

# SEXUAL HARASSMENT TRAINING

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# Sexual Harassment

- ❑ Unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment

# Sexual Harassment

- Unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual

# Sexual Harassment

- Unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive working environment

# Federal Laws

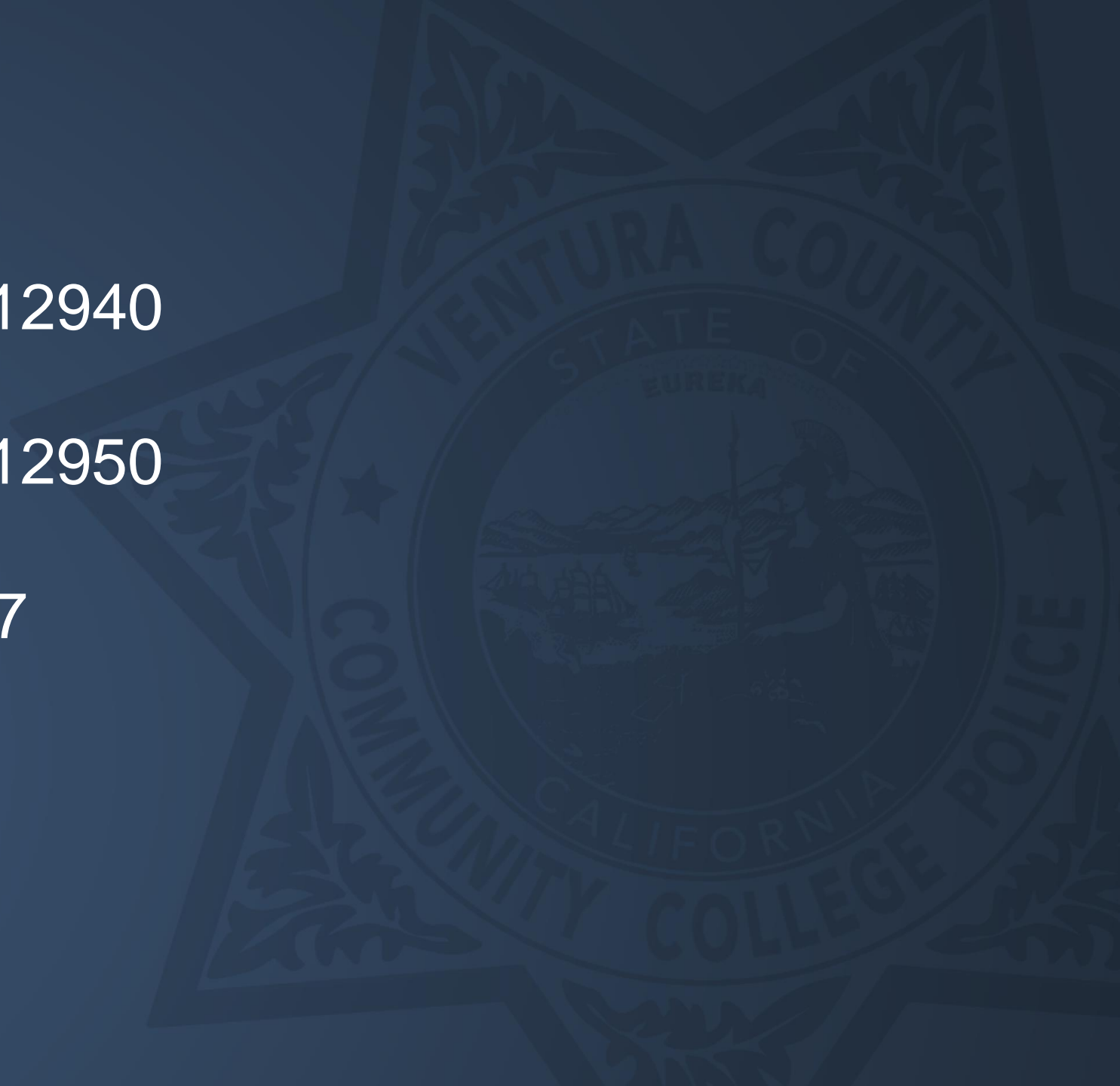
- ❑ Title VII of the 1964 Civil Rights Act
- ❑ Equal Employment Opportunity Commission (EEOC)

