

## Sexual Harassment Training for Management and Staff

**Line of Business:** General Liability

**Risk Control Strategy/Key Issues:** Develop/reinforce awareness of the organization's policy against harassment

### Suggested Program Elements:

1. Policy Statement:
  - Assign training responsibilities
  - Assign training accountability
2. Training Plan:
  - Review policy
  - Discuss reporting channels
  - Detail discipline procedures
3. Documentation:
  - Have new employees sign receipt for policy
  - Current sign attendance sheet
  - Keep historic copy of policy from year to year
  - Keep copies of attendance sheets for 7 years

### Program Activities Calendar:

- New employee training during orientation
- Annual re training of all employees
- Annual review of training program

### Web Site Links:

- United States Department of Labor  
[www.dol.gov](http://www.dol.gov)

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## Harassment/Molestation/Abuse Countermeasure Leaders' Guide

This subject for the training leader and the attendees is both unsettling and offensive. To think of someone who has been entrusted with the care of a minor miss-using that trust for their own gain is a concept that fosters strong emotions to most audiences

Remember that these issues must be addressed in a sensitive manner.

What people think and, what they do can be different in any given situation. Personnel should be familiar with what constitutes a situation they should avoid, report, inform management about or, directly act upon if it occurs in front of them. The position of management regarding reporting a suspicious situation should be made clear with no gray areas.

Make the audience setting one to put the personnel at ease. Set up the presentation room with plenty of space for all expected attendees with enough seating for all. Crowding makes the attendees watch the clock. They are waiting to get out of an uncomfortable situation coupled with an uncomfortable subject.

Have copies made for everyone of the harassment and molestation policies for your organization. Make sure before the presentation that the policies are up to date and cover the controls and procedures that should be in place.

Have everyone sign an attendance sheet for your records. Have the top of the sheet state the topic, time and date, and who the presenter is. Example is included in the appendix.

The discussion should at all times be centered on the policy and the procedures of your internal program. How a program is reinforced and, to what level, is a determination that must be made within your own organization. How the policy is communicated to staff is as important as the creation of your policy and the controls that go with it.

The expectations of parents are that your organization is a safe responsible place where their children can go and, be safe. It is the responsibility of the administration to take action where needed to make sure that this is a safe place for children to be. The responsibility of staff members rests on their support of the actions by the administration in maintaining a safe place for children to be.

### EXAMPLES:

A teacher in California was arrested in August of 1996 and charged with six counts of child molestation

A Sheriff's Office deputy in Louisiana was arrested in October of 1996 and charged with sexual molestation and battery of a 10-year-old girl.

A School Board member in Washington D.C. was accused of molesting a 10-year-old girl in April of 1996.

Cases such as these are shocking, heartbreaking, and, sadly, much more common than one would assume. Incidents seem to be occurring everywhere -- in schools, government agencies, Day care operations, medical offices and religious institutions.

Reliable statistics on sexual molestation in public entities are difficult to come by, and often controversial, because many cases never come to the attention of authorities.

According to reports from the U.S. Department of Health and Human Services, there were an estimated 139,000 substantiated cases of sexual molestation in 1993.

Substantiated cases are defined as incidents represented by legal investigations that determine sufficient outcome under state law. However, the number of incidents is likely far greater; feelings of fear or shame often keep victims from reporting that they were molested.

Sexual molestation allegations are a very serious and costly matter.

As more lawsuits and complaints are documented and reported, this issue is becoming a hot topic both in the press and in the courts.

In some cases, fault can come down to a single action or to inaction on the part of an organization or individual. Mandated reporting is becoming a national issue as is the subject of background checks. State what your organizations position is on these two subjects.

In some cases reports of sexual harassment/molestation were ignored or dismissed by personnel to whom the young ladies reported their problem. The courts found that by the inaction of those who took the complaint the 14th Amendment rights of these individuals was violated. According to the court the right to "liberty" and equal protection was abridged due to inaction. This decision paved the way for the students to sue the school district as well as the individuals involved who failed to act on the children's complaints.

A. Introductions

- Good day, I am \_\_\_\_\_ and we are here to discuss a difficult but important topic.

B. Thank them for coming

C. Overview

- State the goals of the session
- Raise awareness potential for allegations based on fact, or based on perceptions

D. Investigating Accusations

- All accusations should be investigated
- Investigations will not assume guilt or innocence
- Is potential conduct based upon
  - Appearance of impropriety
  - Situations not immediately known to management
- At no time should an investigation be put off because the individual is a "good person"
- Minimize actions or situations that would lend credence to these types of allegations so we can better defend against false allegations

E. Example

- A teacher takes interest in a student beyond the classroom by buying gifts, taking them on trips that are not chaperoned, etc.
- A sheriff deputy transports a minor in the front seat of the squad car and does not call in start time, starting mileage, arrival time, or mileage to dispatch
- In these instances only two people know for sure if something happened
- Something could happen in these situations
- The situations could be used to establish a pattern of activity that lends support to an allegation

F. What actions constitute harassment or molestation

- Touching
- Fondling
- Kissing
- Inappropriate forms of physical contact ( pat on shoulder vs. pat on rear)
- Persistent suggestive words or actions

G. Organizational position

- Review your organizational position
- Inquire who has reviewed and is aware of the organization's position

- Provide copies of your policy and go over it
- Have discussion on their thoughts regarding the subject and take notes
- Discuss controls, procedures, expectations, and the legal position of your organization
- Ask questions of the group
  - ✓ Is everything clear
  - ✓ Does the policy make sense
  - ✓ What should we add or subtract
  - ✓ Is there anything we missed
  - ✓ What is risky behavior
  - ✓ Discuss appropriate and inappropriate behavior and situations
  - ✓ What behavior should send up a warning signal

H. What your organization expects of staff if they see or hear of a potential problem

- Go over your procedures
- What should they do
- Who do they report to
- What level of confidentiality can they expect
- What level of confidentiality do they expect
- Tell them what the State reporting law expects of them as a minimum and address any differences with your organization's expectations (state requirements are considered minimum requirements)

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