it occurs*



Questions?

