

Banquete ISD
Sexual Harassment Training
2023-2024

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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 not the issue; the issue is 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

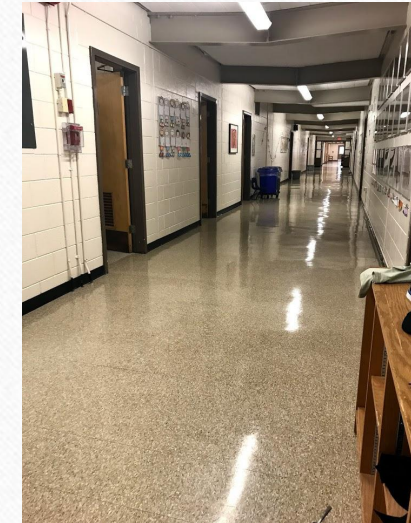


Title IX Protections:

- 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: A lot of 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.
- 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?

- My fellow teacher and workout partner confides in me that he has been “fooling around” with a student. He makes sure that she gets an A in his class in exchange.
- 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”.

Whose responsibility is it to report?

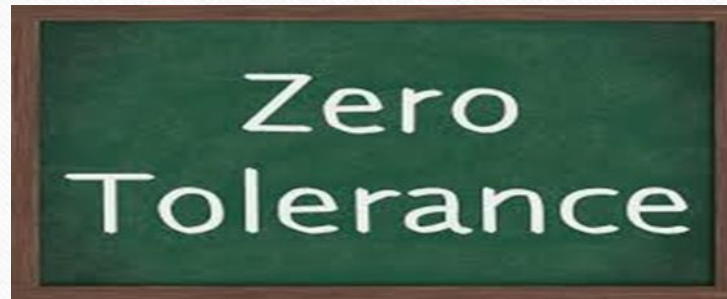
- All employees must immediately/promptly report all instances of suspected sexual harassment to a campus administrator or department director.
- Failure to report alleged sexual harassment will result in disciplinary action up to termination.
- If the incident could be child abuse, the employee MUST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

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:

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



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.



Inappropriate Relationships with students are ILLEGAL

- March 2022- Hays Consolidated ISD, A 49 year old male teacher at Blanco Vista Elementary is arrested and charged with two counts of indecency with a child and two counts of improper relationship between educator and student.
- April 2022- Pearland ISD, a 38 year old female teacher at Shadow Creek High School is arrested for improper relationship between educator and student
- May 2022- Kilgore ISD, a 21 year old female teacher's aide is arrested and charged with three counts of improper relationship between and educator and student after confessing to having three different sexual relationships with students ages 15 to 18.
- May 2022 Dripping Springs ISD, a 30 year old male Dripping Springs Middle School teacher/coach is arrested and facing four charges of sale, distribution, or display of harmful material to a minor, three second degree felony charges of distribution of a controlled substance, and three counts of improper relationship between and educator and a student after having relationships with three students ages 12 to 14.

Avoid the Slippery Slope

- Avoid communication with students on Social Media: tweeting, liking, snapping, direct messaging, commenting etc.
- Text/ Email
- Pictures
- Unwanted gifts
- Cards/Notes



Employee Vulnerability

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



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

- Employee can be arrested and prosecuted for the crime
- May be sued by the victim for monetary damages
- Will be **TERMINATED** from BISD 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.

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

- Educate yourself
- Respect people's Personal Space (Hula Hoop)
- Keep all actions job-related
- Keep compliments merit based
- Model respectful 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 CPS**. Be sure to document the case number provided following a report.



Child Abuse & Reporting/ FERPA

Not your job to investigate, your job to report.

BISD Title IX Coordinator

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