



McGrath Training Solutions

McGrath Response System™

**Sexual Harassment and Misconduct,
Discrimination and Bullying**

Level 1: Awareness

McGrath Response System™

Levels 1, 2, & 3

Level 1 Spot, Intervene, Record, Report

Level 2 Fact-find, perform an “Inquiry Investigation”

Level 3 Factual disputes are formally investigated

Overview Level 1 Outcomes

- How do you recognize harassment, misconduct and bullying by using your own senses - what you see, sense, and feel?
- What do you do if it's happening around you?
- What should you do to intervene and stop it?
- Then, how do you quickly make a record and report it to someone who will follow through?





**Our community
depends on you.**

A Serious Problem

**7500 complaints to EEOC
A 14% increase in one year**

20% of students report being bullied at school

More than 50% of students report being sexually harassed at school



An estimated 10% of students will experience school employee sexual misconduct by the time they graduate from high school.

One teacher offender can have as many as 73 victims.



**Sexual harassment &
misconduct,
discrimination &
bullying
impact everyone**

The Harm Caused

EXERCISE

Impact on the Student and/or Employees

- Lowered academic achievement and work 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 or work environment
 - Absenteeism from school or work



Impact on the School

- Impact on the bystanders – culture of social anxiety
- Teacher and administration time spent on discipline matters
- Student Absenteeism = lowered funding
- Employee Absenteeism = quality reduction
- Students transferring to a different school = lowered funding
- School and district reputation



The High Cost of Litigation

- Damage settlements (monetary)
- Legal fees
- Administrator time
- Administrator stress
- Possible individual liability



Los Angeles Unified School District, paid \$5 million to settle a lawsuit on behalf of a 13-year-old student who was sexually abused by her 30-year-old math teacher, Elkis Hermida.

*The Anchorage School District and its insurance company paid **\$4.5 million** to settle a lawsuit filed by the family of a middle-school student who, after being subjected to repeated bullying at school, attempted suicide and suffered extensive, irreversible brain damage.*



Your Responsibility

Schools districts have a **legal and moral** responsibility to protect their students and employees and provide effective and safe learning and work environments.



Key Terms

What is Discrimination?

Treating someone differently.

Denying access to programs or services.



Bias vs Prejudice vs Discrimination

BIAS

a tendency, inclination, or outlook: a subjective point of view.

PREJUDICE

a negative bias or disliking of people because they belong to a particular (ethnic/racial/other) group one dislikes.

DISCRIMINATION

an unfair and unequal action fueled by prejudice and targeting a member of a protected class

*Educators and students have a right to their biases and prejudices, but they **may not** act on them in a way that affects students or other employees*



What is Discriminatory Harassment?

Unwelcome behaviors that offend, ridicule, or demean another individual based on their belonging to a 'protected class'

- race
- national origin
- marital status
- sex
- sexual orientation
- gender identity
- religion
- ancestry
- physical attributes
- socioeconomic status
- familial status
- physical or mental ability
- disability



What is Bullying?

A pattern or behavior or a single serious incident when a person uses power in an intentional manner, including verbal, physical, written or electronic communication against one or more students or employees.



When Does Bullying Become Harassment?

When bullying is targeted against someone **BECAUSE** they belong to a 'protected class,' it violates their civil rights under state and federal laws prohibiting discrimination.



Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, or other verbal/visual/physical conduct of a sexual nature

Definition continually evolves through:

- Legislation
- Court cases
- Policies & regulations drafted by state and federal agencies that deal with the problem



What's the difference?

Sex Discrimination

occurs when people are treated differently because of their gender.

Sexual Harassment is a form of unlawful discrimination based on sex.

Sex discrimination might not be sexual in nature;

Sexual harassment is *always* of a sexual nature, but behaviors are NOT necessarily overtly sexual



Sexual Abuse

Sexual activities (physical and non-physical) with a child that are considered crimes, e.g.:

- Touching a child's genitals
- Insertion of objects or body parts
- Photos/videos of child in sexual poses
- Exposing a child to pornography



Sexual Misconduct

A broader term encompassing sexual abuse (criminal) as well as other misconduct (contact or noncontact, as well as ethical violations)



Boundary Crossing

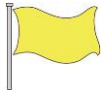
- Overly personal comments
- Asking about their personal life
- Deliberately brushing up against someone
- Insisting on becoming a confidant or counselor

Grooming can include giving gifts, personal compliments, and/or flattering behavior directed toward the victim.

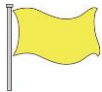


Yellow Flags:

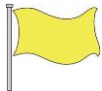
Behaviors That Could Get You In Trouble



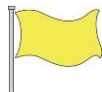
Offering to mentor an employee or student but insisting that the meeting take place in an isolated location after hours.



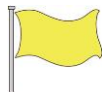
Singling someone out for attention or favors on a regular basis.



Frequent effusive compliments directed toward a particular person.



Mixing business meetings or student tutoring with extended conversation about individual interests or issues.



Teasing in a way that references gender or contains sexual innuendo.



Red Flags:

Behaviors That Are Over The Line



is frequently seen touching or leaning over a particular coworker or student; the coworker or student looks or feels uncomfortable.



is observed blocking a person's free passage to a hallway, doorway, desk, stairway, etc.



makes comments about another employee's or student's body or physical attributes to other employees or students.



occupies a locked office with an employee or a teacher with a student.



sends cards or texts to a subordinate or writes yearbook notes and/or texts to a student that seem inappropriate or sexual in nature.



Warning Signs

- Sleeping problems
- Extreme fear - “monsters,” certain people/places
- Spacing out at odd times
- Loss of appetite, trouble eating or swallowing, stomach illness
- Sudden mood swings: rage, fear, anger, or withdrawal
- An older child behaving like a younger child
- Sexual activities with toys or other children
- New words for private body parts
- Refusing to talk about a "secret"
- Talking about a new older friend
- Suddenly having money
- Cutting or burning herself or himself as an adolescent



Hostile Environment – Civil Rights Violation

When the impact of harassment limits an employee or student's ability to participate in, or benefit from, the school's services, activities, or opportunities



It's not conflict, It's abuse.



Exercise: Conflict vs. Abuse in bullying

T-Graph of your ideas

<i>Conflict</i>	<i>Abuse</i>



Distinguishing the Difference

Flirting

Welcome attention

Two-sided

Respectful

Fun

Makes you feel good

Feel in control

It is okay to do

Hurting

Unwanted or unwelcome

One-sided

Disrespectful

Threatening, uncomfortable

Makes you feel embarrassed,
humiliated or powerless

Grounds for discipline, expulsion
or termination

*“It’s not always easy to tell if a behavior is flirting or hurting.
But in the end, it all comes down to how it makes you feel.”*



School districts have a **duty of care** for both their students and their employees.

Up Next!

How to Respond

