CYPRESS FAIRBANKS INDEPENDENT SCHOOL DISTRICT
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CFISD EMPLOYEE TITLE IX TRAINING

CFISD Employee Title IX Course

Introduction

Introduction

Sexual harassment between students, teachers, or students and teachers is illegal and prohibited by law and board policy. To learn how to protect yourself and others from sexual harassment, read the following information.

Regardless of a student's age, Texas Penal Code, Section 21.12 (Improper Relationship Between Educator and Student) makes it a second degree felony for:

(1) Any employee of a public school district to engage in sexual contact or intercourse with a student enrolled in public or private school where the employee works.

(2) Any employee who holds a position requiring certification to engage in sexual conduct or intercourse with an individual the employee knows is a student at any private or public primary or secondary school.

(3) Any employee to engage in soliciting a minor online that involves (1) a student enrolled in a school where the employee works, regardless of the employee's knowledge that the person is a student; (2) a student enrolled at a public or private school, other than a school at which the employee works, if the employee knows that person is a student.

Content

Content 1: Continue

Jump 1: Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

What Constitutes Sexual Harassment?

Board policy **for students** states that:

Students shall not engage in unwelcomed sexual advances; requests for sexual favors; or sexually-motivated physical, verbal or nonverbal conduct toward another student or a district employee.

Policy Examples:

- Sexual advances
- Touching intimate body parts
- Coercing or forcing a sexual act
- Discussion or conversation of a sexual nature
- Sexually-motivated conduct, communication, or contact

Board policy **for employees** states that:

- Employees shall not engage in unwelcomed sexual advances; requests for sexual favors; sexually-motivated physical, verbal or nonverbal conduct or other conduct or communication of sexual nature with students or other employees.
- Employees who believe they have been sexually harassed by other employees shall make reports as required by Board Policy DIA (Local).

Content

Content 1: Continue

Jump 1: Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

What Constitutes Sexual Harassment?

Title IX is a federal law which protects students from discrimination on the basis of sex in educational institutions, such discrimination includes sexual harassment.

Title IX defines sexual harassment as one or more of the following categories:

- Quid Pro Quo - a school employee conditioning education benefits on participation in unwelcome sexual conduct
- Hostile Environment - Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity
- Sexual assault, dating violence, domestic violence, or stalking

  -Sexual assault - An offense classified as a forcible or nonforcible sex offense

  Ex. rape, sodomy, and sexual assault with an object, fondling, statutory rape, and incest

- Dating violence - violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim
- Domestic violence - violent or aggressive behavior within the home, typically involving the violent abuse of a spouse or partner
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress

Content

Content 1: Continue

Jump 1: Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Sexual Harassment of Students

Sexual Harassment of Students

The following links are the district's policies regarding student welfare and freedom from discrimination, harassment, and retaliation. You can review each of these policies now by clicking on the "globe" links below.

STUDENT WELFARE- FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION - POLICY: FFH (LOCAL)

STUDENT WELFARE- FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION - POLICY: FFH (LEGAL)

Title IX protects students and employees from unlawful sexual harassment in all of a school's education programs or activities. Examples of this may include unlawful harassment involving students or employees which occurs at school facilities, on a school bus, or at a class or activity sponsored by the school at another location. Title IX protects both males and females from sexual harassment, regardless of the gender of the harasser.

Content

Content 1: Continue

Jump 1: Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Question 1

Think about it...

True or False.

Title IX protects students and employees from unlawful sexual harassment in all of a school's education programs or activities. Examples of this may include unlawful harassment involving students or employees which occurs at school facilities, on a school bus, or at a class or activity sponsored by the school at another location.

