

## CHAPTER 10

### College of Education Credential Program Policies

The California State University, Fullerton College of Education credential program are professional preparation programs that hold candidates to standards that may extend beyond the University. This chapter provides information on these additional standards and policies.

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#### **California Commission on Teacher Credentialing TPE 12: Professional, Legal, and Ethical Obligations**

Teaching Performance Expectation 12 (TPE 12): Professional, Legal, and Ethical Obligations, outlines specific responsibilities of educators. Credential candidates are expected to honor these responsibilities.

Candidates for a Teaching Credential take responsibility for student academic learning outcomes. They are aware of their own personal values and biases and recognize ways in which these values and biases affect the teaching and learning of students. They resist racism and acts of intolerance. Candidates appropriately manage their professional time spent in teaching responsibilities to ensure that academic goals are met. They understand important elements of California and federal laws and procedures pertaining to the education of English learners, gifted students, and individuals with disabilities, including implications for their placement in classrooms. Candidates can identify suspected cases of child abuse, neglect, or sexual harassment. They maintain a non-hostile classroom environment. They carry out laws and district guidelines for reporting such cases. They understand and implement school and district policies and state and federal law in responding to inappropriate or violent student behavior. Candidates for a Teaching Credential understand and honor legal and professional obligations to protect the privacy, health, and safety of students, families, and other school professionals. They are aware of and act in accordance with ethical considerations and they model ethical behaviors for students. Candidates understand and honor all laws relating to professional misconduct and moral fitness. Included in this chapter is the College of Education Credential Program Committee Standards for Continued Participation in the Credential Programs, the College of Education Policy on Child Abuse Reporting and State of California Department of Fair Employment and Housing information on sexual harassment.

## **College of Education CPC Policy One**

College of Education credential programs endeavor to admit only candidates who have demonstrated through the application process that they possess the important characteristics necessary to be successful educators:

- Respect for all individuals enriched by an understanding of culture and diversity
- Commitment to working collaboratively
- Commitment to lifelong learning
- Wide constellation of knowledge and skills
- Ethical character demonstrated by having integrity, and being trustworthy, honest, courteous, open minded, and by treating others fairly and impartially.

Candidates are required to demonstrate professional behavior in all aspects of their participation in the credential program. Candidates are expected to be familiar with the professional standards for their field of teaching (California Standards for the Teaching Profession) and communicative disorders (American-Speech-Language-Hearing Association), as well as University standards outlined in the Schedule of Classes and Catalog, especially the sections on Student Conduct, Graduate Admission, and Academic Dishonesty. Students who are accepted for admission to a credential program become credential candidates and are responsible for meeting the high standards of personal conduct expected of professional educators. Candidates' continued participation in credential program at Cal State Fullerton is dependent upon their understanding of professional standards and their ability to adhere to these standards.

### **In order to continue to participate in a Credential Program and/or Master's Program you must:**

- Behave in an honest and forthright manner.
- Follow standard scholarly practice in giving credit to sources used in assignments.
- Follow directions of University instructors, supervisors, and fieldwork and student teaching mentors such as master teachers.
- Behave in a manner expected of professional educators.
- Cooperate and collaborate with fellow candidates on projects and assignments.
- Maintain successful academic progress by passing all classes and maintaining at least a 3.0 grade point average. No classes for which grades of D or F were assigned will be used to meet credential requirements. In credit/no credit classes "B" level work is required to get credit.
- Maintain the standards of your department and/or program.

### **Credential candidates will be considered for removal from the program if they:**

- Exhibit academic dishonesty as defined by the University Catalog
- Exhibit inappropriate student conduct as defined by the University Catalog
- Exhibit unacceptable academic, field, pedagogical, and/or clinical performance behaviors
- Fail to meet the standards set by the Commission on Teacher Credentialing
- Fail to behave according to the standards of the profession, public schools, university, department and/or program
- Fail to demonstrate credentialing competencies

Procedures to be followed by departments to remove a student from the Credential Program are found on the College of Education Website (<http://ed.fullerton.edu>). The process for the Department of Special Education process is detailed below.

