



# **CREATING A SAFE, RESPECTFUL, INCLUSIVE SCHOOL CULTURE**

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# Unprecedented Challenges

## Remember 2020-2021?

- Pandemic
- Economic disparity
- Racial discrimination focus
- Stress and exhaustion
- Emotions are strong
- Sensitivity is high

# Safe, Respectful, Inclusive School Culture

- SEXUAL HARASSMENT/ NYS LAW/TITLE IX
- CONNECTING VS. BOUNDARY CROSSING
- DIGNITY FOR ALL STUDENTS ACT/HARASSMENT
- SOCIAL MEDIA ISSUES
- FERPA
- YOUR RIGHTS, ROLE and RESPONSIBILITY IN CREATING  
A SAFE, RESPECTFUL SCHOOL CULTURE
- Q&A

# Sexual Harassment - Title IX

- **Sexual harassment will not be tolerated. Today's training will:**
  - • Help you better understand what is considered sexual harassment
  - • Show you how to report sexual harassment
  - • Show you external reporting options

# Importance of a Harassment-free climate:

- ◆ Work
- ◆ Learning
- ◆ Liability
- ◆ Employee discipline

## #MeToo raised awareness about sexual misconduct. Has it curbed bad behavior?



New York Gov. Andrew M. Cuomo prepares to board a helicopter after announcing his resignation. (Seth Wenig/AP)



# *Sexual Harrassment*

## *A Legal Overview*



**Title VII**

**Title IX**

**Quid Pro Quo**

**Hostile Environment**

# What is Sexual Harassment?

## **Sexual harassment:**

- Is a form of sex discrimination and is unlawful
- Includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.
- Is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment or education

- It includes unwelcome conduct, either of a sexual nature or which is directed at an individual because of that individual's sex when:
  - Such conduct has the *purpose or effect* of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
  - Such conduct is made either *explicitly or implicitly* a term or condition of employment; or
  - Submission to or rejection of* such conduct is used as the basis for employment decisions.

## **What is Sexual Harassment?** *cont'*

- Under New York State law, harassment need not be “severe or pervasive” to be unlawful.
- Any of the harassing conduct described in this training can be unlawful unless it is shown to be no more than “petty slights or trivial inconveniences.”

# Hostile Environment



- Hostile Environment
- Sexual or discriminatory displays or publications anywhere in the workplace
- Hostile actions taken against an individual because of that individual's sex

# Hostile Environment

- Pressure for dates;
- Making offensive remarks about looks, clothing, body parts;
- Touches in a way that may make an individual feel uncomfortable;
- Telling sexual jokes, sending sexual texts, hanging sexual posters;



- Verbal derogatory comments, racial or sexual epithets, requests for sexual favors, sexual innuendoes, offensive jokes or stories, repeated propositioning.
- Non-Verbal: Staring, derogatory or suggestive gestures, winking, throwing kisses, shunning, and ostracizing.
- Visual: offensive pictures, photos, cartoons, posters calendars, magazines or objects.
- Physical: unwelcome touching, hugging, kissing, patting, stroking, standing too close.
- Written: unwelcome personal letters, notes or emails, texts

# QUID PRO QUO

- Occurs when a person in authority trades, or tries to trade, job benefits for sexual favors.
- Occurs between an employee and someone with authority, who has the ability to grant or withhold job benefits.

A large, dark blue starburst shape with multiple sharp points, centered on a background with a blue-to-teal gradient. Inside the starburst, the word "POWER!!" is written in a bold, yellow, italicized sans-serif font.

***POWER!!***

# Who can be the Perpetrator of Sexual Harassment?

- The perpetrator of sexual harassment can be anyone in the workplace:
- The harasser can be a **coworker** of the recipient
- The harasser can be a **supervisor** or **manager**
- The harasser can be any third-party, including: a **non-employee, intern, vendor, parent, or visitor.**

# NATURE OF SEXUAL HARASSMENT

## *Sexual Harassment May Occur:*

- ★ Student to Student
- ★ Staff to Student
- ★ Student to Staff
- ★ Staff to Staff
- ★ Male to Male
- ★ Female to Female
- ★ Male to Female
- ★ Female to Male



# EXAMPLES OF HARASSMENT

- *Physical* - forced hugs, standing too close, bumping brushing against someone on purpose
- *Verbal Comments* - positive or negative comments about a person's body, threats or insults
- Sexual Name Calling
- Spreading Sexual Rumors
- Gestures
- Computer, Texts ,Messages
- Students "Making Out" in the Hallway

