

Ector County ISD
Sexual Harassment Training
2023-2024



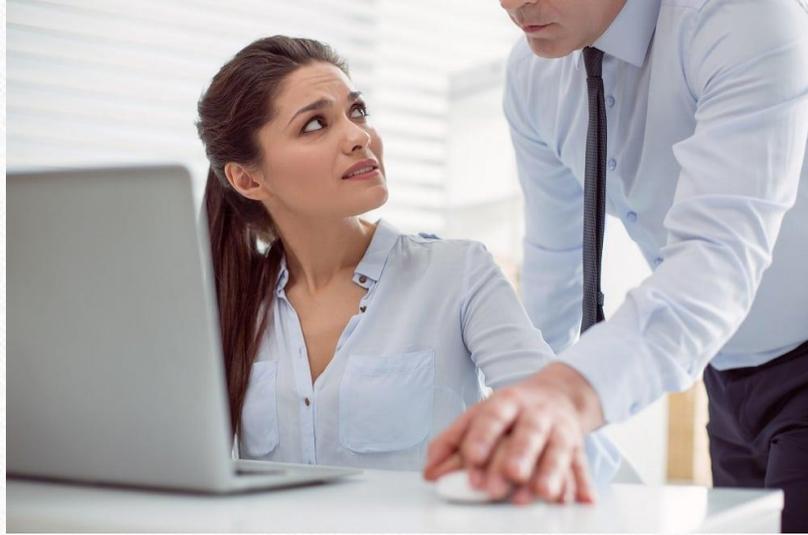
What is sexual harassment?

- Sexual Harassment is defined as unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the recipient's education program or activity.



Intent vs. Effect

- The intent of the person who engages in sexual harassment is irrelevant; the investigation focuses on how the recipient feels about the behavior.



Examples of Sexual Harassment Verbal, Non-Verbal, or Physical

- Sexual propositions and advances
- Vulgar Language
- Sexual Touching
- Embarrassing Questions
- Sexual Jokes
- Discussing Sexual Activity

- This list is not intended to be all inclusive



Title IX Protections:

- Title IX protections include discriminatory conduct that is:
 - Between Students
 - Between Employees and Students
 - Between the District in its capacity as employer and its employees
 - Others who would otherwise receive the benefits or participate in educational programs
- Title IX regulations apply to all students in the United States and across all grade levels

Where can Sexual Harassment occur?

- Text and Email
- Classrooms
- Offices
- Social Media: Instagram, Twitter, Facebook, Snapchat
- Hallways
- Buses
- Field Trips
- Sporting Events
- Restrooms
- **Areas of Substantial Control**

- **Substantial Control is a location, event, or circumstance over which the educational institution exhibits substantial control over both the harasser and the context in which the harassment occurred.**



Sexual Harassment in Education Programs and Activities

- Falls into one of the three categories below:
 - Quid Pro Quo
 - Hostile Environment
 - Sex Violence
 - Sexual Assault
 - Dating Violence
 - Domestic Violence
 - Stalking

Quid Pro Quo- “This for That”

- When an individual in a position of authority offers a subordinate a benefit in exchange for a sexual favor.
 - Example:
 - Supervisor offers an employee a promotion or paid time off if they will go out with them over the weekend
 - Teacher offering a better grade or incentive in exchange for a sexual favor



Hostile Environment

- UNWELCOME conduct on the basis of sex that is so SEVERE, PERVASIVE, and, OBJECTIVELY OFFENSIVE that it effectively denies a person equal access to the program.
- Can be student to student, student to employee, employee to student, or employee to employee
- Sexual Harassment can occur between people of any sex
- NOTE: Many things happen in schools that are inappropriate and sexually oriented, but fall short of this definition.

Think about this.....

- A parent calls the AP and alleges his daughter was called a slut after school and tapped on the backside by a boy, during school hours, on school campus. This is the first time this behavior has occurred.
- Parent is offered supportive measures
- Parent states they do not want to File a Formal Complaint, but they want the behavior to stop.
- The boy admits the behavior but conduct falls short of the Title IX definition of sexual harassment
- Student may be disciplined in accordance with Student Code of Conduct but do not call it sexual harassment

Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

- Examples of Supportive Measures:
 - Counseling
 - Mutual Restrictions: Stay Away Agreement
 - Modification of Schedule
 - Increased Monitoring or Supervision
 - Early or Late release from class
 - Change of campus if appropriate



What triggers a sexual harassment investigation?