### ***Department of Special Education Continuance of Teacher Candidates in the Program***

If at any time a candidate does not meet the criteria for continuance in the Education Specialist Credential Programs, faculty consult with each other and the program coordinator to determine next steps. In consultation with the coordinator, department faculty members function as reviewing bodies of the progress of candidates in the program. Decisions are made as a committee based on meeting the criteria listed above.

#### **Decisions 1, 2, and 3**

Decisions as to a candidate's status in the program include:

- (1) A candidate may be removed from the program,
- (2) A candidate may be allowed to continue in the program with the provision that specific steps be taken to overcome deficiencies, or
- (3) A candidate may be allowed to continue in the program.

#### **Guidelines for Implementing Decisions**

1. A candidate is removed from the program when, in the judgment of the reviewing committee members, the candidate does not meet program requirements (Decision 1).
2. If the reviewing committee members determine that additional experiences would enable candidates to meet program requirements or to overcome deficiencies, the candidates may be continued on a provisional basis (Decision 2). A Performance Improvement Contracts will be required (see below).
3. If the reviewing committee members determine that the candidate meets program requirements, he/she may continue in the program (Decision 3).

Candidates will be promptly informed by faculty team members if their progress is not satisfactory. Students not so informed may infer that their progress to date is judged to be satisfactory.

All students in the Education Specialist Credential Programs receive continuous feedback on their progress. Student teaching and some courses (SPED 430 & 436) are assessed on a Credit/No Credit basis. In order to earn credit in any program course, including fieldwork and student teaching, candidates must perform at "B" or better work. In graded courses students must maintain a 3.0 grade point average.

#### **Performance Improvement Contracts**

If a candidate does not meet the criteria for continuance in the Education Specialist Credential Programs, and it has been determined by the reviewing committee members that the candidate will be allowed to continue with the provision that specific steps be taken to overcome deficiencies (Decision 2), then the candidate may be given a written performance contract. Contracts are written in consultation with the program coordinator. Teacher candidates must sign the performance contract in order to remain in the Education Specialist Credential Programs. The student's signature does not

necessarily indicate his/her agreement with the contract, but rather that s/he has seen and understands it.

Contracts specifically describe the steps that must be taken in order for the candidate to continue in the program. Contracts include a timeline that the steps must be completed and improvement demonstrated by the candidate. If a candidate fails to fulfill the performance improvement contract, then the candidate will be dropped from the program.

*Note: Students may be removed from the program without a written contract, if determined by the reviewing body that the candidate does not meet program requirements (Decision 1).*

### **Appeal Procedures**

1. All students at California State University, Fullerton have a right to academic appeal. For information students should consult the official university catalog under Academic Appeals as well as the Credential Programs Committee Policy One (see below).
2. Specifically, in the Department of Special Education, students who wish to appeal a grade, a program continuance decision, or a field or student teaching placement shall adhere to the following procedures:
  - a. Confer with the instructor or university supervisor involved.
  - b. Confer with the Program Coordinator, if the instructor or supervisor is not able to provide informal resolution of the issues.
  - c. Confer with the Student Teaching Coordinator, if the Program Coordinator is not able to provide informal resolution of the issues.
  - d. Confer with the Department Chair, if the Student Teaching Coordinator is not able to provide resolution of the issues.
3. If the problem is not resolved informally by conferring with the instructor, Program Coordinator, Student Teaching Coordinator, and/or the Department Chair, the Special Education Department adheres to the following procedures:
  - a. The student shall submit a letter detailing the specific problem and the candidate's suggested solution for the problem and a request that the Department Chair convene the Department's Student Support Committee.
  - b. The Student Support Committee shall appoint three faculty members who are not involved in evaluating the student and are selected at random from the full-time special education credential faculty.
  - c. It is the responsibility of the Department Chair to convene the Student Support Committee and to ensure that all elements of the Appeals Process are carefully followed.
  - d. The Student Support Committee will receive from the Chair the student's request for an appeals hearing. The Panel shall be responsible for all facets of investigation of the problem, including, as needed, interviews with the student, faculty involved, the chair, and school district personnel.
  - e. After gathering all relevant data, the Student Support Committee shall make a written recommendation to the Chair. If the Chair agrees with the Student Support Committee decision, the panel's recommendation shall be implemented and the Chair shall forward the decision to the candidate. If the Chair disagrees with the Panel's recommendations, the Student Support Committee will meet with the Chair and with the Dean of the College of Education (COE) to review the case. The Dean shall have the final

responsibility to determine the outcome of the Appeal. The Chair shall then forward this decision to the student.