True/false

Question 1

Answer 1:	True
Response 1	That is correct! Title IX protects students and employees from unlawful sexual harassment in all of a school's education programs or activities. Examples of this may include unlawful harassment involving students or employees which occurs at school facilities, on a school bus, or at a class or activity sponsored by the school at another location.
Score	1
Jump	Next page
Answer 2 :	False
Response 2	That is incorrect! Title IX protects students and employees from unlawful sexual harassment in all of a school's education programs or activities. Examples of this may include unlawful harassment involving students or employees which occurs at school facilities, on a school bus, or at a class or activity sponsored by the school at another location.
Score	0
Jump	Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Sexual Harassment of Students by School Employees

Sexual harassment of students by school employees may be of a **quid pro quo** nature:

§ A school employee may cause a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity.

§ An employee may cause a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct.

An example: A teacher threatens to fail a student unless the student agrees to date the teacher.

Content

Content 1:	Continue
Jump 1:	Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Sexual Harassment of Students by School Employees (Continued)

Sexual Harassment of Students by School Employees (Continued)

It is NEVER appropriate to solicit or engage in a romantic or sexual relationship with a student.

§ Board policy prohibits romantic or other inappropriate social relationships between students and District employees. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.

§ Furthermore, Texas Law makes it a crime for a school employee to engage in a sexual relationship with a student enrolled at their campus, regardless of age, and also makes it a crime for a certified employee to engage in such a relationship with any individual the employee knows is a student at any primary or secondary school, regardless of the student's age.

You can lose your certification and your career! Even if it's an adult student or a student on another campus!

Sexual harassment of students by school employees may create a **hostile environment:**

§ Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity.

§ A hostile environment can be created by a school employee or someone visiting the school, such as an employee from another school or from an outside contractor.

The school district may be held liable if an employee has knowledge of sexual harassment and the employee fails to report it. ALL employees of an elementary or secondary school must report instances of sexual harassment or allegations of sexual harassment to their Title IX Coordinator.

A school district with actual knowledge of sexual harassment in an educational program or activity of the district against a person in the United States must respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, which means in a way that is not clearly unreasonable in light of the known circumstances.

Content

Content 1: Continue

Jump 1: Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Question 2

Think about it...

The law allows for a sexual relationship between a teacher and a student so long as the student is 18 years old and both agree to the relationship.

True/false

Answer 1: False

Question 2

Response 1	That is correct! Texas penal code 21.12 makes it a second degree felony for any school employee to engage in a sexual relationship with a student at the employees' school, regardless of the age of the student or consent to the relationship. Further, it is illegal for a certified teacher to engage in a relationship with any student that the teacher knows is enrolled in elementary or secondary school. It is never acceptable for a teacher to engage in any type of romantic relationship with a student.
Score	1
Jump	Next page
Answer 2 :	True
Response 2	That is incorrect! Texas penal code 21.12 makes it a second degree felony for any school employee to engage in a sexual relationship with a student at the employees' school, regardless of the age of the student or consent to the relationship. Further, it is illegal for a certified teacher to engage in a relationship with any student that the teacher knows is enrolled in elementary or secondary school. It is never acceptable for a teacher to engage in any type of romantic relationship with a student.
Score	0
Jump	Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Sexual Harassment of Students by Other Students

Sexual Harassment of Students by Other Students

The following are links to the district's policies and exhibits regarding harassment and abuse of students. Please review each of the policies now.

Student Welfare: Freedom from Harassment FFH (Legal)

Student Welfare: Freedom from Harassment FFH (Local)

Student Welfare: Child Abuse and Neglect FFG (Legal)

Student Welfare: Child Abuse and Neglect FFG (Exhibit)

Content

Content 1: Continue

Jump 1: Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Sexual Harassment of Students by Other Students (Continued)

Sexual Harassment of Students by Other Students (Continued)

The school district may be liable for sexual harassment of a student by another student if certain criteria are met.

First, a student must either be subjected to conduct: 1.) on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the school's education program or activity; or 2.) that meets the definition of sexual assault, dating violence, domestic violence, or stalking while participating in school educational program or activity.

Next, either a school employee who has knowledge of the sexual harassment fails to report it or the school district fails to act in a prompt manner that is not deliberately indifferent upon learning of the sexual harassment.