- A school district with actual knowledge of sexual harassment in an education program or activity of the district against a person must respond promptly in a manner that is not deliberately indifferent.



Is there actual knowledge?

- Two students report to a teacher, that a male teacher is making inappropriate comments regarding their attire, bodies, and chatting with them at night via email. The comments and unwanted communication are making them uncomfortable.
- A student confides in a teacher's aide that she is being touched daily on the bus.

Both of these situations are examples that put the school on notice of “actual knowledge”.

How to report sexual harassment

- Immediately contact your campus administrator
- Fraud & Ethics Hotline
 - 1-844-600-0087
 - All calls are confidential and the identity of the caller will remain anonymous
- If unable to report to campus administration you may report to the Title IX office

Whose responsibility is it to report?

- All employees must immediately/promptly report all instances of suspected sexual harassment to a campus administrator or department director.
- Failure to report alleged sexual harassment will result in disciplinary action up to termination.
- If the incident could be child abuse, the employee **MUST** report to Child Protective Services (CPS) or law enforcement within 48 hours of learning of the incident.

After receiving a report of alleged conduct sexual in nature:

- Step 1: Contact the parent of both the complainant and alleged respondent notifying both that an investigation involving their child is taking place.
- Step 2: Follow the Sexual Harassment Criteria Review Flowchart to determine if the elements of sexual harassment are present.
- Step 3: If the incident does not meet all elements of alleged sexual harassment, consult the Student Code of Conduct for disciplinary action. Complete the District Investigation Report and keep on file on the campus. Do not proceed to Step 4.
- Step 4: If the incident meets all elements of alleged sexual harassment, campus administrator will notify the Title IX coordinator immediately via email and/or phone. Administrator will complete the Title IX Incident Intake Assessment Form and submit to the Title IX Coordinator within 24 hours.
- Campus must provide Supportive Measures to both the complainant and respondent and will report them to the Title IX Coordinator.

Sexual Harassment Criteria Flow Chart



Sexual Harassment Criteria Review Flowchart

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students or employees in educational institutions that receive federal financial assistance. The Ector County Independent School District prohibits discrimination, including harassment, against any student/employee on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited. Please utilize this checklist to determine if the elements of sexual harassment are present under Title IX (34 CFR 106), and, if so, please complete the Title IX Intake Assessment Form.

	Yes	No
1. Is/was the Complainant (victim) a student of Ector County ISD?	<input type="checkbox"/>	<input type="checkbox"/>
2. Did the alleged incident occur on school district property to include; a bus, district vehicle, or during a school related activity?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is/was the Respondent (alleged perpetrator) a student or employee with Ector County ISD?	<input type="checkbox"/>	<input type="checkbox"/>

NO → If any answer is NO, it does not meet the criteria of sexual harassment under 34 CFT 106 and FFH LEGAL/LOCAL Policy

YES → If ALL THREE are YES, proceed to the next box below.

	Yes	No
Was the alleged incident a result of:		
1. Quid Pro Quo (this for that)	<input type="checkbox"/>	<input type="checkbox"/>
2. Unwelcome conduct determined by a reasonable person to be so <u>severe, pervasive, and objectively offensive</u> that it effectively denies a person equal access to the district's education program or activity?	<input type="checkbox"/>	<input type="checkbox"/>

NO → If the answer is NO to the three questions, it does not meet the criteria of sexual harassment under 34 CFT 106 and FFH LEGAL/LOCAL Policy

Investigative Report



Ector County Independent School District

Investigation Report

Date: _____ **Campus/Dept:** _____ **Investigator:** _____

Complaint Rec'd: _____ **Investigation Start:** _____ **Investigation Complete:** _____

Incident of Investigation: *Describe the incident(s) that prompted the investigation*