- f. If the student is not satisfied with the outcome of the appeal, he/she may confer personally with the Dean of COE. If the student remains unsatisfied after this conference, he/she may appeal to the University Academic Appeals Committee. To initiate this procedure, the candidate shall contact the university's Coordinator of Academic Appeals, who will provide information and clarification about university policies.

## **Collect of Education CPC Policy Two**

### **Credential Program Committee Policy for Proficiency in Written and Spoken English**

This policy applies to all credential programs at California State University Fullerton. Executive Order No. 758, Teacher Education Basic Credential Programs, was issued on October 6, 2000, by Chancellor Charles B. Reed. It establishes standards for entrance to and continuation in teacher education credential programs. The document lists a number of requirements for admissions to credential programs, including GPA; early field experiences; and prerequisite courses. It also requires at least one interview and two letters of recommendation to help determine a candidate's aptitude for teaching. Also included is Requirement 7: "The candidate shall have demonstrated proficiency in written and spoken English, as determined by the campus, and shall have taken the California Basic Educational Skills Test."

#### Policy Elements:

- **1.0 Assessment of Written and Spoken English**  
Prior to admission to a credential program, all credential candidates will be assessed in written and spoken English to ensure that they are able to speak and write English clearly. Since teachers must be understood by their students, and because they model the use of English in their classrooms, it is imperative that they have competence and fluency in speaking and writing English.
- **2.0 Proficiency in Written English**  
Evidence of writing skills in English shall include the following. These are minimal requirements; individual programs may require additional criteria.
  - *2.1 A passing score on the CBEST writing portion.*
  - *2.2 Demonstration of writing skills in an autobiography to be submitted with application for admission.*
  - *2.3 In addition, individual subject programs may also require a passing score on a controlled writing sample.*
- **3.0 Proficiency in Spoken English**  
Evidence of competence in speaking English shall include the following at minimum:
  - *3.1 An assessment of skills in spoken English by the program admission interviewers. They will base this assessment on the candidate's reading of a passage related to the credential area, and/or the candidate's spoken English in answering interview questions and maintaining a discussion.*
  - *3.2 Individual credential programs may also require additional assessments of proficiency in spoken English.*
- **4.0 Failure to Demonstrate Proficiency in English Prior to Admission to the Program.**

- If the candidate fails to demonstrate proficiency in written or spoken English, the candidate will not be admitted to the Credential Program.
- **5.0 Failure to Demonstrate Proficiency in English During the Credential Program.**  
For students admitted to the Credential Program, assessment of proficiency in English is an on-going process. Proficiency will be evaluated throughout the program by Master Teachers, Principals, University Supervisors, and Subject Area Advisor. If a student is admitted to a credential program, and during the program it becomes clear to the evaluators that the student is not maintaining and demonstrating an appropriate level of proficiency in written and spoken English, that student may be disqualified and removed from the Credential Program until proficiency in English can be demonstrated.
  - **6.0 Approaches to Improving Proficiency in English.**  
When students are unable to demonstrate the necessary proficiency in English, the program coordinator will suggest measures to address the problems. Following are some possible ways for the candidate to improve skills in English.
    - **Written English**
      - *6.1 Tutorial help at the University Learning Center.*
      - *6.2 Enrollment in a composition course, e.g., English 301.*
    - **Spoken English**
      - *6.3 Enrollment in an English pronunciation course in the American Language Program.*
      - *6.4 Scheduled practice sessions with volunteer tutor or friend.*
      - *6.5 Sessions with a tutor from the Foreign Language Education Program through the University Learning Center.*
  - **7.0 Reassessment.**  
Candidates who believe they are able to demonstrate proficiency in English should inform the appropriate Subject Area Advisor, who will arrange for reassessment as part of the process for re-applying to the program.
  - **8.0 Appeal Process.**  
Candidates who disagree with the initial assessment results or the reassessment may appeal through the California State University Fullerton Credential Programs Committee, following procedures established in Policy One. An Appeals Panel will then be established to determine the student's proficiency in written and/or spoken English.