- Jokes/Cartoons/ Pictures
- Leers
- Suggestive body movements
- Too Personal a Conversation
- Cornering/Blocking Movements
- Graffiti

*Examples of harassment cont'*

# **Sex discrimination in general includes:**

- Any type of bias on the basis of sex
- Sexual harassment
- Sex stereotyping
- Discrimination on the basis of gender identity or the status of being transgender

# SEX STEREOTYPING

- Harassing a person because that person does not conform to gender stereotypes as to “appropriate” looks, speech, personality, job or lifestyle is sexual harassment and discrimination.

-

# LBGTQ



# **Where can workplace harassment occur**

**Whenever and wherever employees are fulfilling their work responsibilities, including:**

- Employer-sponsored events
- Conferences
- Office parties
- Off-site or during non-work hours

# If you are harassed

- Tell someone
- Keep a journal –document, document
- evidence, witnesses
- If you feel that you can, tell the person to stop
- File a formal complaint

# INVESTIGATIVE AND CORRECTIVE ACTION

- Investigation and Corrective Action
- Anyone who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
- All employers must investigate all reports of harassment, whether information was reported in verbal or written form.
- An investigation of any complaint should be completed within a reasonable timeframe.

- The investigation will also be confidential to the extent possible.
- Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment.
- It is illegal for employees who participate in any investigation to be retaliated against.

# Expect

- Confidentiality to greatest degree possible
  - Timely investigation
  - Appropriate corrective action
  - No retaliation
- 
- SH policy

## Filing a complaint

- District office - Title IX coordinator
- Katie Smith 716-807-3514
- Scott Mueller 716-807-3712
- Complaint form

# New York State Division of Human Rights (DHR)

- New York State Division of Human Rights (DHR)
- A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.
- Complaints may be filed with DHR any time within one year of the alleged discrimination. You do not need to have an attorney to file.
- If an individual did not file at DHR, they can sue directly in state court under the Human Rights Law, within three years of the alleged discrimination.
- An individual may not file with DHR if they have already filed a Human Rights Law complaint in state court.

# United States Equal Employment Opportunity Commission (EEOC)

- An individual can file a complaint with the EEOC anytime within 300 days from the alleged discrimination. You do not need to have an attorney to file.
- A complaint must be filed with the EEOC before you can file in federal court.
- For more information, visit: [www.eeoc.gov](http://www.eeoc.gov).
- NOTE: If an individual files an administrative complaint with DHR, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

# What Should I Do If I Witness Sexual Harassment?

- It can be uncomfortable and scary, but it is important to tell coworkers "that's not okay" when you are uncomfortable about harassment happening in front of you.
- It is unlawful for an employer to retaliate against you for reporting suspected sexual harassment or assisting in any investigation.
- Anyone who witnesses or becomes aware of potential instances of sexual harassment should report it to a supervisor, manager or designee.

# Supervisors

- Supervisors should maintain a respectful workplace and not permit inappropriate behavior to go unchecked
- Supervisors should be models of good behavior and not participate in any harassing behaviors

# See harassing behavior student to student

- Address It – React !!!!
- Support the victim
- Discipline the harasser
- Report harassment

# What **NOT** to do

- Don't ignore it. Don't think students can work it out without adult help.
- Don't force other students to say publicly what they saw.
- Don't question the students involved in front of other students.
- Don't talk to the students involved together.

# RETALIATION IS UNLAWFUL

- It is unlawful for any employer, or any agent or employee of the employer, to retaliate against an employee who has complained of sexual harassment.
- The Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has
- filed a formal written complaint of sexual harassment, either internally with management or human resources, or with any anti-discrimination agency,
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law,
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment,
- complained that another employee has been sexually harassed, or
- encouraged a fellow employee to report harassment.

# Intimidation

- Intimidating—directly or indirectly—students to prevent sexual harassment complaints will not be tolerated under any circumstances and will result in discipline.

