

Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

Date Revised: 09/12/2019

Course Goal: To Provide the student with 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.

Learning Objectives:

- State the legal definition of sexual harassment [42.5A]
- Discuss the federal and state laws dealing with sexual harassment to include Title VII, Government Code Section 12940 et. seq., Concepts of Quid Pro Quo, Concepts of hostile work environment, Current case law [42.5B1-5]
- Explain the legal remedies available to a victim of sexual harassment [42.5C]
- Describe behaviors that constitute sexual harassment including, Verbal, Physical, Visual, Written material, Sexual favors, Threats, Hostile work environment, and Force [42.5D 1-8]
- Understand “Hostile work Environment” and how it impacts Core Values/Community
- Explain the mandated sexual harassment complaint process guidelines [42.5E]
- State the protections that exist to prevent retaliation against anyone submitting a sexual harassment complaint [42.5F]
- Describe the methods for responding to sexually offensive or unwanted behavior [42.5G]
- Given a minimum of four POST-developed video re-enactments depicting possible sexual harassment, or an equivalent number of simulations, scenarios, or video representations provided by the presenter, the student will participate in a facilitated discussion which addresses the following: Any behaviors which are illegal, as defined by federal or state sexual harassment laws, Professional, personal, and organizational impacts of the incident, Legal and administrative consequences of the behaviors observed, whether or not state sexual harassment reporting guidelines apply to the situation [42.7C1-4]

Session 4 Time: 3 Hours

Resources:

- Classroom with tables
- Laptop, Projector and Speakers
- PowerPoint
- Whiteboard and Dry-erase Markers
- Handouts: “Preventing sexual harassment”, Case Studies, Training Bulletin, Vol XLII, Issue 2 “Anti-Discrimination and Retaliation”; Mayor’s Executive Directives, No. 11 “Gender Equity in City Operations” and No. 23 “Harassment and Discrimination”. “Discrimination Free Workplace Policy”, “Discrimination Complaint Procedure”.
- Learning Domain 42 Cultural Diversity Workbook
- Video: “City of Los Angeles Sexual Harassment Video” (20 Minutes)

- **Session Summary:** The recruit officer will be able to define and understand the types of sexual harassment, be familiar with Federal and State laws as well as City and Department policies, Understand the legal liability for employees, supervisors and managers, Articulate the

Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

Department’s complaint procedure, Discuss ways sexual harassment could occur at specific work sites, Describe what to do if they believe sex discrimination or harassment is occurring, Understand “hostile work environment” and how it impacts Core Values/Community.

Outline	Instructor Notes
<p>I. Introduction to Sexual Harassment</p> <p>A. Sexual Harassment is a form of sex discrimination and discrimination in the work place is illegal</p> <p>B. Learning Activity: Sexual Harassment is about POWER</p> <ol style="list-style-type: none"> 1. Write the word “POWER” on the board 2. Elicit meanings for the word “POWER” <ol style="list-style-type: none"> a. Expected responses: <ol style="list-style-type: none"> 1) Control 2) Authority 3) Decision making b. Expected responses: <ol style="list-style-type: none"> 1) Bosses 2) Parents 3) Teachers 4) DI’s 5) Sergeants c. Expected responses: <ol style="list-style-type: none"> 1) Change is difficult 2) People fear losing control of their own destiny d. Expected responses: <ol style="list-style-type: none"> 1) Example of teenager, begin taking control of life but parent struggles against giving power because security, status quo, fear of unknown, fear for teenager, 2) Power is not easily given up for a variety of reasons, not only because parent thinks child is unable or inferior etc. e. Expected responses: <ol style="list-style-type: none"> 1) Redefining roles 2) Defining expectations f. Expected responses: <ol style="list-style-type: none"> 1) Threaten not to back them up on their calls 2) Threaten to spread rumors <p>C. Learning Activity: Definitions</p> <ol style="list-style-type: none"> 1. Define Sexual Harassment [42.5A] <ol style="list-style-type: none"> a. Sexual harassment can be defined as unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: <ol style="list-style-type: none"> 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an 	<p>Learning Activity #1: Sexual Harassment is about POWER</p> <p>Ask: Who has power?</p> <p>Ask: Why do people have trouble giving up power?</p> <p>Ask: What are some of the reasons for wanting power?</p> <p>Ask: What are some of the tensions that can be involved in power sharing?</p> <p>Ask: What are some of the ways that we as police officers can use our positions to control another employee?</p> <p>Learning Activity #2: Definitions</p> <p>Ask: What is it speaking to? Ask: How does it apply to you? Ask: What does it mean to me?</p>

Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

<p>individual's employment</p> <ol style="list-style-type: none">2) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive working environment. (PWB 5-3)<ol style="list-style-type: none">a) Sexual Harassment refers to sexually oriented behavior that: (WB pg 5-3)<ol style="list-style-type: none">(1) Is unwelcome(2) Is personally offensive, and(3) Creates an intimidating, hostile or offensive work environment.(4) Expected Response:<ol style="list-style-type: none">(a) Yesb) Describe behaviors that constitute sexual harassment [42.5D]<ol style="list-style-type: none">(1) Four types of behavior that constitute sexual harassment, (handout pg. 2)<ol style="list-style-type: none">(a) Physical [42.5D2] [42.5D8] – touching, force, threats(b) Verbal [42.5D1] - statement, jokes, whistles, requesting sexual favors, threats [42.5D5-6](c) Written [42.5D4] - letters, graphics, e-mail(d) Visual [42.5D3] -posters, staring <p>2. Discuss the federal and state laws dealing with sexual harassment to include: [42.05.B]</p> <ol style="list-style-type: none">a. Title VII, (WB pg 5-5) [42.5B1] (PWB 5-5)<ol style="list-style-type: none">1) Part of the 1964 Civil Rights Act2) Filed with the EEOCb. Government Code 12940 [42.5B2]<ol style="list-style-type: none">1) Includes sexual harassment as an unlawful employment practice2) Stated employer must take responsibilities in taking corrective actionc. Concept of Quid Pro Quo [42.5B3]<ol style="list-style-type: none">1) A form of sexual harassment in which submission to or rejection of sexual advances is made a condition of employment or employment decision.d. Concept of Hostile work environment [42.5B4] [42.5D7]<ol style="list-style-type: none">1) Sexually harassing conduct	<p style="text-align: center;">Ask: Can sexual harassment occur between individuals of the same gender?</p>
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Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

<ul style="list-style-type: none">2) Within the complainant’s immediate work environment3) Which is so pervasive as to interfere with an individual’s job performance4) Which conduct may or may not be directed at the complainante. Current Case Law [42.5B5]<ul style="list-style-type: none">1) Refer to current case law to define “Work Environment”2) Refer to current case law when discussing concepts of Quid Pro Quo3. The protection that exists to prevent retaliation against anyone submitting a sexual harassment complaint [42.5F]<ul style="list-style-type: none">a. Protection from Retaliation [42.5F]<ul style="list-style-type: none">1) Requires employers to prevent and/or stop retaliation against complainant2) Government Code 12950 protects complainants and witnesses.3) LAPD Policy 1/272 Protection from Retaliation (In Workplace Discrimination Guide)4. Explain the legal remedies available to a victim of sexual harassment [42.5C]<ul style="list-style-type: none">a. Sexual harassment is a violation of the California Fair Employment and Housing Act.b. Victims can obtain right to sue letter from the EEOC or EEOC can negotiate remedies or make an award to the complaining partyc. Officers found guilty of sexual harassment can be subject to civil suits, fines, termination, reprimand and or other punitive damages.5. Explain the mandated sexual harassment complaint process guidelines [42.5E]<ul style="list-style-type: none">a. Penal Code Section 13519.7 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:<ul style="list-style-type: none">1) City police department2) County sheriff’s departments3) Districts4) State university police departments6. Describe methods for responding to sexually offensive or unwanted behavior [42.5G]<ul style="list-style-type: none">a. When appropriate, recipients of perceived sexual harassment may inform the harasser that the conduct is unwelcomed, offensive and should	
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Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