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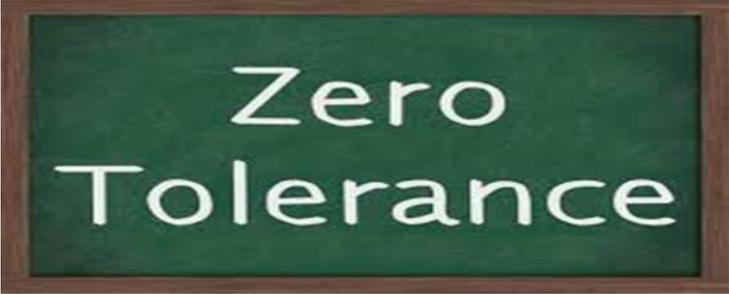
- Step 5: Title IX Coordinator will contact the Complainant to discuss:
 - Supportive Measures available
 - Consider the complainants wishes regarding supportive measures
 - Explain to the complainant the option and process to file a formal complaint.

When does liability attach for student sexual harassment?

- A district or individual administrator will face liability when the administrator acts with Deliberate Indifference.
- Deliberate Indifference occurs when a school has actual knowledge of sexual abuse (or allegations) yet does not adequately respond

Employee Consequences for Sexual Harassment:

- Ector County ISD has a zero tolerance sexual harassment policy.
- Substantiated allegations lead to termination of the guilty party.



Zero
Tolerance

When does liability attach for employee harassment?

- A school district or individual administrator may be liable for the sexual harassment of an employee when *the administrator knew or should have known of the harassment and failed to take prompt, remedial action.*



Employee to Student Sexual Harassment

- Includes any welcomed or unwelcomed sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature.



Employee to Student Sexual Harassment

- School employees face personal liability and can be subject to litigation.



Posted: Wednesday, May 4, 2016 9:19 am

By Nathaniel Miller nmiller@oaoa.com



Posted on May 4, 2016
by Nathaniel Miller

Former Permian High School teacher Jay Dee Burns was formally sentenced to 60 years in prison Wednesday

morning by 70th District Judge Denn Whalen a week after he was given prison time by an Ector County jury.

Burns, 45, pleaded guilty to nine felony counts April 25 and was sentenced to 10 years on each of the four improper relationship between an educator and a student charges, 15 years on each of the three sexual assault of a child charges, 15 years on the indecency with a child charge and 10 years on the stalking charge. Burns will also have to [register](#) as a sex offender.

He admitted to having sexual relationships with two students, a 16-year-old girl and an 18-year-old girl, when he was a teacher at Permian in 2015.

REVOKED

Avoid the Slippery Slope

- DO NOT engage in social media with students. This includes all forms of social media including but not limited to Snapchat, Twitter, Instagram, Facebook.
- DO NOT Text with students. You are to utilize only school/school activity approved platforms. (Example: SportsU, Band App etc)
- DO NOT email with students from your personal email.
- DO NOT send or receive pictures from students
- DO NOT give unwanted gifts to students.



Employee Vulnerability

- Hugs, squeezes, grabs, winks, tickling, kisses
- Holding or putting students on your lap
- Driving students
- Zipping Pants and changing undergarments



What will happen to a school employee who sexually harasses or abuses a student?

- The employee will be arrested and prosecuted for the crime.
- Perpetrator can be sued by the victim for monetary damages
- Will be **TERMINATED** from ECISD and reported to TEA and SBEC



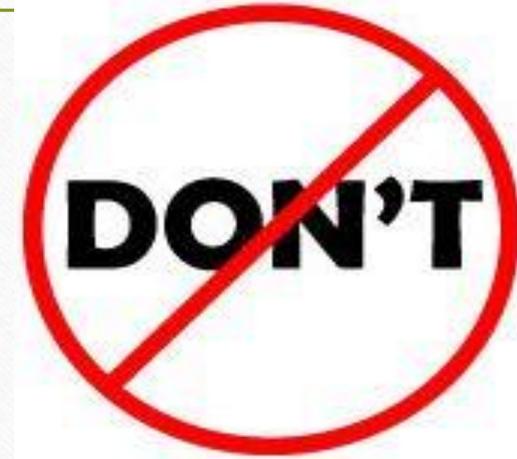
Reporting

- Principals and Superintendents are legally required to report teachers/employees having an inappropriate relationship with students or face a State Jail Felony or a fine of \$10,000.
- All information related to the investigation and case is subject to subpoena by TEA. This includes notes, documentation, and investigative reports.