# MUST TAKE ACTION

- If harassment has occurred, a school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and prevent its recurrence. These duties are a school's responsibility even if the misconduct also is covered by an anti-bullying policy and regardless of whether the student makes a complaint, asks the school to take action, or identifies the harassment as a form of discrimination

# Know Your Rights: Sexual Harassment and Sexual Assault under Title IX



# CLIMATE OF RESPECT

All staff must prevent harassment

All staff must take action

- report

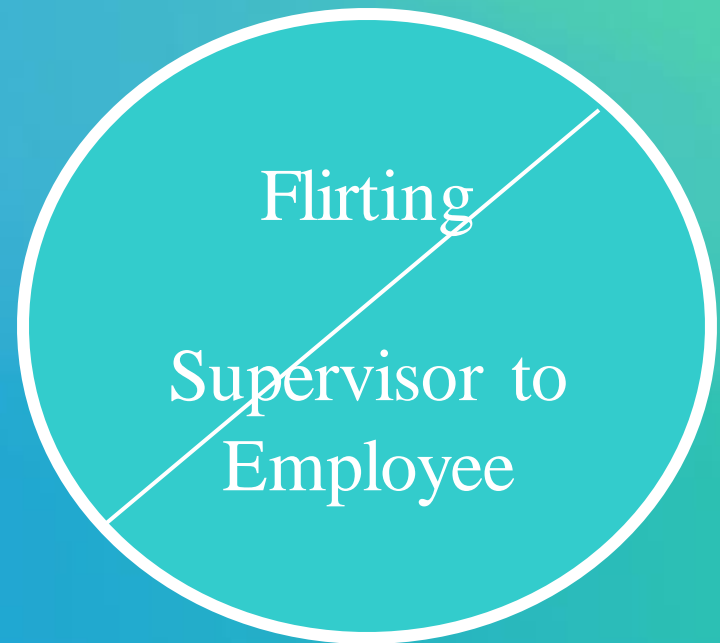
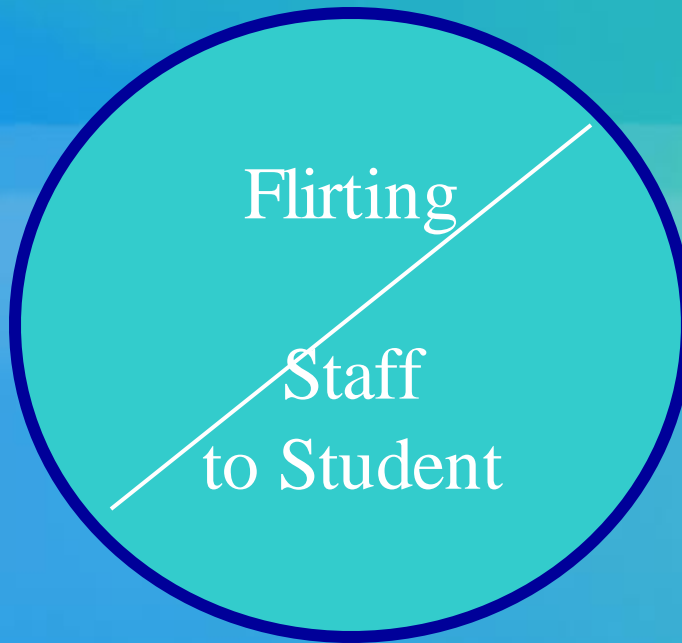
- cooperate

- confidential

- supervisors take this seriously

# FRATERNIZATION

- Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.
- Staff Student Relations-



# WHERE IS THE LINE ?

- **CONNECTING**
- **CROSSING  
BOUNDARIES**

# Dating Behaviors

- ◆ Inappropriate suggestive comments
- ◆ Inappropriate display of affection
- ◆ Inappropriate personal gifts
- ◆ Inappropriate touching
- ◆ Inappropriate communication – comments cell phone, e-mail, facebook, instagram, snap chat

# GROOMING

❖ SELECTION

❖ TESTING (HOSTILE ENVIRONMENT SEXUAL HARASSMENT)

❖ SEXUAL CONTACT /EXPLOITATION

# BOUNDARY CROSSING

- Friend, confidant, surrogate parent
- Savior, needy vulnerable student, needy staff
- Predator

# Slippery Slope

- Do not confuse professional caring with social relationships
- “ Whose need is being met ?”
- Recognize the signs of boundary crossing behavior
- Be vigilant