<p>cease, but are not legally required to do so.</p> <ul style="list-style-type: none"> b. Where the complainant is uncomfortable with a personal confrontation, he/she should contact any supervisor, manager, department head, or their equivalent c. Where the complainant perceives that the department’s internal environment is no conducive to making an internal complaint, he/she has the option of reporting the harassment to an entity external to the department d. Officers are not required to follow the chain of command in reporting sexual harassment in the workplace. <p>D. Learning Activity: “City of Los Angeles Sexual Harassment Video”</p> <ul style="list-style-type: none"> 1. Show video 2. Debrief video <ul style="list-style-type: none"> a. Advise students that each individual may respond uniquely to sexual harassment. What one individual thinks is humorous, for example, could be offensive to another and therefore considered sexual harassment. Understanding the definition helps them decide what may be discrimination, or misunderstandings, or someone testing their tolerance b. Emphasize the importance of talking to the person and requesting the behavior to stop. Advise the student that this is an option that can be very successful in stopping the behavior. However, speaking to the offender is not mandatory. A victim of sexual harassment may skip the chain of command or go outside the Department to make a complaint of sexual harassment. c. Direct students to the Workplace Discrimination reference guide for resource material. d. Emphasize that sexual harassment is ethically wrong, counter-productive and illegal. <p>E. FACILITATED DISCUSSION</p> <ul style="list-style-type: none"> 1. Understanding the Sexual Harassment definition and laws will assist in determining if the behavior rises to the level of discrimination, misconduct or misunderstanding. 2. Write on dry erase board – “3 Prong Test”. 3. 3-Prong Test <ul style="list-style-type: none"> a. If what you are about to say or do, was videotaped and shown to <ul style="list-style-type: none"> 1) your boss (Chief Moore) 	<p style="text-align: center;">Learning Activity #3: “City of Los Angeles Sexual Harassment Video”</p> <p>Ask: If what you are about to say or do, was videotaped and shown to your boss, your spouse or significant other or your child. Would you have to explain yourself?</p>
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Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

<ul style="list-style-type: none">2) your spouse or significant other3) or your child,b. Would you have to explain yourself?4. Unprofessional Behavior Flow Chart (Write flow chart on white board)<ul style="list-style-type: none">a. The first level of the flow chart is "<u>Unprofessional Behavior</u>" this is where we can all have an impact on issues of discrimination in the workplace.<ul style="list-style-type: none">1) We as peers can intervene when we see someone acting in an unprofessional manner. Peer intervention is the most effective tool officers can use to modify behavior prior to the behavior becoming misconduct/discrimination.2) Expected responses:<ul style="list-style-type: none">a) Set standardsb) Role Model professional behaviorb. The second level of the flow chart is "<u>Misconduct</u>"<ul style="list-style-type: none">1) Misconduct defined<ul style="list-style-type: none">a) Commission of a criminal offenseb) Neglect of dutyc) Violation of Department policies, rules or proceduresd) Conduct unbecoming2) Must immediately be reported to a supervisorc. The third level of the flow chart is "<u>Unlawful Discrimination</u>"<ul style="list-style-type: none">1) Sexual Harassment is just one type of discrimination2) Criminal in Nature3) Also Misconduct but more serious5. Location, Audience, Relationship (Write on Board)<ul style="list-style-type: none">a. Officers and supervisors should consider location, audience and relationship to determine whether their behavior is appropriate in the work place.<ul style="list-style-type: none">1) Location:<ul style="list-style-type: none">a) Are you in a setting where someone may overhear all or part of your conversation?b) Could your behavior be misinterpreted?c) Where are you now? (Academy, work?)d) Just because you can't be seen doesn't mean you can't be heard (locker room and cubicles)2) Audience:<ul style="list-style-type: none">a) Are you aware of your audience makeup? (public, civilians, sworn)b) Is your behavior suitable for the group you're in?	<p>Ask: How can we be proactive at a point before the situation escalates to misconduct or unlawful discrimination?</p> <p>Ask: Are you in a setting where someone may overhear all or part of your conversation?</p> <p>Ask: Could your behavior be misinterpreted?</p> <p>Ask: Where are you now? (Academy, work?)</p> <p>Ask: Are you aware of your audience makeup? (public, civilians, sworn)</p> <p>Ask: Is your behavior suitable for the group you're in?</p> <p>Ask: Are you interacting with peers, supervisors or subordinates?</p> <p>Ask: Do you interact with</p>
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**Event 1 – Police Sciences
Session 7 – Sexual Harassment**

Learning Domain 42 – Cultural Diversity/Discrimination

<p>c) Are you interacting with peers, supervisors or subordinates?</p> <p>d) Do you interact with everyone in the same way?</p> <p>(1) Remember how we discussed different ways of talking to child or child’s teacher – self is differentiated but integrated (Session 2)</p> <p>3) Relationship:</p> <p>a) How well do you know the people you’re interacting with?</p> <p>b) Make sure all parties understand the relationship. Are you co – workers, acquaintances or friends?</p> <p>c) Not all people define these terms in the same way.</p> <p>II. SEXUAL HARASSMENT PRACTICAL APPLICATION</p> <p>A. Learning Activity: Sexual Harassment Case Studies [42.7C1-4]</p> <p>1. Debrief: Case study with the class have each group answer the following questions for their assigned case study.</p> <p>a. What is going on in this scenario?</p> <p>b. Does it rise to the level of sexual harassment? Why or why not? Justify your response based on resources.</p> <p>c. How would you handle this incident? Why?</p> <p>d. How does gender of the involved parties alter how you view this incident?</p> <p>2. <u>Case Study 1</u></p> <p>a. Three male recruits are standing by the vending machines at the ARTC. As a female recruit (classmate) approaches the vending machines one of the male recruits states, in a voice loud enough for the two male recruits and the female recruit to hear, “Gentlemen, start your boners.”</p> <p>1) Expected responses:</p> <p>a) Inappropriate comments in the work place</p> <p>2) Expected responses: Justify your response based on the resources.</p> <p>a) Probably not. This one comment is not unlawful sexual harassment by itself. However, if it becomes repeated, continuous or pervasive it becomes sexual harassment. Regardless, it is inappropriate for the workplace and probably would be considered Misconduct by most</p>	<p>everyone in the same way?</p> <p>Ask: How well do you know the people you’re interacting with?</p> <p>Ask: Make sure all parties understand the relationship. Are you co-workers, acquaintances or friends?</p> <p>Learning Activity #4: Sexual Harassment Case Studies</p> <p>Ask: What is going on in this scenario?</p> <p>Ask: Does it rise to the level of sexual harassment? Why or why not?</p>
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Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

<p>Commanding Officers.</p> <p>b) Objectively this is vulgar language and is offensive to the reasonable person. However, one isolated comment would not prevent a reasonable person from coming to work and doing their job.</p> <p>3) Expected responses:</p> <ul style="list-style-type: none">(1) Tell him to stop(2) Discuss the impact of the incident with the recruit officer who made the statement and those who laughed if she feels comfortable to do so(3) Advise class leader so a statement of can be made to the entire class about appropriate and inappropriate language in the workplace(4) Report to your class supervisor <p>4) Expected responses</p> <ul style="list-style-type: none">(1) Gender would be irrelevant to the investigation <p>3. <u>Case Study 2</u></p> <p>a. A recruit class is working out on the pull-up bars. A female recruit did more pull-ups than the two male recruits before her. One of the two male recruits said to the other loudly enough for the female recruit to hear, "She must be a lesbian."</p> <p>1) Expected responses:</p> <ul style="list-style-type: none">a) Inappropriate commentsb) Insecurity about their physical ability and that a woman may be stronger or as strong <p>2) Expected responses: Justify your response based on the resources.</p> <ul style="list-style-type: none">a) No.b) This one comment is not sexual harassment by itself. However, if it becomes repeated, continuous or pervasive it becomes a hostile work environment, sexual harassment.c) Comments about a person's sexual orientation have no place in the workplace and are offensive to the reasonable person. If the behavior is repeated or flagrant enough, it could cause a reasonable person to feel uncomfortable to come to work and do their job. In any case, the behavior is inappropriate for the workplace and probably would be considered Misconduct	<p>Ask: How would you handle this incident? Why?</p> <p>Ask: How does the gender of the involved parties alter how you view this incident?</p> <p>Ask: What is going on in this scenario?</p> <p>Ask: Does it rise to the level of sexual harassment? Why or why not?</p>
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Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