While all student misconduct should be addressed appropriately, hostile environment sexual harassment does not include simple acts of teasing and name-calling among our students, even when the conduct targets differences in gender. The conduct must be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity.

Content

Content 1: Continue

Jump 1: Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Sexual Harassment of Students by Other Students (Continued)

Regardless of which type of harassment occurs, a school must take immediate and appropriate steps to stop it and prevent it from happening again. The judgment and common sense of teachers and administrators are important elements of any response. However, the school is responsible for taking all reasonable steps to ensure a safe learning environment. The school district can be held liable unless reasonable steps are taken to prevent harassment.

The 2011 American Association of University Women (AAUW) study "Crossing the Line: Sexual Harassment at School" reports the following:

- 83% of all girls and 79% of boys reported having been harassed at school.
- 76% of students have experienced non-physical harassment while 58% have experienced physical harassment.
- Girls are more likely to report being negatively affected by sexual harassment.

To read the full study, click this website icon.

Content

Content 1: Continue

Sexual Harassment of Students by Other Students (Continued)

Jump 1: Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Question 3

Think about it...

True or False. Schools may not be held liable for student-to-student sexual harassment if they took reasonable measures to prevent the harassment.

True/false

Answer 1: True

Response 1 That is correct!

Schools may not be held liable for student-to-student sexual harassment if they took reasonable measures to prevent the harassment.

Score 1

Jump Next page

Answer 2 : False

Response 2 That is incorrect!

Schools may not be held liable for student-to-student sexual harassment if they took reasonable measures to prevent the harassment.

Score 0

Jump Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Sexual Harassment of Employees

Title IX protects any person from sex discrimination in education institutions receiving federal funding. This protection extends to students and employees.

A school district may be held liable where an employee knows of sexual harassment of an employee by a student, other employee or third party, and fails to report.

A school district with actual knowledge of sexual harassment in an educational program or activity of the district against a person in the United States must respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, irrespective of whether the complainant and respondent is a student or employee.

"It started out as simple fun--emailing off-color jokes to a group of friends, joking with each other in the teacher's lounge, meeting with a group of friends after work for down time. Then he started making sexual comments about others to me, started mentioning when his wife would be out of town, getting a little too close. I enjoy our friendship, but am starting to get uncomfortable. He's my team leader, though, so I don't want to jeopardize my job. I love my job. I don't know what to do..."

Title VII of the Civil Rights Act of 1964 protects employees from discrimination on the basis of race, color, religion, sex and national origin. Sexual harassment in the workplace is a form of sex discrimination that violates Title VII.

Sexual harassment may take the form of quid pro quo harassment or hostile environment harassment.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

The following links are the district's policies regarding Employee Welfare and freedom from discrimination, harassment and retaliation. You can review each of these policies now by clicking on the "globe" links below.

EMPLOYEE WELFARE - FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION - POLICY: DIA (LOCAL)

EMPLOYEE WELFARE- FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION - POLICY: DIA (LEGAL)

Content

Content 1: Continue

Jump 1: Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Question 4

Question 4

Think about it...

Who does Title VII of the Civil Rights Act of 1964 protect?

Multichoice	
Answer 1:	employees
Response 1	That is correct! Title VII of the Civil Rights Act of 1964 protects employees as it prohibits discrimination in employment on the basis of race, sex, national origin and religion.
Score	1
Jump	Next page
Answer 2 :	students
Response 2	That is incorrect! Title VII of the Civil Rights Act of 1964 protects employees as it prohibits discrimination in employment on the basis of race, sex, national origin and religion.
Score	0
Jump	Next page
Answer 3 :	employees and students
Response 3	That is incorrect! Title VII of the Civil Rights Act of 1964 protects employees as it prohibits discrimination in employment on the basis of race, sex, national origin and religion.
Score	0
Jump	Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Sexual Harassment in the Workplace

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim, as well as the harasser, may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- Sexual harassment can occur even though the victim submits to the advances.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

