

Logon to SLRMA.org today!
Download the complete
checklist and put it to use at
your school district.

*School District to Pay Judgment
in Harassment Case – Ex-Vice
Principal Awarded Nearly
\$673,000*

*Williams v. Seattle Public Schools,
2010 WL 428012 (Wash. App. Div 1)*

*2,570 educators had
credentials sanctioned
or denied over sexual
misconduct from 2001-2005*

*Associated Press
October 2007*



How Does Your School District Define Sexual Harassment? SLRMA Tools Can Help

The new **Avoiding Sexual Harassment and Retaliation Claims Self-Audit Checklist** provides school district employers with the necessary guidance to determine how well they understand hostile work environment sexual harassment and how to assess potential exposure to such claims. School districts must ensure that an established Equal Employment Opportunity policy addresses sexual harassment and, specifically, hostile work environment sexual harassment. On the following pages SLRMA has provided a sample of the new self-audit checklist. Your school district will benefit from this comprehensive tool.

How Effective is Your School's Sexual Harassment Policy?

School districts must understand the specific types of conduct that can constitute hostile environment sexual harassment.

1) Are you aware, and have you communicated to employees, that:

if severe/pervasive, the following verbal conduct can be considered harassment:

- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | using "hunk," "doll," "babe" or other similar labels; |
| <input type="checkbox"/> | <input type="checkbox"/> | referring to sexuality (e.g., "bats for both teams"); |



continued from the previous page

- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | discussing sexual topics; |
| <input type="checkbox"/> | <input type="checkbox"/> | asking about one's sexual life and/or fantasies; |
| <input type="checkbox"/> | <input type="checkbox"/> | making sexual comments about one's appearance or clothes; |
| <input type="checkbox"/> | <input type="checkbox"/> | spreading rumors about one's sex life; |
| <input type="checkbox"/> | <input type="checkbox"/> | jokes or humorous comments of a sexual nature; |
| <input type="checkbox"/> | <input type="checkbox"/> | certain compliments depending on context and tone; (e.g., "Going to the gym is really working for you." "You look great in that skirt."); |
| <input type="checkbox"/> | <input type="checkbox"/> | generalizations such as "most X are good at sports;" or |
| <input type="checkbox"/> | <input type="checkbox"/> | profanity. |

if severe/pervasive, the following non-verbal conduct can be considered harassment:

- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | prolonged stares; |
| <input type="checkbox"/> | <input type="checkbox"/> | blocking an employee's path; |
| <input type="checkbox"/> | <input type="checkbox"/> | sexual comments/images in the work place, including on coffee mugs, shirts, screen savers, calendars, etc.; |
| <input type="checkbox"/> | <input type="checkbox"/> | sexual gestures; |
| <input type="checkbox"/> | <input type="checkbox"/> | giving letters or gifts of a sexual nature; and |
| <input type="checkbox"/> | <input type="checkbox"/> | invading another person's personal space. |

if severe/pervasive, the following physical conduct can be considered harassment:

- | Yes | No | |
|--------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | neck/shoulder massage; |
| <input type="checkbox"/> | <input type="checkbox"/> | touching hair, clothing, or body; |
| <input type="checkbox"/> | <input type="checkbox"/> | hugging, kissing, patting, rubbing; |
| <input type="checkbox"/> | <input type="checkbox"/> | pushing against another person; |
| <input type="checkbox"/> | <input type="checkbox"/> | exposing oneself; and close talking. |

Tip: Hugging and telling jokes are examples of conduct that some individuals may not consider harassment, or that some individuals may consent to as between themselves. However, such conduct nevertheless may constitute unlawful harassment in other contexts, for

example, if the conduct is considered offensive to a third person who is observing or overhearing that conduct. In addition, such conduct may provide a basis for a claim of discriminatory favoritism if, for example, another employee who has not engaged in such conduct with a supervisor is passed over for a promotion. Therefore, it is wise to avoid engaging in any of the types of conduct listed above in the workplace.

2) Are you aware, and have you communicated to employees, that:

the following conduct is probably not harassment:

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | shaking hands; |
| <input type="checkbox"/> | <input type="checkbox"/> | high fives; |
| <input type="checkbox"/> | <input type="checkbox"/> | certain compliments depending on context tone (e.g., "I like your tie.") |

Tip: Compliments are tricky. Certain compliments will not be considered harassment if given in certain contexts and between certain people; however, the same compliment, said in a different context, to a different person, or with a different tone, may be considered harassment.

School districts should understand that employees' conduct in certain situations is particularly vulnerable to claims of discrimination.