<p>by most Commanding Officers</p> <p>3) Expected responses:</p> <p>a) Tell him to stop</p> <p>b) Discuss the impact of the incident with the recruit officer who made the statement if she feels comfortable to do so</p> <p>4) Expected responses:</p> <p>(1) It should not alter it</p> <p>4. <u>Case Study 3</u></p> <p>a. On a Monday morning before start of watch, a group of three male recruits are dressing in the locker room. One of the recruits is talking about a woman he dated that weekend. He begins to go into detail about his sexual activities on the date.</p> <p>1) Expected responses:</p> <p>a) What is going on in this scenario?</p> <p>(1) Sharing of private information</p> <p>(2) Questions to ask? Who is present, who might overhear, is the location appropriate for this type of conversation?</p> <p>b) Does it rise to the level of sexual harassment? Why or why not? Expected responses: Justify your response based on the resources.</p> <p>(1) Discussing sexual exploits is a form of verbal sexual harassment.</p> <p>(2) If someone heard the comment and was offended, this could be considered sexual harassment. An isolated incident rarely rises to the level of unlawful sexual harassment.</p> <p>c) How would you handle this incident? Why? Expected responses:</p> <p>(1) Tell him to stop</p> <p>(2) Discuss the impact of the incident with the recruit officer who made the statement and what the consequences of talking about private matters in a public place that could be overheard</p> <p>(3) Advise the class leader, DI, sergeant</p> <p>d) Does the gender of the involved parties alter how you view this incident? Expected responses:</p> <p>(1) Locker room talk</p> <p>(2) How might this be offensive? Expected responses: Co-workers involved</p>	<p>Ask: How would you handle this incident? Why?</p> <p>Ask: How does the gender of the involved parties alter how you view this incident?</p> <p>Ask: What is going on in this scenario?</p> <p>Ask: What is going on in this scenario?</p> <p>Ask: Who is present?</p> <p>Ask: Who might overhear?</p> <p>Ask: Is the location appropriate for this type of conversation?</p> <p>Ask: Does it rise to the level of unlawful sexual harassment? Why or why not?</p> <p>Ask: How would you handle this incident? Why?</p> <p>Ask: Does the gender of the</p>
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Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

<p>5. <u>Case Study 4</u></p> <p>a. Sally and Jim are in the same Academy class. Jim has been avoiding Sally because she flirts openly with him and asked him out the week before. Jim told Sally he has a girlfriend and doesn't want to date Sally. During a break, Sally again asked Jim out and said she won't take no for an answer.</p> <p>1) Expected responses:</p> <ul style="list-style-type: none">a) Possible Sexual Harassmentb) Inappropriate behavior/Misconductc) Stalking?d) Pestering, repetitive annoying <p>2) Expected responses: Justify your response based on the resources.</p> <ul style="list-style-type: none">a) Could be depending on how Jim felt about Sally asking him out againb) Especially if this behavior continuesc) If the male recruit has repeatedly told Sally "No", it begins to move into the area of sexual harassment (repeated, continuous, pervasive.)d) Because this is not a supervisor /subordinates it is not quid pro quo. However, this may have become a hostile work environment for Jim, to the point where he no longer wants to take breaks for fear of running into the female recruit. <p>3) Expected responses:</p> <ul style="list-style-type: none">a) In the beginning when it first starts tell her to stopb) Notify a supervisorc) This behavior must stopd) Sally must be told to stop the behaviore) Jim now needs someone to intervene, it is beginning to impact Jim's work environmentf) Class leader, DI and supervisor should all be involved in developing a short and long term plan to stop the behavior and ensure it does not continueg) Disciplinary action may be takenh) This will protect Jim and Sally <p>4) Expected responses:</p> <ul style="list-style-type: none">a) The gender makes no differenceb) Same gender relationships apply too <p>6. <u>Case Study 5</u> [42.7C1-4]</p>	<p>involved parties alter how you view this incident? Ask: How might this be offensive?</p> <p>Ask: What is going on in this scenario?</p> <p>Ask: Does it rise to the level of unlawful sexual harassment? Why or why not?</p> <p>Ask: How would you handle this incident? Why?</p> <p>[45] Ask: How does the gender of the involved parties alter how</p>
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Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

<p>a. Julie is a Recruit Officer about halfway through her Academy training. Her friend Mary had graduated and is on probation at Wilshire Division. One day Mary calls Julie to tell her that she is thinking of quitting her job. When Julie asks why, Mary tells her that her Training Officer constantly makes comments such as “women don’t belong on the job and should be home making babies”. Mary reports her Training Officer’s behavior to her den sergeant who advises the Watch Commander. The Watch Commander counsels the Training Officer for his inappropriate comments. The following week Mary received an unsatisfactory rating from her Training Officer. Mary had always received excellent ratings prior to this incident.</p> <ol style="list-style-type: none">1) Expected responses:<ol style="list-style-type: none">a) Gender bias statementsb) Causing a Mary to not want to work for the Departmentc) Retaliation because Mary told a sergeant about the behavior2) Expected responses: Justify your response based on the resources.<ol style="list-style-type: none">a) Yesb) This is continuous, pervasive and offensive to the reasonable person and has no place in the workplace.c) His behavior would make the reasonable person uncomfortable to come to work and do their job-meeting the standard for hostile work environment.d) Retaliation defined<ol style="list-style-type: none">(1) An adverse employment action taken against an employee for engaging in a protected activity(2) Protected activities include (but are not limited to) personnel complaints, filing a work-related lawsuit, filing claims for damages, filing grievances, reporting unlawful discrimination, reporting sexual harassment, reporting an intimidating or hostile environment, requesting mediation, and reporting employee misconduct to other city or government agencies3) Expected responses:<ol style="list-style-type: none">a) Tell him to stop, if comfortable after first	<p>you view this incident?</p> <p>Ask: What is going on in this scenario?</p> <p>Ask: Does it rise to the level of unlawful sexual harassment? Why or why not?</p>
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Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

<p>comment</p> <ul style="list-style-type: none">b) Advise a supervisor of the initial comment and of the retaliationc) An employee can contact any of the following entities for assistance and or make a complaint<ul style="list-style-type: none">(1) BSS (Behavioral Science Services)(2) Department supervisor(3) Any command or staff officer(4) WELD (Workplace Environmental Liaison Division)(5) Board of police commissioners(6) Officer of the mayor(7) State of California Department of Fair Employment and Housing(8) Federal Equal Employment Opportunities Commission(9) Refer to Preventing Sexual Harassment in the workplace employee resource book and Workplace Discrimination Guide for additional resourcesd) As a friend reassure her and remind her that it is not her faulte) Ensure that all employees have received a copy of the Anti-Discrimination and Retaliation Training Bulletin and are following the guidelinesf) Prevention through policy, training, supervision and discipline are ways to manage unlawful discrimination, harassment and retaliation¹ (2019 LAPD Manual 1/272 Retaliation Policy¹)g) Accurate identification of circumstances leading to potential incidents of unlawful discrimination, harassment or retaliationh) All levels of management and supervision have the legal responsibility to follow Department’s reporting procedures<ul style="list-style-type: none">(1) Stop the behavior, conduct an initial investigation of the situation, seek advice, reassure concerned individual that the behavior will cease and if it does not, seek assistance immediately, and(2) Monitor the situation to make sure no reprisal, overtly or covertly, are taken against the person who complained	<p>Ask: How would you handle this incident? Why?</p>
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Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