Content

Content 1: Continue

Jump 1: Next page

Sexual Harassment In the Workplace

Examples of potential sexual harassment received in person or via e-mail, telephone text message and/or social networking sites:

- Using unwelcome and offensive names or terms such as hot, hunk, honey, sweetie, babe
- Catcalling
- Asking personal questions about sex life
- Making sexual comments about a person's clothing, body, or looks
- Telling lies or spreading rumors about a person's sex life
- Turning a reply into a sexual comment or innuendo
- Turning work discussions to sexual topics
- Asking about sexual fantasies, preferences, or history
- Making suggestive sounds
- Telling jokes of a sexual nature

The school district may be liable if a supervisor with authority to take corrective action failed to take immediate and appropriate action reasonably calculated to end the harassment.

Content

Content 1: Continue

Jump 1: Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Reporting Title IX Sexual Harassment

Reporting Title IX Sexual Harassment

An employee should report information regarding allegations of sex-based discrimination, including sexual harassment, of any student or employee to the campus or district Title IX Coordinator.

The campus Title IX Coordinators for the **elementary schools** are the assistant principals, for **middle schools** are the directors of instruction and for **high schools** are the associate principals. The district Title IX Coordinator is listed below.

Any person may report sex discrimination, including sexual harassment, whether or not they are the victim of such conduct, in person, by mail, by telephone, or by email to the district Title IX Coordinator using the contact information listed below:

NAME:	Deborah Stewart
POSITION:	Associate Superintendent, Human Resources and Student Services
ADDRESS:	10300 Jones Road, Suite 308, Houston, TX 77065-4208
TELEPHONE:	281-897-4030
EMAIL:	deborah.stewart@cfisd.net

Such a report may be made at any time, including during non-business hours, by using the telephone number or email, or by mail to the office address of the district Title IX Coordinator. The district Title IX Coordinator shall provide a copy of any reports received to the appropriate campus Title IX Coordinator.

After a report of sexual harassment, the district or campus Title IX Coordinator will reach out to the complainant (alleged victim). The Title IX Coordinator will discuss the availability of supportive measures, consider the complainants wishes, explain the complainant's options and rights, and explain the process for filing a formal complaint.

If a formal complaint is not filed, the District still reserves the right to investigate and respond to prohibited conduct in accordance with Board polices and the Student Code of Conduct.

Content

Content 1: Continue

Jump 1: Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Reporting Title VII Sexual Harassment

Reporting Title VII Sexual Harassment

Any person who knows or believes that any employee, including him or herself, has been the subject of sexual harassment should immediately report the alleged acts.

The report may be to the:

- Campus principal or immediate supervisor
- Human resources office at the Instructional Support Center (ISC)
- Superintendent

Report can be oral or in writing and must include:

- Name of the alleged harasser
- Detailed description of harassing acts
- Names of any possible witnesses
- Time period of harassing acts
- Whether any tangible job action has occurred (demotion, termination, missed promotion, undesirable job assignment)

All reported sexual harassment will be investigated.

Complainants will NOT be required to confront the alleged harasser as part of the reporting or investigatory process.

Content

Content 1:	Continue
Jump 1:	Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Question 5

Think about it...

True or False.

When reporting sexual harassment, the complainant must face the harasser as part of the reporting and investigatory process.

True/false

Answer 1:	False
Response 1	That is correct! The complainant will NOT be required to confront the alleged harasser as part of the reporting or investigatory process.
Score	1
Jump	Next page

Question 5

Answer 2 :	True
Response 2	That is incorrect! The complainant will NOT be required to confront the alleged harasser as part of the reporting or investigatory process.
Score	0
Jump	Next page

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here

Contact

Have any questions about sexual harassment? Click the link to email your CFISD contact person.

Content

Content 1:	Continue
Jump 1:	End of lesson

Import questions | Add a content page | Add a cluster | Add an end of branch | Add an end of cluster | Add a question page here