# Child Abuse in an Educational Setting:

Education Law Article 23-B

Abuse by employee or volunteer in an educational setting



✓ Student willingly participates

✓ Violation

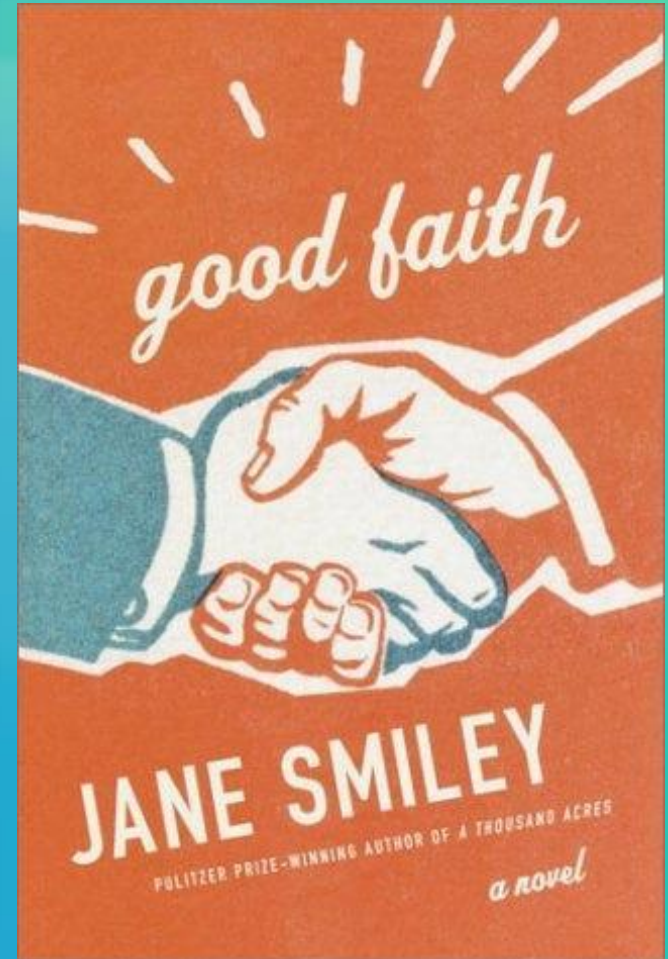
# If the alleged abuser is an employee or volunteer of another school district

- The report should be completed and forwarded to the superintendent of schools of the district where the child attends, and the district where the abuse allegedly occurred.



# Protection from Liability

- Persons who file a report and act in good faith pursuant to the mandates of Education Law Article 23-B are immune from civil and criminal liability.



# Breach of Fraternization Policy

- REPORT, REPORT, REPORT!!!

# You Must React/Report

■ What hurts victims the most is not the cruelty of the oppressor, but the silence of the bystander.-

■ Elie Wiesel

\*\*\*\*\*

New Title IX regulations require all school employees to report harassment .

# What is New York State's Child Victims Act?



# Child Victims Act

- It does three main things:
- Extend New York's statute of limitations to allow for criminal charges against sexual abusers of children until their victims turn 28 for felony cases, up from the current 23.
- Allow victims to seek civil action against their abusers and institutions that enabled them until they turn 55.
- Open up a one-year, one-time-only period to allow all victims to seek civil action, regardless of how long ago the abuse occurred.( Aug. 14<sup>th</sup>) DONE!!!!
- 9,000 NY CASES, 1,000 WNY CASES, 139 SCHOOL EMPLOYEE

# Dignity for All Students Act- DASA

# Harassment Defined

## Education Law §11

The Dignity Act defines “harassment” as:

the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being.



# INTIMIDATION, THREATS OR ABUSE

- ACTUAL OR PERCEIVED RACE

- COLOR

- AGE

- WEIGHT

- FAMILY OR MARITAL STATUS

- NATIONAL ORIGIN

- ETHNIC GROUP

- RELIGION, RELIGIOUS PRACTICE

- PHYSICAL OR MENTAL DISABILITY

- SEXUAL ORIENTATION

- GENDER

- DOMESTIC VIOLENCE VICTIM

- GENETIC INFO

- MILITARY STATUS



- **Banning ethnic hairstyles  
'upholds this notion of white  
supremacy.' States pass laws to  
stop natural hair discrimination**

- Using racially derogatory phrases, words or epithets
- Demonstrations of a racial or ethnic nature such as the use of gestures, pictures or drawing which would offend a particular racial or ethnic group.