**Excerpts from California Child Abuse and Neglect Reporting Act**

**Section 11166.**

- a. Except as provided in subdivision (c), a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make a report to the agency immediately or as soon as is practicably possible by telephone, and the mandated reporter shall
  - 1) Prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like

- position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.
- 2) The agency shall be notified and a report shall be prepared and sent even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.
  - 3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.
- b. Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that fine and punishment.
  - c. Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9.
  - d. When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.
  - e. The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article. (2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer. (3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.
  - f. A county probation or welfare department shall immediately, or as soon as practically possible, report by telephone, fax, or electronically transmit to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision. For the purposes of this subdivision, a fax or electronic transmission shall be deemed to be a written report.

- g. A law enforcement agency shall immediately, or as soon as practically possible, report by telephone to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

### **Section 11165.7**

- a) As used in this article, "mandated reporter" is defined as any of the following:
- 1) A teacher.
  - 2) An instructional aide.
  - 3) A teacher's aide or teacher's assistant employed by any public or private school.
  - 4) A classified employee of any public school.
  - 5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school.
  - 6) An administrator of a public or private day camp.
  - 7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
  - 8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
  - 9) Any employee of a county office of education or the California Department of Education, whose duties bring the employee into contact with children on a regular basis.
  - 10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
  - 11) A head start teacher.
  - 12) A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11.
  - 13) A public assistance worker.
  - 14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
  - 15) A social worker, probation officer, or parole officer.
  - 16) An employee of a school district police or security department.
  - 17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school.
  - 18) A district attorney investigator, inspector or family support officer unless the investigator, inspector, or officer is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
  - 19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
  - 20) A firefighter, except for voluntary firefighters.

- 21) A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor, clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
  - 22) Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
  - 23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.
  - 24) A marriage, family and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
  - 25) An unlicensed marriage, family, and child therapist intern registered under Section 4980.44 of the Business and Professions Code.
  - 26) A state or county public health employee who treats a minor for venereal disease or any other condition.
  - 27) A coroner.
  - 28) A medical examiner or any other person who performs autopsies.
  - 29) A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.
  - 30) A child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.
  - 31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings: (A) "Animal control officer" means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations. (B) "Humane society officer" means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.
  - 32) A clergy member, as specified in subdivision (c) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.
  - 33) Any employee of any police department, county sheriff's department, county probation department, or county welfare department.
- b)
- b. Volunteers of public or private organizations whose duties require direct contact and supervision of children are encouraged to obtain training in the identification and reporting of child abuse.
  - c. Training in the duties imposed by this article shall include training in child abuse identification and training in child abuse reporting. As part of the training, school districts shall provide to all employees being trained a written copy of the reporting requirements and a written disclosure of the employees' confidentiality rights.
  - d. School districts that do not train the employees specified in subdivision (a) in the duties of child care custodians under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided.

- e. The absence of training shall not excuse a mandated reporter from the duties imposed by this article.

### **Excerpt on Sexual Harassment**

**State of California Department of Fair Employment & Housing (Excerpt from Publication DFEH-185) Publication DFEH-185 is available online at: [www.dfeh.ca.gov](http://www.dfeh.ca.gov).**

Sexual harassment in employment violates the provisions of the Fair Employment and Housing Act, specifically Government Code sections 12940(a), (j), and (k).