<p>i) Department Managers and Supervisors performance in preventing retaliation will be reflected in their Standard Based Assessment reports</p> <p>7. <u>Case Study 6</u></p> <p>a. Tony is a Recruit Officer in a class that is very tight. Every Friday some of the recruits get together at one of their homes after end of watch for a study group. Tony usually doesn't go but decides to go on a particular Friday. After a couple of hours the recruits are finished studying and break out the beer. Tony tells a joke that is sexual in nature. Everyone laughs.</p> <p>1) Expected responses:</p> <p>a) Friend party vs. extension of the work place</p> <p>b) Audience, location, relationship</p> <p>2) Expected responses: Justify your response based on the resources.</p> <p>a) Could depending on reaction of classmates – just because they “laughed” you don't know how they really feel</p> <p>b) Because they are all department employees, this could be considered an extension of the workplace. If the joke was at the expense of an individual, and continued into the workplace, this could lead to a hostile work environment. The recruits need to consider LAR (Location, Audience, relationship)</p> <p>3) Expected responses:</p> <p>a) Tell him to knock it off – Core Values, not right thing to do, teamwork</p> <p>4) Expected responses:</p> <p>a) What if it is all guys?</p> <p>b) What if the joke is about another recruit in the class?</p> <p>c) What if it continues at work the next day?</p> <p>8. <u>Case Study 7 [42.7C1-4]</u></p> <p>a. An instructor asked a recruit out for dinner. The recruit politely declined, saying that they were exhausted after having so much remediation. The instructor guaranteed passing the next test could be arranged if the recruit would go out to dinner with instructor and spend some one on one time.</p> <p>1) Expected responses:</p> <p>a) Someone with supervisor position is offering preferential treatment in exchange</p>	<p>Ask: What is going on in this scenario?</p> <p>Ask: Does it rise to the level of unlawful sexual harassment? Why or why not?</p> <p>Ask: How would you handle this incident? Why?</p> <p>Ask: How does the gender of the involved parties alter how you view this incident?</p> <p>Ask: What if it is all guys?</p> <p>Ask: What if the joke is about another recruit in the class?</p> <p>Ask: What if it continues at work the next day?</p>
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**Event 1 – Police Sciences
Session 7 – Sexual Harassment**

Learning Domain 42 – Cultural Diversity/Discrimination

<ul style="list-style-type: none"> for implied intimate time b) Implied that they would somehow fix the test (cheating) 2) Expected responses: Justify your response based on the resources. <ul style="list-style-type: none"> a) Yes b) Quid pro quo 3) Expected responses: <ul style="list-style-type: none"> a) Report b) Follow the complaint process set out in the Preventing sexual harassment resource guide and Workplace Discrimination Guide 4) Expected responses: <ul style="list-style-type: none"> a) What if it is the same gender making the request? b) What if the recruit wants to date the instructor²? (2019 LAPD Manual 1/271 Relationships between department employees²) c) Public trust requires that employees avoid even the appearance of conflict between their professional responsibilities and their personal relationship with other employees d) All employees should avoid situations which give rise to an actual or apparent conflict between personal and professional 9. <u>CASE STUDY 8 [42.7C1-4]</u> <ul style="list-style-type: none"> a. Three months out of the Academy, you are getting equipment from the “kit room” for your patrol car, working in West L.A. Area. You see your FTO showing a photo to a group of officers and they are all laughing. As you prepare your car, your FTO comes over and shows you the photo. Your FTO is laughing, telling you how funny the photo is. The photo depicts another officer’s personal car in the West L.A. parking lot for officer’s personal cars. The officer’s car has “Faggot” written on its hood with crime scene chalk. There is no apparent damage to the car. <ul style="list-style-type: none"> 1) Expected responses: <ul style="list-style-type: none"> a) Discriminatory action against owner of personal vehicle b) Hate Incident c) Creation of hostile work environment <ul style="list-style-type: none"> (1) Both involved owner of vehicle (2) Other employees who see/hear about incident 	<p>Ask: What is going on in this scenario?</p> <p>Ask: Does it rise to the level of unlawful sexual harassment? Why or why not?</p> <p>Ask: How would you handle this incident? Why?</p> <p>Ask: How does the gender of the involved parties alter how you view this incident?</p> <p>Ask: What if it is the same gender making the request?</p> <p>Ask: What if the recruit wants to date the instructor²? (2019 LAPD Manual 1/271 Relationships between department employees²)</p> <p>Ask: What is going on in this scenario?</p>
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Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

- d) Subordinate employee must report misconduct of FTO (Senior Employee)
- e) Employee faces possible Retaliation from other officers
- 2) Expected responses: Justify your response based on the resources.
 - a) Yes
 - b) Hostile Work Environment
 - (1) The overt nature of the act would make any employee not feel welcome at work and therefore create a hostile environment
 - c) Recruit and probationary officers must be guided by Special Order No. 6 (now 2019 Manual Section 1/285) which states that “discrimination in the workplace on the basis of an individual’s sexual orientation is unacceptable and will not be tolerated.” This policy prohibits “derogatory terms ...comments ... ridicule...or jokes with respect to an individual’s known or presumed sexual orientation.”
 - d) Mayor’s Executive Directive No. 11 (Garcetti series), August 26, 2015, “Gender Equity in City Operations” “established and defined the City’s intent to promote and maintain a working environment free from discrimination on the basis of sexual orientation.” Executive Directive No. 23, April 30, 2018, “Harassment and Discrimination.
- 3) Expected responses:
 - a) Report
 - (1) Because the actions of the FTO are a direct violation of City and Department policy, and display a discriminatory attitude, the probationary officer is obligated to report the matter
 - (2) Why is it important that you report the misconduct?
 - (3) Who would you report it to?
- 4) Expected responses:
 - a) Due to the nature of the Probationary Officer’s status, he or she may fear retaliation for their actions. Instructors should instruct recruit officers that they should not fear reporting misconduct out of

Ask: Does it rise to the level of unlawful sexual harassment? Why or why not?

Ask: How would you handle this incident? Why?

**Ask: Why is it important that you report the misconduct?
Ask: Who would you report to?**

Ask: Would you have any fear of retaliation by other officers?

Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

fear of retaliation, as the retaliation is forbidden, as detailed in LAPD Training Bulletin Vo. XLII, Issue 2, May 2012 “Anti-Discrimination And Retaliation,” which states that, “Protected activities include opposing, reporting, or participating in any claim, lawsuit, or investigation concerning unlawful discrimination or sexual harassment.” It is also forbidden under state and federal law. The Bulletin states that “Protected activities include opposing, reporting, or participating in any claim, lawsuit, or investigation concerning unlawful discrimination or sexual harassment.”

- 5) Expected responses:
 - a) Gender should not play role in this incident.
 - b) Remember it is irrelevant if targeted employee is in fact gay or not. In either case it is still sexual harassment.