# **Possible Effects of Student-on-Student Harassment and Bullying?**

- **Lowered academic achievement and aspirations**
- **Increased anxiety**
- **Loss of self-esteem and confidence**
- **Depression and post-traumatic stress**
- **General deterioration in physical health**
- **Self-harm and suicidal thinking**
- **Feelings of alienation in the school environment, such as**
- **fear of other children**

# empathy

[empəTHē] *noun*

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the capacity to understand or feel what another person is experiencing from within their frame of reference, that is, the capacity to place oneself in another's person's shoes

**Tackle Unconscious Bias & Increase Your Empathy**  
the live online class

# Discipline for Cyberbullying?

- Can the school punish for off-campus misconduct?
- Yes, if the off-campus conduct “adversely affects the educative process or endangers the health, safety or morals of students.”
- This is the Commissioner’s standard







Follow

## Utah teacher caught making controversial statements in class 'no longer an employee'

BY DANIEL WOODRUFF, KUTV  
AUGUST 21, 2021

LEHI, Utah (KUTV) — A teacher at Lehi High School in Utah was caught on video making statements in class about masks and vaccines, politics, and former President Donald Trump and is now no longer an employee of the school district.

"Alpine School District has concluded our investigation of the



**Dance like  
no one is  
watching  
Text and email  
like it will be  
read in court  
some day**

# RECOMMENDED POLICY FOR ALL SOCIAL MEDIA SITES

- If it is something that an employee would not say at a conference or to the administration, it should not be posted. In addition, employees must not "friend" or accept as a "friend" on Facebook or engage in similar connections on other social media sites with any current student of the School District, with the exception of their own children or an immediate family member's children.

*CONFIDENTIALITY*

# **Legal Basis**

## **FERPA**

**Family Educational  
Rights & Privacy Act**

**You may disclose information to other school officials who have a legitimate educational interest...or to parents of the dependent student...or in connection with a health or safety emergency to appropriate officials.**



**You also have an obligation to report information if you feel a student is in danger or a student is a danger to others. You understand that you are mandated reporters of suspected child abuse. We strongly encourage you to report to your director or building principal concerns involving a student who may be a danger to him/herself or others.**





**Sharing privileged information with  
school officials.**

**vs.**

**Gossip**



# SAMPLE APPROPRIATE REMEDIAL ACTION

## Employee

- ◆ Verbal warning
- ◆ Written letter of admonition
- ◆ Counseling/ Training
- ◆ Probation
- ◆ Suspension with pay
- ◆ Suspension without pay
- ◆ Termination

## Student

- ◆ Verbal warning
- ◆ Parent conference
- ◆ Counseling
- ◆ Detention
- ◆ Suspension
- ◆ Exclusion

# Never Acceptable

- Rude
- Sarcastic
- Flirt
- Physical contact- ( appropriate vs. inappropriate)
- Ignore disrespectful, harassing or boundary crossing behavior

# Importance of a Leader

- The culture is formed by the worst behavior the ADULT is willing to ignore.

# *Always Assume You Are On Camera*



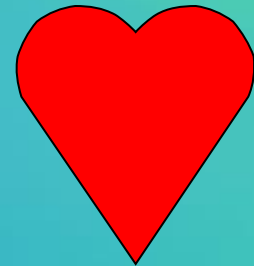


**You seriously  
have no idea what  
people are dealing with  
in their personal life.  
So just be nice, it's  
that simple.**

WHAT IS THE STANDARD?

# *School Employees*

- Trust
- Higher Standard
- Children



# Safe, Respectful School Culture

- SEXUAL HARASSMENT/ NYS LAW/TITLE IX
- CONNECTING VS. BOUNDARY CROSSING
- DIGNITY FOR ALL STUDENTS ACT/HARASSMENT
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- FERPA
- YOUR RIGHTS, ROLE and RESPONSIBILITY IN  
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- Q&A

Emotions are strong  
Sensitivity is high

We must be at our professional  
best to work with our fellow  
staff members to  
serve our students

# CULTURE

## SET THE BAR HIGH

- ADULTS MODEL APPROPRIATE BEHAVIOR
- ADULTS REACT QUICKLY TO HARASSMENT ,DISCRIMINATION, BULLYING, ABUSE, & BOUNDARY CROSSING BEHAVIOR

PROFESSIONAL, RESPECTFUL , KIND

- YOU CREATE THE CULTURE

Wishing you a SAFE,HEALTHY  
and SUCCESSFUL SCHOOL  
YEAR!!!

