

SAN JOSE POLICE COMMUNICATIONS
Basic Dispatch Academy

LEARNING DOMAIN #100
SEXUAL HARASSMENT PREVENTION 2 HOURS

Lesson Plan
March 2016

I. Introduction

- A. The city of San Jose began Sexual Harassment training in 1991, three months prior to Anita Hill.
- B. This training is intended to be a proactive measure to prevent problems from occurring.
- C. Our purpose for this class is to advise you of your rights and identify behavior which might be unacceptable.

II. Learning Objectives:

A. Statements Regarding Sexual Harassment

- 1. This is a waste of time
 - a. It's an emotional issue for some people and they don't want to deal with it – How do you feel about the subject.
- 2. Are you going to teach us how to do it?
 - a. Joking is a defense or coping mechanism for some people. Joking usually masks discomfort.
- 3. We've never had a problem
 - a. Show West article, Mercury News article
- 4. Does this mean we can't be friends?
 - a. Absolutely not. You can still be friends, because friends do not sexually harass one another.
- 5. I can't help myself.
 - a. you will find it very expensive. You can be sued, you will be disciplined, and you can ultimately lose your job.

B. What does sexual harassment have to do with you? Our purpose today is to:

- 1. To present the legal basis for identifying sexual harassment
- 2. To provide guidelines for determining the difference between behavior that is OK and behavior that constitutes sexual harassment.
- 3. To show how individuals can stop unwelcome behavior.
- 4. To show how the City can assist in stopping unwelcome sexual behavior.

C. "Intent vs. Impact" Video Tape

1. We will review your answers after the video tape
 2. As you watch the video, the answers to the questions will be explained. The video will also provide you with information about the differences between OK and sexually harassing behavior.
- D. Can friendly behavior be sexual harassment?
1. What is the impact of your actions?
 2. Ask yourself, “Do I display any of the following behaviors at work?”
 - a. Tell sexual jokes, use sexual innuendoes
 - b. Use sexual gestures
 - c. Make sexual comments about a person’s clothing, anatomy, or looks
 - d. Repeatedly ask a person out
 - e. Touch people, hug people
 - f. Have sexually suggestive visuals
 - g. Give neck massages
 - h. Look a person up and down – elevator eyes
- E. Is my behavior unwelcome? Ask yourself the following:
1. Would I want any of those behaviors to be the subject of a column in my organization’s newsletter or appear on the evening news?
 2. Is there equal power between me and the person I’m interacting with?
 3. Would I behave the same way if the person I am in a relationship with were standing next to me?
 4. Would I want someone else to act this way toward a person that I am in a relationship with?
 5. Is there equal initiation and participation between me and the person I am interacting with?
- F. Sexual Harassment Defined
1. Harassment on the basis of sex is a violation of section 703 of Title VII of the Code of Federal Regulations. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or;

- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidation, hostile, or offensive working environment.

G. Categories of Sexual Harassment

1. Threatening – Offered a reward or benefits for providing sexual favors. A direct or implied threat often accompanies a proposition; if the employee fails to cooperate there will be negative consequences.
2. Physical – rape, assault, intercourse, pinching, patting, rubbing, grabbing, fondling, touching, blocking passage
3. Verbal – making sexual demands, sexual propositions, sexual innuendoes, sexual jokes, reference to the individual's anatomy, catcalls and whistles, verbal flashing
4. Visual – sexually explicit posters, graphics, suggestive looks, leers, gawking, undressing with the eyes
5. Written – notes or letters of sexual content or propositions, sexually explicit literature, posters or poems displayed (Cite computer messages/mail – sometimes it's easier to type something 'risqué' because it's not face-to-face or a feeling that the MDT is anonymous, or message won't be checked)

H. Two types of Sexual Harassment

1. Quid Pro Quo – Unwelcome sexual advances or requests for sexual favors in return for certain job considerations, like raises or promotions.
2. Hostile Work Environment – unwanted verbal and nonverbal behavior that focuses on the sexuality of another person – most prominent form
 - a. Is spreading rumors about a person's personal life a form of sexual harassment? Yes- creates hostile work environment.
 - b. How? Creates loss of credibility, respect, embarrassment

I. Legal / EEOC definition – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

1. These behaviors constitute sexual harassment when certain criteria are met:
 - a. Criteria I – Submission to conduct is made either explicitly or implicitly a term or condition of employment.
 - b. Criteria II – Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual.

- c. Criteria III- Such conduct has the purpose or effect of unreasonably interfering with
 - 2. Criteria I and II are examples of quid pro quo harassment.
 - 3. Criteria III is an example of hostile work environment.
- J. What do I do if it happens to me?
 - 1. Discussion – As employees we have the right to a work place that is free from harassment. With that right, comes responsibility. If we find something offensive, then we must say something; either to the party responsible for the conduct or if you don't feel comfortable with him/her, then talk to someone in management with the power to take corrective action. – What do you think of that statement? Is it our responsibility?
 - 2. Overhead – Confront harasser and say “Stop it.”
 - 3. Make complaint via the chain of command
 - a. Tell your supervisor.
 - b. Consult with your Affirmative Action Liaison.
 - c.. If your supervisor is the problem, go to the next step.
 - d. Report to Affirmative Action Office and ask for an investigation.
 - e. File a complaint with the EEOC.
 - f. File a private lawsuit under the Civil Rights Act.
 - g. File a common law tort lawsuit.

III. City/Department Policy

- A. Copy of City's policy prohibiting sexual harassment is in your folder. The City's policy reinforces state and federal laws.
 - 1. The City says:
 - a. Every employee has the right to a work environment free from sexual harassment.
 - b. We will not condone nor tolerate it.
 - c. We will act against any employee or contractor who violates our policy.
 - d. We will take preventive measures.
 - e. No retaliation or reprisals against complainants.
 - 2. Moreover, the City says:
 - a. Monitor your own behavior.
 - b. Be aware of your own socialization.

- c. Respect the space of others.
- d. Focus on Work!

IV. Closing – leave the class with some thoughts

- A. You have the power to stop offensive behavior – but it is your responsibility to set your boundaries and communicate them.
- B. Trust your instincts – if your behavior does not appear to be welcome, then it probably isn't. When in doubt, then don't.
- C. Sexual Harassment is offensive and illegal. An employee who sexually harasses another person can be held legally and financially responsibly for his/her actions. That's the bad news, the good news is that if you don't sexually harass someone, you won't be liable.
- D. Keep in mind – Respect for the individual – then you should be on safe ground.

V. Hourly Requirement

Students shall be provided with a minimum of **2 hours** of instruction on domestic violence

POST Required Hours 2

Agency Specific

TOTAL Hours

VI. Revision date

October 15, 2010

March 16, 2016