



TRAINING OUTLINE

SEXUAL HARASSMENT

Revised: May 6, 2024

CONTENT OUTLINE	NOTES	TIME
<p>I. LEARNING NEED Employees need to have an understanding of what constitutes sexual harassment, how to respond to sexual harassment in the workplace, and the legal remedies available through the sexual harassment complaint process.</p> <p>LEARNING OBJECTIVES</p> <p>A. State the legal definition of sexual harassment</p> <p>1. Unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:</p> <p>a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment</p> <p>b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual</p> <p>c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive working environment</p> <p>B. Discuss the federal and state laws dealing with sexual harassment to include:</p> <p>1. Title VII</p> <p>a. Sexual harassment in the workplace is a violation of Title VII of the federal 1964 Civil Rights Act</p> <p>b. Complaints filed under federal civil rights law are filed with the Equal Employment Opportunity Commission (EEOC)</p> <p>1) The EEOC may investigate the complaint, negotiate remedies, or make an award to the complaining party</p> <p>2) The EEOC can issue a "right to sue letter," which allows individuals to sue in federal court</p>	<p>PowerPoint Presentation</p>	<p>1.5 hours</p>



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<ul style="list-style-type: none">2. Government Code Section 12940 et. seq.<ul style="list-style-type: none">a. § 12940<ul style="list-style-type: none">1) States unlawful practices in workplace, including sexual harassment2) States employer responsibilities in taking corrective action against sexual harassmentb. § 12950<ul style="list-style-type: none">1) Mandates distribution of information on illegality of sexual harassment2) Protects against retaliation for filing complaintsc. Penal Code § 13519.7<ul style="list-style-type: none">1) Mandates development of complaint guidelines for peace officers who are victims of sexual harassment in the workplace2) Mandates training for law enforcement officers on sexual harassment in the workplace3. Concept of Quid Pro Quo<ul style="list-style-type: none">a. 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 (i.e., being required to engage in sexual conduct could be made a condition for continued employment, promotion, or special assignment)4. Concept of hostile work environment<ul style="list-style-type: none">a. 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 performance5. Current case law<ul style="list-style-type: none">a. Courts have ruled that simply being forced to work in a hostile or offensive environment can also be damaging to the employeeb. A person need not actually be fired or denied promotion to suffer economic injury		
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<p>C. Explain the legal remedies available to a victim of sexual harassment</p> <ol style="list-style-type: none"> 1. Sexual harassment in the workplace is a violation of the California Fair Employment and Housing Act (FEHA) – violations are investigated by the Department of Fair Employment and Housing (DFEH) 2. Workers can also file under California Worker's Compensation Law for claims of emotional injury arising out of sexual harassment 3. Complaints filed under federal civil rights law are filed with the Equal Employment Opportunity Commission (EEOC) <p>D. Describe behaviors that constitute sexual harassment, including:</p> <ol style="list-style-type: none"> 1. Verbal <ol style="list-style-type: none"> a. Repeated, unsolicited, derogatory comments or slurs b. Continued requests for social or sexual contact after being advised such is unwelcome (e.g., unwanted phone calls) c. Discussion of sexual exploits d. Sexually patronizing comments (e.g., “honey,” “babe,” “doll,” etc.) e. Commenting on body parts f. Telling vulgar or sexist jokes g. Making obscene or suggestive sounds or gestures h. Questioning a person’s sexual practices i. Requesting employees wear sexually suggestive or demeaning clothing j. Threats to intimidate a person, including failure or refusal to provide timely backup, a loss of assignment or job status, etc. 2. Physical <ol style="list-style-type: none"> a. Physical interference or contact which impedes normal movement when directed at an individual b. Unwelcome touching (e.g., back rubs, brushing up against an individual, hugging, patting, kissing, and grabbing body parts) c. Physically assaulting a person 3. Visual <ol style="list-style-type: none"> a. Sexually offensive or suggestive computer software, posters, cartoons, pictures, drawings, magazines, or objects 	<p>*“B-tch”</p> <p>*Ofcs/cadets talking about sex with new sig. other</p> <p>*Ofcs/cadets commenting on the looks of students</p> <p>* Sgt saying, “Hello, men. Girls.”</p> <p>* When two male officers are arguing, one makes cat call and another says, “Ladies, stop fighting.”</p>	
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<p>4. Written material</p> <ul style="list-style-type: none">a. Notes or cardsb. Love lettersc. Unwanted invitationsd. E-maile. Websitesf. Textingg. Social networks <p>5. Sexual favors</p> <p>6. Threats</p> <p>7. Hostile work environment</p> <p>8. Force</p> <p>E. Explain the mandated sexual harassment complaint process guidelines</p> <p>1. Complaint process</p> <ul style="list-style-type: none">a. <i>Penal Code Section 13519.7</i> mandates development of complaint guidelines for peace officers who are victims of sexual harassment in the workplace. The guidelines apply to peace officers who are employees of city police departments, county sheriff's departments, districts, state university police departments <p>2. Supervisor and management responsibilities</p> <ul style="list-style-type: none">a. Reactive – Listen to the complaint, provide counsel or options, document the complaint, take appropriate investigative actionsb. Proactive – Act when inappropriate behaviors occur before a complainant comes forward, ensure ongoing training of subordinates <p>3. Penalties for offenders</p> <ul style="list-style-type: none">a. Disciplinary action from verbal reprimand through terminationb. Civil suitc. Fines imposed by EEOC and/or DFEHd. Negative impact on career, family, credibility, reputation, etc.		
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<p>F. State the protections that exist to prevent retaliation against anyone submitting a sexual harassment complaint</p> <ol style="list-style-type: none">1. Employees are required to prevent and/or stop retaliation against any person making a complaint of sexual harassment.2. Government Code Section 12950 protects complainants and witnesses in sexual harassment cases <p>G. Describe the methods for responding to sexually offensive or unwanted behavior</p> <ol style="list-style-type: none">1. When appropriate, recipients of perceived sexual harassment may inform the harasser that the conduct is unwelcome, offensive, and should cease, but they are not legally required to do so2. Where the complainant is uncomfortable with a personal confrontation, he/she should contact any supervisor, manager, department head, or equivalent3. Where the complainant perceives that the department's internal environment is not conducive to making an internal complaint, he/she has the option of reporting the harassment to an entity external to the department, such as city or county (e.g., human resources office), state (DFEH), or federal (EEOC)4. Peace officers are not required to follow the chain of command in reporting sexual harassment in the workplace		
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<p>Learning Activity #1</p> <p>PURPOSE OF ACTIVITY: Students will apply the training to various scenarios.</p> <p>KEY LEARNING POINTS:</p> <p>Students will be able to evaluate situations to determine if the behavior constitutes sexual harassment or otherwise can have a negative impact on the officer, co-workers, or the organization.</p> <p>SCENARIO 1:</p> <p>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.</p> <ol style="list-style-type: none">1. Are there any illegal behaviors under federal or state sexual harassment laws?2. What are the professional, personal, and organizational impacts of the incident?3. What are the legal and administrative consequences of the behaviors?4. Does anyone have a duty to report the situation? <p>SCENARIO 2:</p> <p>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?</p> <p>SCENARIO 3:</p> <p>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?</p> <p>SCENARIO 4:</p> <p>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?</p>		.5 hour
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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?

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? (Explain the complaint process to her and advise her about her options. Also document the complaint and began an investigation of the charges.) What if the cadet complained to a fellow cadet? What should the fellow cadet do? (Report it to a supervisor.)

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? (Warn the harasser and document the warning. No further action needed if harassment stops.)