Protect Yourself

DON'T

- Mix social life with job related decisions
- Talk about sex on the job
- Respond to seductive behavior
- Be alone with a student
- Engage in SOCIAL MEDIA with students!!
- **TOUCH STUDENTS UNLESS NECESSARY**



Protect Yourself

ALWAYS

- Report any outside contact initiated by students
- Keep all actions job-related
- Keep compliments merit based
- Model expected behavior
- Keep your hands to yourself
- **AVOID PERSONAL RELATIONSHIPS** with **STUDENTS**

Preventing Sexual Harassment Among Students:

- Be vigilant and protect students from inappropriate words or actions
- Teach and expect respect
- Encourage students to be assertive and establish personal boundaries
- Deal with inappropriate behavior consistently. Do Not ignore allegations
- Take steps to prevent re-occurring events/patterns

Prevention/Elimination of Harassment is Everyone's Responsibility

- If you see it report it.
- Treat all allegations seriously!
- Keep a record of any actions you take to stop/report sexual harassment
- If the allegation involves abuse you must **CONTACT ECISD POLICE AND CPS**. Be sure to document the case number provided following a report.



Know and Enforce District Policy

- DH (Local)- Employee Standards of Conduct
- FFH (Legal) and (Local)- Student Welfare: Freedom from Harassment
- CQ Regulation- Electronic Communication
- DIA (Legal) and (Local)- Employee Welfare: Freedom from Harassment

ECISD Title IX Coordinator: Dr. Jessica Southern

- Mailing Address
 - 802 N. Sam Houston Odessa, Texas 79763
- Email Address
 - TitleIX@ectorcountysd.org
- Phone Number
 - (432) 456-9351

Change is Coming for Title IX

- Proposed changes to Title IX were released in June of 2022. Changes are designed to strengthen protections for students who experience sexual harassment and assault at school, any they would help protect LGBTQI+ students from discrimination.
- More than 240,000 public comments were submitted regarding the changes
- The final changes/rulings for Title IX will be released in October 2023. This release will also address proposed changes for Athletic regulations.
- Be prepared to receive additional sexual harassment training following the release of regulations in October.

DHE: Employee Standards of Conduct: Searches and Alcohol/Drug Testing

- The District reserves the right to conduct searches when it has reasonable suspicion to believe that a search will uncover evidence of work related misconduct.
 - The District MAY:
 - Search the employees personal items, work areas, lockers, and private vehicles if parked on district premises or worksites used for district business.

Alcohol/Drug Testing

- The District may remove an employee from duty and require testing if there is reasonable suspicion the employee is under the influence of alcohol or drugs in violation of District Policy.
 - Reasonable Suspicion may be based upon specific observations:
 - Appearance (blood shot eyes, dilated pupils, breath)
 - Behavior of the employee (Is it typical behavior)
 - Slurred speech
 - Body odor of the employee who is demonstrating impaired motor ability or impaired mental acuity.
 - You may request an evaluation by the school nurse.

Reasonable Suspicion

- Based on reasonable suspicion, the employee should be directed to submit to a drug or alcohol test.
- Contact your HR representative and explain your suspicion and notify of your intent to send the employee for the drug test. HR will provide a form and will pay for the DT.
- If a district employee refuses to comply with a directive to submit to testing based on reasonable suspicion they shall be subject to disciplinary action which could include termination.
- Employees will be given the opportunity to provide relevant information about prescription or nonprescription medications that may affect the screening.

Directive to Drug Test

- The employee believed to be under the influence SHOULD NOT transport themselves to the drug testing facility. You may notify their emergency contact.
- The employee should immediately report to the DT facility.
- If an employee refuses to DT notify HR immediately. Do not return the employee to the classroom.
- Strict confidentiality of the request for the employee to DT should be maintained to protect the privacy of employees.