# State Laws

Government Code § 12940

Government Code § 12950

Penal Code § 13519.7



# Quid Pro Quo

- ❑ A form of sexual harassment in which submission to, or rejection of, sexual advances is explicitly or implicitly made a condition of employment or an employment decision



# Hostile Work Environment

- ❑ Sexually harassing conduct within the complainant's immediate work environment which may or may not be directed at the complainant which is so pervasive as to interfere with an individual's job performance



# Legal Remedies

- California Fair Employment and Housing Act (FEHA)
  - investigated by Dept. of Fair Employment & Housing (DFEH)
- Worker's Compensation Law
- Federally with EEOC

# Sexually Harassing Behaviors

Verbal

Physical

Visual

Written

Sexual Favors

Threats

Force

# Complaint Process Guidelines

□ Penal Code § 13519.7

- Requires complaint guidelines for peace officers

# Complaint Process Guidelines

- Department Policy Manual § 318.5.4 - The following are illustrative of causes for disciplinary action:
  - Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
  - Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.

# Complaint Process Guidelines

- Board Policy / Administrative Procedure 3433 – Prohibition of Sexual Harassment under Title IX
  - State and federal law and this policy prohibit sexual harassment and the district will not tolerate sexual harassment.
  - Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination.

# Complaint Process Guidelines

- Supervisor and Management Responsibilities
  - Reactive
  - Proactive

# Complaint Process Guidelines

## Penalties for Offenders

- Disciplinary action from reprimand through termination
- Civil lawsuit
- Fines by EEOC and or DFEH
- Negative impact on career, family, credibility, reputation



# Retaliation

- ❑ Government Code § 12950 protects complainants and witnesses in sexual harassment cases.
- ❑ BP/AP 3433 strictly prohibits retaliation against any individual for filing a complaint of sexual harassment or for participating in a sexual harassment investigation. Individuals who engage in Title IX retaliatory conduct are subject to disciplinary action, up to and including termination.

# Methods of Responding

- Tell the harasser to stop
- Contact a supervisor
- Report outside department (HR, DFEH, or EEOC)
- Not required to follow chain of command

# Learning Activity – Scenario #1

An officer made sexually suggestive remarks to a cadet on two occasions. On the second occasion the cadet told the officer she found his remarks offensive and asked him to stop. The officer apologized and the remarks ceased. The officer, however, continued to direct offensive suggestions and sexually explicit remarks to others in the cadet's work area.

# Learning Activity – Scenario #1

1. Are there any illegal behaviors under federal or state sexual harassment laws?
2. What are the professional, personal, and organizational impacts of incident?
3. What are the legal and administrative consequences of the behaviors?
4. Does anyone have a duty to report the situation?

## Learning Activity – Scenario #2

A male supervisor asked a female subordinate out for dinner. The female officer politely declined, saying she was tired after a series of night shifts. The supervisor suggested that he could change her work schedule to eliminate night shifts, if she would reconsider going out with him.

Did the supervisor engage in sexual harassment?

## Learning Activity – Scenario #3

A female officer offered to give a male colleague a back rub. The male officer was embarrassed by the offer and declined. The female officer ignored his refusal, approached him, and proceeded to rub his neck and shoulders.

Did the female officer engage in sexual harassment?



## Learning Activity – Scenario #4

Several officers and cadets, male and female, routinely engaged in discussing sexual exploits and commenting on the looks of female students. One cadet who worked in the same area was offended by the conversations.

Did the officers/cadets engage in sexual harassment?



## Learning Activity – Scenario #5

A cadet asked a co-worker out to dinner on two occasions. Both times the co-worker declined. The cadet began leaving notes and greeting cards for the co-worker. The co-worker asked the cadet to stop sending the notes. The cadet ignored the co-worker's request and continued to send notes.

Did the cadet engage in sexual harassment?

# Learning Activity – Scenario #6

A female cadet complained to her supervisor that an officer was making crude and vulgar remarks to her.

What should the supervisor do?

What if the cadet complained to a fellow cadet?

## Learning Activity – Scenario #7

Two officers had an intimate relationship that lasted several months. The female officer ended the relationship. The male officer continued to ask the female officer to resume the relationship, approaching her at work, calling her repeatedly at home, and leaving notes on her desk. The female officer complained to her supervisor that she was being harassed.

What should the supervisor do?