B. Closing

1. Point out that you have been given a value infused problem-solving model (CAPRA) to help with resolution of challenging issues
2. Advise the recruits to keep their Preventing Sexual Harassment Handout as they will need it for future classes, possible incidents arising in their careers and promotional interviews.
3. Each Table should bring their Workplace Discrimination reference guide every day. A flash-drive will be issued to each recruit which contains those documents
4. Key Points
 - a. Utilizing Self-Assessment tools can assist in avoiding potential issues
 - 1) How would a behavior in which you are involved be viewed by your boss, spouse or significant other, or your kids. (3 Prong Test)
 - 2) Location, Audience, Relationship.
 - b. Does your behavior have a core value as its foundation?
 - 1) **CORE VALUES**
 - a) **SERVICE TO OUR COMMUNITIES**
 - (1) We are dedicated to enhancing public safety and reducing the fear and the incidence of crime. People in our communities are our most important

Ask: How does the gender of the involved parties alter how you view this incident?

Ask: What if you knew that the owner of the vehicle was in fact a gay officer at your division?

Ask: Would that change your response?

Ask: How does the rank (Probationary Officer to a FTO) of the involved parties alter how you view this incident?

Ask: What if the person providing the picture was your classmate?

Ask: Does your behavior have a core value as its foundation?

Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

customers. Our motto, "to protect and to serve," is not just a slogan. It is our way of life. We will work in partnership with the people in our communities and do our best, within the law, to solve community problems that affect public safety. We value the great diversity of people in both our residential and business communities and serve all with equal dedication.

b) **REVERENCE FOR THE LAW**

(1) We have been given the honor and privilege of enforcing the law. We must always exercise integrity in the use of the power and authority that have been given to us by the people. Our personal and professional behavior should be a model for all to follow. We will obey and support the letter and the spirit of the law.

c) **COMMITMENT TO LEADERSHIP**

(1) We believe the Los Angeles Police Department should be a leader in law enforcement. We also believe that each individual needs to be a leader in his or her area of responsibility. Making sure that our values become part of our day-to-day work life is our mandate. We must each work to ensure that our co-workers, our professional colleagues and our communities have the highest respect for the Los Angeles Police Department.

d) **INTEGRITY IN ALL WE SAY AND DO**

(1) Integrity is our standard. We are proud of our profession and will conduct ourselves in a manner that merits the respect of all people. We will demonstrate honest, ethical behavior in all our interactions. Our actions will match our words. We must have the courage to stand up for our beliefs and do what is right. Throughout the ranks, the Los Angeles Police Department has a long history of integrity and freedom from corruption. Upholding this proud tradition is a challenge we must all

Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

<p>continue to meet.</p> <p>e) RESPECT FOR PEOPLE</p> <p>(1) Working with the Los Angeles Police Department should be challenging and rewarding. Our people are our most important resource. We can best serve the many and varied needs of our communities by empowering our employees to fulfill their responsibilities with knowledge, authority and appropriate discretion. We encourage our people to submit ideas, we listen to their suggestions and we help them develop to their maximum potential. We believe in treating all people with respect and dignity: we show concern and empathy for the victims of crime and treat violators of the law with fairness and dignity. By demonstrating respect for others, we will earn respect for the Los Angeles Police Department.</p> <p>f) QUALITY THROUGH CONTINUOUS IMPROVEMENT</p> <p>(1) We will strive to achieve the highest level of quality in all aspects of our work. We can never be satisfied with the "status quo." We must aim for continuous improvement in serving the people in our communities. We value innovation and support creativity. We realize that constant change is a way of life in a dynamic city like Los Angeles, and we dedicate ourselves to proactively seek new and better ways to serve.</p> <p>c. Consistent, fair and respectful treatment of the public starts with demanding that same behavior in the workplace, regardless of rank.</p>	
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Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

Purpose: To provide the student with 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.

Description:

1. **Write** the word "POWER" on the board.
2. **Elicit** meanings for the word "POWER"
3. **Write** the responses of the class on the board. Expected Responses:
 - a. Control
 - b. Authority
 - c. Decision making
4. **ASK** the following questions and examine their responses:
 - a. Who has power? Expected responses:
 - 1) Bosses
 - 2) Parents
 - 3) Teachers
 - 4) DI's
 - 5) Sergeants
 - b. Why do people have trouble giving up power? Expected responses:
 - 1) Change is difficult
 - 2) People fear losing control of their own destiny
 - c. What are some of the reasons for wanting power?
 - 1) Example of teenager, begin taking control of life but parent struggles against giving power because security, status quo, fear of unknown, fear for teenager,
 - 2) Power is not easily given up for a variety of reasons, not only because parent thinks child is unable or inferior etc.
 - d. What are some of the tensions that can be involved in power sharing?
 - 1) Redefining roles
 - 2) Defining expectations
 - e. What are some of the ways that we as police officers can use our positions to control another employee?
 - 1) Threaten not to back them up on their calls
 - 2) Threaten to spread rumors

Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

Resources needed:

- Classroom with tables
- Whiteboard with Dry Erase Markers
- Laptop with PowerPoint
- PowerPoint Presentation

Handouts: None

Time required: 15 Minutes

Learning Activity #2 – Definitions

Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

Purpose: To provide students an opportunity to discuss sexual harassment definitions in learning teams to ensure understanding prior to application

Description:

1. In learning teams **assign** each group one/two of the below definitions
 - a. Sexual Harassment defined **[42.5.A]**
 - b. Four types of behavior that constitute sexual harassment, SH Handbook
 - c. Quid pro quo **[42.5.B.3]**
 - d. Hostile work environment **[42.5.B.4]**
 - e. Title VII **[42.5.B.1]**
 - f. Protection from Retaliation, LD 42 Chapter 5
 - g. Government Code 12940 **[42.5.B.2]**
2. At the table read the definition and break it down into plain English
3. Then **discuss** and critically think about the following:
 - a. What is it speaking to
 - b. How does it apply to you
 - c. What does it mean to me
4. **Select** a scribe and presenter
5. Anyone on the team may be called upon to expand on the definition that your presenter gave
6. Give the teams approximately 5-10 minutes to develop their definition and discuss its meaning
7. **Point out** LD 42 Chapter 5, the Preventing Sexual Harassment Workbook and the Workplace Discrimination reference guide may be used as reference.
8. Have each group **present** the summary and understanding of the assigned topics
9. Challenge: **Ask** a question that challenges the definition and understanding that each group developed
10. **Clarify** any misunderstandings
11. Definitions **[42.5.A,B,C,D]**
 - a. Sexual harassment can be defined as unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
 - 2) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual
 - 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive working environment. [PWB 5-3]
 - b. Sexual Harassment refers to sexually oriented behavior that: [WB pg 5-3]
 - 1) Is unwelcome
 - 2) Is personally offensive, and
 - 3) Creates an intimidating, hostile or offensive work environment.