#### **Definition Of Sexual Harassment**

The Fair Employment and Housing Act defines harassment because of sex as including sexual harassment, gender harassment and harassment based on pregnancy, childbirth, or related medical conditions. The Fair Employment and Housing Commission regulations define sexual harassment as unwanted sexual advances or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes harassment of a person of the same sex as the harasser. The following is a partial list:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct, e.g., leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters
- Verbal conduct, e.g., making or using derogatory comments, epithets, slurs and jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
- Physical conduct, e.g., touching, assault, impeding or blocking movements

#### **Employers' Obligations**

All employers have certain obligations under the law. Employers must:

- Take all reasonable steps to prevent discrimination and harassment from occurring.
- Develop and implement a sexual harassment prevention policy.
- Post in the workplace a poster made available by the Department of Fair Employment and Housing.
- Distribute to all employees an information sheet on sexual harassment. An employer may either distribute this pamphlet (DFEH-185) or develop an equivalent document that meets the requirements of Government Code section 12950(b). This pamphlet may be duplicated in any quantity. However, this pamphlet is not to be used in place of a sexual harassment prevention policy, which all employers are required to have.

#### **Employer Liability**

All employers are covered by the harassment section of the Fair Employment and Housing Act. If harassment occurs, an employer may be liable even if management was not aware of the harassment. An employer might avoid liability if the harasser is a rank

and file employee and if the employer had no knowledge of the harassment and if there was a program to prevent harassment. If the harasser is a rank and file employee and the employer was aware of the harassment, liability may be avoided if the employer took immediate and appropriate corrective action to stop the harassment.

Employers are strictly liable for harassment by their supervisors or agents. Harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassing an employee or coworker or for aiding and abetting harassment.

Additionally, Government Code section 12940(j) requires an entity to take "all reasonable steps to prevent harassment from occurring." If an employer has failed to take such preventive measures, that employer can be held liable for the harassment, a victim may be entitled to damages even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

### **Typical Sexual Harassment Cases**

The three most common types of sexual harassment complaints filed with the Department are those in which:

- An employee is fired or denied a job or an employment benefit because he/she refused to grant sexual favors or because he/she complained about harassment. Retaliation for complaining about harassment is illegal, even if it cannot be demonstrated that the harassment actually occurred.
- An employee quits because he/she can no longer tolerate an offensive work environment, referred to as a "constructive discharge." If it is proven that a reasonable person in the victim's position, under like conditions, would resign to escape the harassment, the employer may be held responsible for the resignation as if the employee had been discharged.
- An employee is exposed to an offensive work environment. Exposure to various kinds of behavior or to unwanted sexual advances alone may constitute harassment.

### **Preventing Sexual Harassment**

A program to eliminate sexual harassment from the workplace is not only required by law, but is the most practical way to avoid or limit liability if harassment should occur despite preventive efforts.

### **Training Of All Individuals In The Workplace**

All employees should be made aware of the seriousness of violations of the sexual harassment policy. Supervisory personnel should be educated about their specific responsibilities. Rank and file employees must be cautioned against using peer pressure to discourage harassment victims from using the internal grievance procedure.

### **Complaint Procedure**

An employer should take immediate and appropriate action when he/she knows, or should have known, that sexual harassment has occurred. An employer must take effective action to stop any further harassment and to ameliorate any effects of the harassment. To those ends, the employer's policy should include provisions to:

- Fully inform the complainant of his/her rights and any obligations to secure those rights.
- Fully and effectively investigate. The investigation must be immediate, thorough, objective and complete. All persons with information regarding the matter should be interviewed. A determination must be made and the results communicated to

- the complainant, to the alleged harasser, and, as appropriate, to all others directly concerned.
- If proven, there must be prompt and effective remedial action. First, appropriate action must be taken against the harasser and communicated to the complainant. Second, steps must be taken to prevent any further harassment. Third, appropriate action must be taken to remedy the complainant's loss, if any.

### **How The Law Is Enforced**

Employees or job applicants who believe that they have been sexually harassed may, within one year of the harassment, file a complaint of discrimination with the California Department of Fair Employment and Housing. The Department serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If the Department finds evidence of sexual harassment and settlement efforts fail, the Department may file a formal accusation against the employer and the harasser. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed on the complainant's behalf by the Department.

If the Commission finds that the harassment occurred, it can order remedies, not to exceed \$150,000 in fines or damages for emotional distress from each employer or harasser charged. In addition, the Commission may order hiring or reinstatement, back pay, promotion and changes in the policies or practices of the involved employer.