

# Sexual Harassment Prevention

Sheriff's Department Line Staff  
2021-2022

San Diego Sheriff's Department  
Human Resources Bureau

# Agenda

- Define Sexual Harassment
- Identify behaviors that constitute Sexual Harassment
- Know the resources available for victims/alleged harassers
- Review the Federal, State laws and County/Sheriff policies

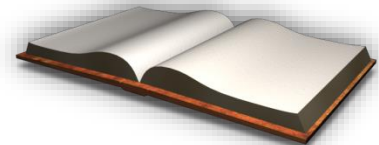


# What is Sexual Harassment?



# Federal Law Definition

- Unwelcome sexual advances,
- Requests for sexual favors, and
- Other verbal or physical conduct of a sexual nature;  
constitutes 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.



# State Law Definition

## In summary

- Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.
- This applies to an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract.



# Differences

- What are some of the major differences between the Federal Law and State Law definitions of Sexual Harassment?
  - Under the State Law, the definition of harassment is broader and does not have to be about sex or gender it includes sexual orientation, whereas the Federal Law does not.
  - under the Federal Law it is behavior that is sexual in nature which is -
    - Unwelcome
    - Personally Offensive
    - Creates an intimidating hostile or offensive work environment

# California Definition of Sexual Harassment

- AB 2053 [1] (2014) states: expands the scope of the 2004 AB 1825 sexual harassment training to include “abusive conduct.”
- “Abusive conduct” means conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute abusive conduct, unless especially severe or egregious.

# Two Major Concepts



# Quid Pro Quo

- “This for that” or “Something for something”
- When a supervisor or one in an authority position makes unwelcome sexual advances.
- Submission to these advances is an expressed or implied condition for receiving job benefits; refusal to submit results in loss of benefit



# Hostile Work Environment

- Created by a pattern of unwanted sexual behavior that is offensive, hostile or intimidating. This behavior adversely affects an employee's ability to do his or her job.

# Reasonable Person Standard

- The situation must be viewed from the perspective of a reasonable, third party
- Would a reasonable person find the behavior hostile, offensive, or intimidating?
- Perception vs Intent
- Most incidents of sexual harassment tend to be implied rather than verbalized or acted out directly.



# Harassment Awareness

- It all comes down to “POWER” not sex
  - Requesting a date
  - Excluding an employee from work activities
  - Reinforcing subservient status
  - Patronizing another employee



# Retaliation

- Definition –*to return like for like; especially : to get revenge.*
- It is illegal to fire, demote, harass, or otherwise “retaliate” against people because they filed a charge or complained to their employer or other covered entity.
- **It’s against the law!**
- Do not be afraid to report inappropriate conduct out of fear of retaliation.

# Forms of Harassment

# Verbal Harassment



- Epithets
- Derogatory comments
- Slurs
- Rumors
- Jokes
- Sexually degrading words
- Graphic comments

# Physical Harassment



- Physical touching
- Assault
- Impeding or blocking movements
- Any physical interference with normal work or movement, when directed at an individual.



# Non-Verbal Harassment



- Sexual or derogatory gestures
- Facial expressions
- Leering
- Displaying sexual suggestive objects
- Pictures, cartoons, or posters

# Visual/Written Harassment



- Visible items that are sexual or derogatory
- Obscene messages or invitations
- Displaying sexual pictures

# Sexual Favors



- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Continued request for dates

# Key Factors of Harassment that the law looks at:

- Frequency
- Pervasive and Severe
- Physical threat or intimidation
- Work performance impact
- Unwelcome (sexual/gender in nature)
- Reasonable person standards
- Retaliation

# COURT CASES

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# SCENARIOS

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# Identifying Potential Harassing/Discriminatory Behavior

## **Scenarios**

- Is the behavior/conduct potentially harassing?
- If so, what type of harassment is it?
  - Quid pro quo?
  - Hostile work environment?
- What would you do?

# What do you do if you are a victim of harassment?

Tell a supervisor, DHRO, or Employee Relations immediately.



# County Policies

- COSD Administrative Manual #0080-03-3

*Employee Discrimination Complaint Procedure*

- COSD, DHR Policy & Procedure #111

*Sexual Harassment Complaint Procedure*

- COSD Board of Supervisors Policy #C-22

*Sexual Harassment Policy*

# Sheriff's Department Policies

- Sheriff's P&P Procedure Section 2.54

*Sexual Harassment*

- Sheriff's P&P Procedure Section 3.47

*Discrimination and Sexual Harassment*

# Sheriff's Resources

- **Sheriff's Employee Relations**

- Adam Landers, Employee Relations Manager  
(858) 974-2019
- Maria Quidachay, Senior DHRO - Employee Relations  
(858) 974-2041

- **Sheriff's Internal Affairs**

(858) 974-2065

- **Sheriff's Legal Affairs**

(858) 974-2255

# Other Resources

- **County Office of Ethics and Compliance (OEC)**  
619-531-5174
- **Equal Employment Opportunity Commission (EEOC)**  
800-669-4000
- **Department of Fair Employment & Housing (DFEH)**  
800-884-1684

# Questions