Event 1 – Police Sciences
Session 7 – Sexual Harassment

Learning Domain 42 – Cultural Diversity/Discrimination

- 4) Can sexual harassment occur between individuals of the same gender? Yes
- c. **Describe** 4 behaviors that constitute sexual harassment **[42.5.D.1-8]** (PWB 5-10 – 5-11)
 - 1) Physical **[42.5.D.2]** – touching, force, threats
 - 2) Verbal **[42.5.D.1]** - statement, jokes, whistles, requesting sexual favors, threats **[42.5.D.5-6]**
 - 3) Written **[42.5.D.4]** -letters, graphics, e-mail
 - 4) Visual **[42.5.D.3]** -posters, staring
12. **Discuss** the federal and state laws dealing with sexual harassment to include: **[42.5.B.1-5]**
 - a. Title VII, (WB pg 5-5) **[42.5.B.1]**
 - 1) Part of the 1964 Civil Rights Act
 - 2) Filed with the EEOC
 - b. Government Code 12940. **[42.5.B.2]** (WB pg 5-4)
 - 1) Includes sexual harassment as an unlawful employment practice
 - 2) Stated employer must take responsibilities in taking corrective action
 - c. Concept of Quid Pro Quo **[42.5.B.3]** (WB pg 5-6): A form of sexual harassment in which submission to or rejection of sexual advances is made a condition of employment or employment decision.
 - d. Concept of Hostile work environment **[42.5.B.4, 42.5.D.7]** (WB pg 5-6)
 - 1) Sexually harassing conduct
 - 2) Within the complainant’s immediate work environment
 - 3) Which is so pervasive as to interfere with an individual’s job performance
 - 4) Which conduct may or may not be directed at the complainant
 - e. Current Case Law **[42.5.B.5]**
 - 1) Refer to current case law to define “Work Environment”
 - 2) Refer to current case law when discussing concepts of Quid Pro Quo
13. **State** the protection that exists to prevent retaliation against anyone submitting a sexual harassment complete **[42.5.F]**
 - a. Protection from Retaliation **[42.5.F]** (WB pg 5-15): Requires employers to prevent and/or stop retaliation against complainant (PWB 5-18)
 - b. Government Code 12950 protects complainants and witnesses.
 - c. LAPD Policy 1/272 Protection from Retaliation (In Workplace Discrimination Guide)
14. **Explain** the legal remedies available to a victim of sexual harassment **[42.5.C]** (PWB 5-5)
 - a. Sexual harassment is a violation of the California Fair Employment and Housing Act.
 - b. Victims can obtain right to sue letter from the EEOC or EEOC can negotiate remedies or make an award to the complaining party
 - c. Officers found guilty of sexual harassment can be subject to civil suits, fines, termination, reprimand and or other punitive damages.
15. **Explain** the mandated sexual harassment complaint process guidelines **[42.5.E]** (PWB 5-13)
 - a. Penal Code Section 13519.7
 - 1) Mandates development of complaint guidelines for peace officers who are victims of sexual harassment in the workplace.

Event 1 – Police Sciences
Session 7 – Sexual Harassment

Learning Domain 42 – Cultural Diversity/Discrimination

- 2) The guidelines apply to peace officers who are employees of:
 1. City police department
 2. County sheriff's departments
 3. Districts
 4. State university police departments
16. **Describe** methods for responding to sexually offensive or unwanted behavior **[42.5.G]** (PWB 5-15)
 - a. When appropriate, recipients of perceived sexual harassment may inform the harasser that the conduct is unwelcomed, offensive and should cease, but are not legally required to do so.
 - b. Where the complainant is uncomfortable with a personal confrontation, he/she should contact any supervisor, manager, department head, or their equivalent
 - c. 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
 - d. Officers are not required to follow the chain of command in reporting sexual harassment in the workplace.

Resources needed: Classroom with tables, Laptop with PowerPoint, Projector with Speakers or audio visual player

Handouts: LD#42 Workbook, Training Bulletin, Vol XLII, Issue 2 "Anti-Discrimination and Retaliation"; Mayor's Executive Directives, No. 11 "Gender Equity in City Operations" and No. 23 "Harassment and Discrimination". "Discrimination Free Workplace Policy", "Discrimination Complaint Procedure".

Time required: 45 Minutes

Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

Learning Activity #3 – “P.O.S.T. – City of Los Angeles Sexual Harassment Video”

- A Learning Activity: “City of Los Angeles Sexual Harassment Video”
1. **Show** video (20 minutes)
 2. **Debrief** video
 - a. **Advise** students that each individual may respond uniquely to sexual harassment. What one individual thinks is humorous, for example, could be offensive to another and therefore considered sexual harassment. Understanding the definition helps them decide what may be discrimination, or misunderstandings, or someone testing their tolerance **(Consent Decree & 117 (a))**
 - b. **Emphasize** the importance of talking to the person and requesting the behavior to stop. Advise the student that this is an option that can be very successful in stopping the behavior. However, speaking to the offender is not mandatory. A victim of sexual harassment may skip the chain of command or go outside the Department to make a complaint of sexual harassment. **(Consent Decree & 117 (a)) (Core Value)**
 - c. **Direct** students to the Workplace Discrimination reference guide for resource material.
 - d. **Emphasize** that sexual harassment is ethically wrong, counter-productive and illegal. **(Core Value)**
- B. FACILITATED DISCUSSION
1. Understanding the Sexual Harassment definition and laws will assist in determining if the behavior rises to the level of discrimination, misconduct or misunderstanding.
 2. **Write** on dry erase board – “3 Prong Test”.
 - a. 3-Prong Test: If what you are about to say or do, was videotaped and shown to
 - 1) your boss (Chief Moore)
 - 2) your spouse or significant other
 - 3) or your child,
 - b. Would you have to explain yourself?
 3. Unprofessional Behavior Flow Chart (Write flow chart on white board)
 - a. The first level of the flow chart is “Unprofessional Behavior”
 - 1) This is where we can all have an impact on issues of discrimination in the workplace.
 - 2) We as peers can intervene when we see someone acting in an unprofessional manner. Peer intervention is the most effective tool officers can use to modify behavior prior to the behavior becoming misconduct/discrimination.
 - b. Expected responses:
 - 1) Set standards
 - 2) Role Model professional behavior
 - c. The second level of the flow chart is “Misconduct”
 - 1) Misconduct defined
 - a) Commission of a criminal offense
 - b) Neglect of duty
 - c) Violation of Department policies, rules or procedures
 - d) Conduct unbecoming
 - 2) Must immediately be reported to a supervisor
 - d. The third level of the flow chart is “Unlawful Discrimination”
 - 1) Sexual Harassment is just one type of discrimination
 - 2) Criminal in Nature

Event 1 – Police Sciences
Session 7 – Sexual Harassment

Learning Domain 42 – Cultural Diversity/Discrimination

- 3) Also Misconduct but more serious
5. Location, Audience, Relationship (Write on Board)
 - a. Officers and supervisors should consider location, audience and relationship to determine whether their behavior is appropriate in the work place.
 - 1) Location:
 - a) Are you in a setting where someone may overhear all or part of your conversation?
 - b) Could your behavior be misinterpreted?
 - c) Where are you now? (Academy, work?)
 - d) Just because you can't be seen doesn't mean you can't be heard (locker room and cubicles)
 - 2) Audience:
 - a) Are you aware of your audience makeup? (public, civilians, sworn)
 - b) Is your behavior suitable for the group you're in?
 - c) Are you interacting with peers, supervisors or subordinates?
 - d) Do you interact with everyone in the same way?
 - (1) Remember how we discussed different ways of talking to child or child's teacher – self is differentiated but integrated (Session 2)
 - 3) Relationship:
 - a) How well do you know the people you're interacting with?
 - b) Make sure all parties understand the relationship. Are you co – workers, acquaintances or friends?

Not all people define these terms in the same way.

Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination
Learning Activity #4 – Sexual Harassment Case Studies

Purpose: To provide students an opportunity to participate in a sexual harassment related facilitated discussion which addresses any behaviors which are illegal, as defined by federal or state harassment laws; professional, personal, and organizational impacts of the incident; legal and administrative consequences of the behaviors observed whether or not state sexual harassment reporting guidelines apply to the situation.

Description:

1. In learning teams provide Sexual Harassment Case Studies worksheet and **assign** teams to answer different case studies. Several teams maybe assigned the same case study to analyze.
2. **Explain** to the class that they should have a reporter and a recorder and that they can write directly on the paper. Remind them that the report should be someone who has not yet presented during this week. Reinforce the importance of making the presentations. Point out how it enhances command presence and develops their ability to summarize and clearly articulate an event that they participated in.
3. **Advise** them that the LD 42 Workbook, Sexual Harassment in the Workplace Handout, and the Department Discrimination Reference Guide provided are resources to be used when critically thinking about the questions and how to respond. Remind them that their answers should be grounded in the Core Values and the Law Enforcement Code of Ethics.
4. **Advise** the recruits to read the case study and answer the following questions:
 - a. What is going on in this scenario?
 - b. Does it rise to the level of sexual harassment? Why or why not? Justify your response based on the resources.
 - c. How would you handle this incident? Why?
 - d. How does the gender of the involved parties alter how you view this incident?
5. **Circulate** around the room **but do not answer any questions** the students may have. Remind them that it is their problem and they have all the resources they need to work through the problem. As the facilitator your goal is to point them in the right direction and provide the resources necessary to develop their problem solving skills
6. **Debrief:**
 - a. Have each group present their findings
 - b. Ask challenging questions to check understand
 - c. Any additional information from below that will ensure the recruits have a clear and workable understanding of the policy and consequences if violated

Case Study 1

Three male recruits are standing by the vending machines at the ARTC. As a female recruit (classmate) approaches the vending machines one of the male recruits states, in a voice loud enough for the two male recruits and the female recruit to hear, "Gentlemen, start your boners."

