

Sexual Harassment: Training Deadlines

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Those “boorish, disrespectful and just plain dumb” comments? They were “just part of my shtick,” said the prominent philanthropist, “since before I had a penny to my name, and I unequivocally meant them in jest.”

The organizations that relied on his generosity turned a blind eye. Colleagues and friends said: “That’s just how he is.”

Sexual Harassment: Nonprofits

The #MeToo movement has brought long-overdue focus to the pervasiveness of sexual-harassment wrongdoing in the business world. It was just a matter of time before the almost-open secret of its destructive presence in philanthropy as well was exposed and condemned.

The problem in the nonprofit sector exists within the employer-employee context, of course; see, for instance, a recently breaking story: *United Way Accused Of Retaliation Against Women Employees* (November 23, 2020) Emily Peck, *The Huffington Post*. But it spills over, too, into the fundraising realm where it’s taken a serious toll. See our discussions in *Harassment of Fundraisers: A New Report* (June 8, 2018) and *Big-Donor Dependence and Sexual Harassment* (May 29, 2019)[featuring the “shtick” defense story].

See also *When a Major Donor Crosses the Line* (March 21, 2019), Ruth McCambridge, *The Nonprofit Quarterly* and *Concerns about Large Donor Dependence Heat Up as Small Donorship Wanes* (March 26, 2019) Martin Levine, *The Nonprofit Quarterly*.

The switch this year to mostly remote operations doesn’t necessarily mean that the problem has subsided; see *Sexual Harassment Still Happens When You Work from Home During a Pandemic* (March 17, 2020) Robyn Swirling, *medium.com/The Startup*.

What is the most important line of defense against this egregious behavior?: Awareness, education, and anti-harassment policies. See [*Addressing Donor Misconduct: Advice to Boards and Leaders*](#) (April 1, 2019) Anne Wallestad & Mike Geiger, *The Nonprofit Quarterly*.

The effort to combat sexual harassment (across all sectors of society including but not limited to nonprofits) is mandated now by laws in California and many other states. Notwithstanding other pressing concerns and priorities in this difficult year, nonprofits must meet certain end-of-year deadlines for the required anti-harassment training sessions. The good news is that there's helpful assistance by government agencies in the form of online and free-of-charge course packages.

Sexual Harassment Training: California

First in [*CA Sexual Harassment Training Mandates*](#) (July 11, 2018) and then in [*Newest CA Sexual Harassment Laws*](#) (January 4, 2019), we offered a summary of the development of anti-harassment laws in the Golden State. For over a decade, California has required employers with 50 or more employees to conduct and require attendance at 2-hour-minimum training sessions for supervisors within the first six months of those employees assuming supervisory duties and, in any event, every two years.

Spurred in large part by the #MeToo movement, this state's lawmakers [enacted more than a dozen new laws](#) (referred to as the "TakeTheLead bills) effective January 1, 2019. These provisions expand mandatory training obligations to *almost all* California employers and include a new requirement for "bystander intervention training."

Since then, certain of the deadlines have been tweaked a bit, but the bottom line is that December 31, 2020, looms as the cut-off to meet these mandatory training requirements. See [*One Year Reprieve: California Delays Employer Sexual Harassment Training Requirements to 2021*](#) (September 30, 2019) *Sheppard Mullin Labor & Employment Law Blog* and [*California's Deadline is Fast Approaching: Employers Must Complete Harassment Prevention Training for English and Spanish-Speaking Workforces by Year's End*](#) (November 11, 2020) Matthew Sonne, Esq., *Sheppard Mullin Labor & Employment Law Blog*.

There's an easy and cost-effective solution for California employers: Over the summer of 2020, the California Department of Fair Employment and Housing (DFEH) developed and published online, sexual-harassment-prevention training courses available [here](#). The courses are free of charge but employers must pay employees for the time (an hour or two minimum) spent taking this training. For more details, see [*California Releases Free Online Sexual Harassment Prevention Training Courses*](#) (August 19, 2020) [aherninsurance.com](#).

Other Jurisdictions

In addition to California, other jurisdictions including Connecticut, Delaware, Illinois, Maine, New York (state) and New York City have enacted mandatory sexual-harassment training laws. According to the extensive information at the website of the [Clear Law Institute](#), though, "...other federal and state laws, regulations, and court decisions have made clear that employers should provide anti-harassment training to all employees in all states."

The Clear Law Institute's details and reference material include a helpful chart of the requirements in all U.S. jurisdictions and nationwide under federal law.

Conclusion

These mandatory training requirements are – of course – a “floor” and not a ceiling for training against sexual and other forms of workplace harassment.

The costs for failing to establish and maintain policies and safeguards are huge: In addition to the human toll to employees of oppressive and illegal workplace practices, nonprofit employers will likely face expensive lawsuits, government penalties, and severe damage to their reputations and goodwill.

— *Linda J. Rosenthal, J.D., FPLG Information & Research Director*