3) Are you aware, and have you communicated to employees, that email is the school district's property and cannot be used for harassment or for distribution of offensive materials?

- | Yes | No |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |

4) Are you aware that the school district is liable for harassing conduct that occurs at school district-sponsored social events outside of the regular workday or off the school's physical premises?

- | Yes | No |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |

This is a small sample of the comprehensive self-audit. Logon to SLRMA.org and download the checklist in its entirety to use at your school district.



Newsroom Updates

Avoiding Sexual Harassment and Retaliation Claims Self-Audit Checklist

Minimize risks to your school district

Don't forget... the valuable Self-Audit Checklists available to your district at SLRMA.org.



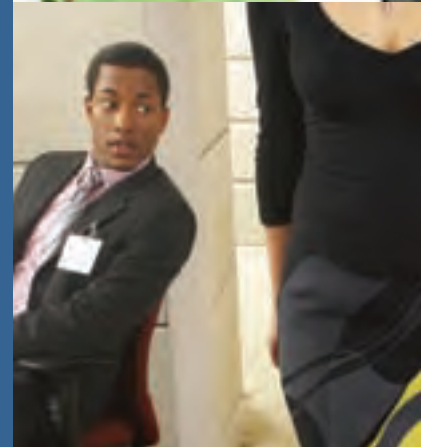
The U.S. Department of Education Makes Significant Changes to Civil Rights Data Collection

Take a look at the SLRMA Newsroom for a memorandum from Hogan & Hartson, LLP (Washington, D.C.) on the U.S Department of Education's (the "Department") Office for Civil Rights ("OCR") announced changes to the Civil Rights Data Collection ("CRDC"), a biennial survey that collects data from school districts nationwide. The changes are effective immediately. Most notably, school districts will have to provide new categories of data, designed to measure whether their students are receiving equal education opportunities. OCR and other offices within the Department will use this data to inform both their policy making and their enforcement of federal civil rights laws.



Update – COBRA Subsidy Extension through May 31, 2010

New legislation extends the COBRA Premium Assistance Program again for eligible individuals! On April 15, 2010, President Obama signed into law the Continuing Extension Act of 2010 (the "Continuing Extension Act"). The Continuing Extension Act extends the 15-month COBRA premium subsidy program for eligible individuals who were involuntarily terminated from employment through May 31, 2010.



Coming in Q3 2010

We will debut our new website design with added features and a fresh new look to enhance your browsing experience.



Don't forget, as a SLRMA member, SLRMA.org is there to assist your school district to minimize and prevent unwanted and unwarranted school board legal liability lawsuits. The special reports, containing useful self-audit checklists and guides along with the case summaries and memos on updates in federal legislation can help your school district manage its risks.

Logon to slrma.org and benefit from the variety of valuable reports, memos and tools.

Stay ahead of the curve.

SLRMA Board of Directors

Dr. Michael D. Johnson - Chairperson
Executive Director
Illinois Association of School Boards

Mr. Lance L. Melton – Vice Chair
Executive Director
Montana School Boards Association

Mr. John Bonaiuto - Secretary
Executive Director
Nebraska Association of School Boards

Dr. Paul Krohne - Treasurer
Executive Director
South Carolina School Boards Association

Dr. Frank E. Barham
Executive Director
Virginia School Boards Association

Ms. Kathy Hayes
Executive Director
Michigan Association of School Boards

Dr. Jeff Mills
Executive Director
Oklahoma State School Boards Association

Mr. Joseph Villani – NSBA Liaison
Deputy Executive Director
National School Boards Association

SLRMA.org

For more information or to become a member call
(312) 906-8111

Content provided by:

FLIC Federal Legislation Insurance Committee

Dr. Jerry D. Weast
Superintendent
Montgomery County Public Schools
(Rockville, MD)

John R. Kment
Superintendent
Roseville Community Schools
(Roseville, MI)

Harry M. Ward
Director, Insurance Services
Virginia School Boards Association
(Charlottesville, VA)

Andrew Holmlund
Superintendent
Ronan School District
(Ronan, MT)

Maree F. Sneed
Partner
Hogan & Hartson, LLP
(Washington, D.C.)

Quintin Shepherd
Superintendent
Amboy Community Schools
(Amboy, IL)

Cheryl L. Sandner
COO and General Counsel
Brokers' Risk Placement Service, Inc.
(Chicago, IL)

Christine Pecha
Senior Counsel
Brokers' Risk Placement Service, Inc.
(Chicago, IL)