1. **Ask:** What is going on in this scenario? Answer: Inappropriate comments in the workplace.

Event 1 – Police Sciences
Session 7 – Sexual Harassment

Learning Domain 42 – Cultural Diversity/Discrimination

2. **Ask:** Does it rise to the level of sexual harassment? Why or why not? Justify your response based on the resources.
 - a. Probably not. This one comment is not unlawful sexual harassment by itself. However, if it becomes repeated, continuous or pervasive it becomes sexual harassment. Regardless, it is inappropriate for the workplace and probably would be considered Misconduct by most Commanding Officers
 - b. Objectively this is vulgar language and is offensive to the reasonable person. However, one isolated comment would not prevent a reasonable person from coming to work and doing their job.
3. **Ask:** How would you handle this incident? Why?
 - a. Tell him to stop
 - b. Discuss the impact of the incident with the recruit officer who made the statement and those who laughed if she feels comfortable to do so
 - c. Advise class leader so a statement of can be made to the entire class about appropriate and inappropriate language in the workplace
 - d. Report to your class supervisor

Case Study 2

A recruit class is working out on the pull-up bars. A female recruit did more pull-ups than the two male recruits before her. One of the two male recruits said to the other loudly enough for the female recruit to hear, "She must be a lesbian."

1. **Ask:** What is going on in this scenario?
 - a. Inappropriate comments
 - b. Insecurity about their physical ability and that a woman may be stronger or as strong
2. **Ask:** Does it rise to the level of unlawful sexual harassment? Why or why not? Justify your response based on the resources.
 - a. No.
 - b. This one comment is not sexual harassment by itself. However, if it becomes repeated, continuous or pervasive it becomes a hostile work environment, sexual harassment.
 - c. Comments about a person's sexual orientation have no place in the workplace and are offensive to the reasonable person. If the behavior is repeated or flagrant enough, it could cause a reasonable person to feel uncomfortable to come to work and do their job. In any case, the behavior is inappropriate for the workplace and probably would be considered Misconduct by most Commanding Officers
3. **Ask:** How would you handle this incident? Why?
 - a. Tell him to stop
 - b. Discuss the impact of the incident with the recruit officer who made the statement if she feels comfortable to do so
4. **Ask:** How does the gender of the involved parties alter how you view this incident?

Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

Case Study 3

On a Monday morning before start of watch, a group of three male recruits are dressing in the locker room. One of the recruits is talking about a woman he dated that weekend. He begins to go into detail about his sexual activities on the date.

1. **Ask:** What is going on in this scenario?
 - a. Sharing of private information
 - b. Follow up questions to **ask**? Who is present, who might overhear, is the location appropriate for this type of conversation?
2. **Ask:** Does it rise to the level of sexual harassment? Why or why not? Justify your response based on the resources
 - a. Discussing sexual exploits is a form of verbal sexual harassment.
 - b. If someone heard the comment and was offended, this could be considered sexual harassment. An isolated incident rarely rises to the level of unlawful sexual harassment.
3. **Ask:** How would you handle this incident? Why?
 - a. Tell him to stop
 - b. Discuss the impact of the incident with the recruit officer who made the statement and what the consequences of talking about private matters in a public place that could be overheard
 - c. Advise the class leader, DI, sergeant
4. **Ask:** Does the gender of the involved parties alter how you view this incident?
 - a. Locker room talk
 - b. How might this be offensive? co-workers involved

Case Study 4

Sally and Jim are in the same Academy class. Jim has been avoiding Sally because she flirts openly with him and asked him out the week before. Jim told Sally he has a girlfriend and doesn't want to date Sally. During a break, Sally again asked Jim out and said she won't take no for an answer.

1. **Ask:** What is going on in this scenario?
 - a. Possible Sexual Harassment
 - b. Inappropriate behavior/Misconduct
 - c. Stalking?
 - d. Pestering, repetitive annoying
2. **Ask:** Does it rise to the level of sexual harassment? Why or why not? Justify your response based on the resources.
 - a. Could be depending on how Jim felt about Sally asking him out again
 - b. Especially if this behavior continues
 - c. If the male recruit has repeatedly told his Sally "No", it begins to move into the area of sexual harassment (repeated, continuous, pervasive.)
 - d. Because this is not a supervisor /subordinates it is not quid pro quo. However, this may have become a hostile work environment for Jim, to the point where he no longer wants to take breaks for fear of running into the female recruit.
3. **Ask:** How would you handle this incident? Why?

Event 1 – Police Sciences
Session 7 – Sexual Harassment

Learning Domain 42 – Cultural Diversity/Discrimination

- a. In the beginning when it first starts tell her to stop
 - b. Notify a supervisor
 - c. This behavior must stop
 - d. Sally must be told to stop the behavior
 - e. Jim now needs someone to intervene, it is beginning to impact Jim’s work environment
 - f. Class leader, DI and supervisor should all be involved in developing a short and long term plan to stop the behavior and ensure it does not continue
 - g. Disciplinary action may be taken
 - h. This will protect Jim and Sally
4. How does the gender of the involved parties alter how you view this incident?
- a. The gender makes no difference
 - b. Same gender relationships apply too

Case Study 5

Julie is a Recruit Officer about halfway through her Academy training. Her friend Mary had graduated and is on probation at Wilshire Division. One day Mary calls Julie to tell her that she is thinking of quitting her job. When Julie asks why, Mary tells her that her Training Officer constantly makes comments such as “women don’t belong on the job and should be home making babies”.

Mary reports her Training Officer’s behavior to her den sergeant who advises the Watch Commander. The Watch Commander counsels the Training Officer for his inappropriate comments. The following week Mary received an unsatisfactory rating from her Training Officer. Mary had always received excellent ratings prior to this incident.

1. What is going on in this scenario?
 - a. Gender bias statements
 - b. Causing a Mary to not want to work for the Department
 - c. Retaliation because Mary told a sergeant about the behavior
2. Does it rise to the level of sexual harassment? Why or why not? Justify your response based on the resources.
 - a. Yes
 - b. This is continuous, pervasive and offensive to the reasonable person and has no place in the workplace.
 - c. His behavior would make the reasonable person uncomfortable to come to work and do their job-meeting the standard for hostile work environment.
3. Retaliation defined
 - a. An adverse employment action taken against an employee for engaging in a protected activity
 - b. Protected activities include (but are not limited to) personnel complaints, filing a work related lawsuit, filing claims for damages, filing grievances, reporting unlawful discrimination, reporting sexual harassment, reporting an intimidating or hostile environment, requesting mediation, and reporting employee misconduct to other city or government agencies
4. How would you handle this incident? Why?

Event 1 – Police Sciences
Session 7 – Sexual Harassment

Learning Domain 42 – Cultural Diversity/Discrimination

- a. Tell him to stop, if comfortable after first comment
- b. Advise a supervisor of the initial comment and of the retaliation
- c. An employee can contact any of the following entities for assistance and or make a complaint
 - i. BSS
 - ii. Department supervisor
 - iii. Any command or staff officer
 - iv. WELD (Workplace Environmental Liaison Division)
 - v. Board of police commissioners
 - vi. Officer of the mayor
 - vii. State of California Department of Fair Employment and Housing
 - viii. Federal Equal Employment Opportunities commission
 - ix. Refer to Preventing Sexual Harassment in the workplace employee resource book and Workplace Discrimination Guide for additional resources
- d. As a friend reassure her and remind her that it is not her fault
- e. Ensure that all employees have received a copy of the Anti-Discrimination and Retaliation Training Bulletin and are following the guidelines
- f. Prevention through policy , training, supervision and discipline are ways to manage unlawful discrimination, harassment and retaliation (2009 LAPD Manual 1/272 Retaliation Policy)
- g. Accurate identification of circumstances leading to potential incidents of unlawful discrimination, harassment or retaliation
- h. All levels of management and supervision have the legal responsibility to follow Department’s reporting procedures
 - i. stop the behavior, conduct an initial investigation of the situation, seek advice, reassure concerned individual that the behavior will cease and if it does not, seek assistance immediately, and
 - ii. monitor the situation to make sure no reprisal, overtly or covertly, are taken against the person who complained
- i. Department Managers and supervisors’ performance in preventing retaliation will be reflected in their Standard Based Assessment reports

Case Study 6

Tony is a Recruit Officer in a class that is very tight. Every Friday some of the recruits get together at one of their homes after end of watch for a study group. Tony usually doesn’t go but decides to go on a particular Friday. After a couple of hours the recruits are finished studying and break out the beer. Tony tells a joke that is sexual in nature. Everyone laughs.

1. **Ask:** What is going on in this scenario?
 - a. Friend party vs. extension of the work place
 - b. Audience, location, relationship

Event 1 – Police Sciences
Session 7 – Sexual Harassment

Learning Domain 42 – Cultural Diversity/Discrimination

2. **Ask:** Does it rise to the level of sexual harassment? Why or why not? Justify your response based on the resources.
 - a. Could depending on reaction of classmates – just because they “laughed” you don’t know how they really feel
 - b. Because they are all department employees, this could be considered an extension of the workplace. If the joke was at the expense of an individual, and continued into the workplace, this could lead to a hostile work environment. The recruits need to consider LAR.
3. **Ask:** How would you handle this incident? Why?
 - a. Tell him to knock it off – Core Values, not right thing to do, teamwork
4. **Ask:** How does the gender of the involved parties alter how you view this incident?
 - a. What if it is all guys?
 - b. What if the joke is about another recruit in the class?
 - c. What if it continues at work the next day?

Case Study 7

An instructor asked a recruit out for dinner. The recruit politely declined, saying that they were exhausted after having so much remediation. The instructor guaranteed passing the next test could be arranged if the recruit would go out to dinner with instructor and spend some one on one time.

1. **Ask:** What is going on in this scenario?
 - a. Someone with supervisor position is offering preferential treatment in exchange for implied intimate time
 - b. Implied that they would somehow fix the test (cheating)
2. **Ask:** Does it rise to the level of sexual harassment? Why or why not? Justify your response based on the resources.
 - a. Yes
 - b. Quid pro quo
3. **Ask:** How would you handle this incident? Why?
 - a. Report
 - b. Follow the complaint process set out in the Preventing sexual harassment resource guide and Workplace Discrimination Guide
4. **Ask:** How does the gender of the involved parties alter how you view this incident?
 - a. What if it is the same gender making the request?
 - b. What if the recruit wants to date the instructor? (2019 LAPD Manual 1/271 Relationships between department employees)
 - i. Public trust requires that employees avoid even the appearance of conflict between their professional responsibilities and their personal relationship with other employees
 - ii. All employees should avoid situations which give rise to an actual or apparent conflict between personal and professional

Event 1 – Police Sciences
Session 7 – Sexual Harassment
Learning Domain 42 – Cultural Diversity/Discrimination

Case Study 8

Three months out of the Academy, you are getting equipment from the “kit room” for your patrol car, working in West L.A. Area. You see your FTO showing a photo to a group of officers and they are all laughing. As you prepare your car, your FTO comes over and shows you the photo. Your FTO is laughing, telling you how funny the photo is. The photo depicts another officer’s personal car in the West L.A. parking lot for officer’s personal cars. The officer’s car has “Faggot” written on its hood with crime scene chalk. There is no apparent damage to the car.

1. **Ask:** What is going on in this scenario?
 - a. Discriminatory action against owner of personal vehicle
 - b. Hate Incident
 - c. Creation of hostile work environment
 - i. Both involved owner of vehicle
 - ii. Other employees who see/hear about incident
 - d. Subordinate employee must report misconduct of FTO (Senior Employee)
 - e. Employee faces possible Retaliation from other officers
2. **Ask:** Does it rise to the level of sexual harassment? Why or why not? Justify your response based on the resources.
 - a. Yes
 - b. Hostile Work Environment
 - i. The overt nature of the act would make any employee not feel welcome at work and therefore create a hostile environment
 - c. Recruit and probationary officers must be guided by Special Order No. 6 (now Manual Section 1/285) which states that “discrimination in the workplace on the basis of an individual’s sexual orientation is unacceptable and will not be tolerated.” This policy prohibits “derogatory terms ...comments ... ridicule...or jokes with respect to an individual’s known or presumed sexual orientation.”
 - d. Mayor’s Executive Directive No. 11 (Garcetti Series), August 26, 2015, “Gender Equity in City Operations” “established and defined the City’s intent to promote and maintain a working environment free from discrimination on the basis of sexual orientation.” Executive Directive No. 23, April 30, 2018, “Harassment and Discrimination”.
3. **Ask:** How would you handle this incident? Why?
 - a. Report
 - i. Because the actions of the FTO are a direct violation of City and Department policy, and display a discriminatory attitude, the probationary officer is obligated to report the matter
 - ii. Why is it important that you report the misconduct?
 - iii. Who would you report it to?
 - b. **Ask:** Would you have any fear of retaliation by other officers?
 - i. Due to the nature of the Probationary Officer’s status, he or she may fear retaliation for their actions. Instructors should instruct recruit officers that they should not fear reporting misconduct out of fear of retaliation, as the retaliation is forbidden, as detailed in LAPD Training Bulletin Vo. XLII, Issue 2, May 2012,

Event 1 – Police Sciences
Session 7 – Sexual Harassment

Learning Domain 42 – Cultural Diversity/Discrimination

“Anti-Discrimination And Retaliation,” which states that, “Protected activities include opposing, reporting, or participating in any claim, lawsuit, or investigation concerning unlawful discrimination or sexual harassment.” It is also forbidden under state and federal law. The Bulletin states that “Protected activities include opposing, reporting, or participating in any claim, lawsuit, or investigation concerning unlawful discrimination or sexual harassment.”

4. **Ask:** How does the gender of the involved parties alter how you view this incident?
 - a. Gender should not play role in this incident.
 - i. What if you knew that the owner of the vehicle was in fact a gay officer at your division? Would that change your response?
 - ii. Remember it is irrelevant if targeted employee is in fact gay or not. In either case it is still sexual harassment.
 - b. Ask: How does the rank (Probationary Officer to a FTO) of the involved parties alter how you view this incident?
 - c. What if it the person providing the picture was your classmate?

Resources needed:

- Classroom with tables
- Whiteboard with Dry-erase markers

Handouts:

- Case Studies
- Training Bulletin, Vol XLII, Issue 2 “Anti-Discrimination and Retaliation”;
- Mayor’s Executive Directives, No. 11, “Gender Equity in City Operations” and No. 23 “Harassment and Discrimination”.
- “Discrimination Free Workplace Policy”
- “Discrimination Complaint Procedure”

Time required: 40 minutes