

LEGISLATIVE DIGEST
(Revised 06/20/18)

[Administrative Code - Office of Sexual Harassment and Assault Response and Prevention]

Ordinance amending the Administrative Code to establish, and to set rules governing the appointment of the Director and the qualifications and duties of employees of the Office of Sexual Harassment and Assault Response and Prevention (Office) as a City department under the direction and oversight of the Human Rights Commission, which Office shall be responsible for: 1) receiving complaints concerning the manner in which any City department has responded or failed to respond to allegations of sexual assault or sexual harassment, and assisting complainants in navigating within City government to resolve those complaints; 2) compelling the attendance of City officers or employees at meetings with complainants; 3) notifying relevant City departments of any failure, in connection with a complaint of sexual assault or sexual harassment, to perform a duty imposed by law, or to perform a promised act, or to respond reasonably to the complainant's or Office's requests, or to otherwise fully and conscientiously respond to the complainant's or the Office's concerns, and reporting to the Mayor and the Board of Supervisors if any City department so notified fails to take timely and adequate corrective action; 4) in certain cases, referring City officers and employees to appropriate disciplinary authorities for possible professional or administrative discipline; 5) requiring City departments to report aggregated or otherwise de-identified information concerning the department's handling of allegations of sexual assault and harassment; 6) engaging with community members to develop recommendations for improving the City's efforts to combat sexual assault and harassment, and making related recommendations to City policymakers; 7) making regular reports to the Human Rights Commission; and 8) maintaining the confidentiality of information required by law to be kept confidential, and respecting complainants' wishes for confidentiality to the maximum extent permitted by law.

Existing Law

Under existing law, survivors of sexual assault and sexual harassment are responsible for interacting, directly and individually, with City departments that they believe to be relevant to their cases of sexual assault and sexual harassment. There is no centralized point of contact in City government to assist survivors of sexual assault and sexual harassment in navigating City government, or to advocate on their behalf.

Amendments to Current Law

This ordinance would create the Office of Sexual Harassment and Assault Response and Prevention, a City department under the direction and oversight of the Human Rights Commission. The Office would be responsible for receiving complaints from members of the public concerning the manner in which City departments have handled allegations of sexual assault or sexual harassment, and would assist complainants in navigating within City government to resolve those complaints. In particular, the Office would have the authority to require relevant City employees to meet with complainants, to notify City departments (and, if necessary, the Mayor and the Board of Supervisors) when departments have failed to properly handle complaints, and to refer City employees to existing administrative or professional disciplinary authorities for potential discipline.

The Office would also be responsible for studying, and developing recommendations about, the City's overall systems for handling complaints of sexual assault and sexual harassment. To this end, the Office would have the power to require City departments to report aggregated or otherwise de-identified information concerning each department's handling of allegations of sexual assault and sexual harassment. The Office would also engage with other entities in City government (including the Department on the Status of Women and any Sexual Assault Response Team that may be established pursuant to state law) and with the community. The Office would report regularly to the Human Rights Commission, and would also report recommendations to relevant City departments, the Mayor, and the Board of Supervisors. In developing recommendations, the Office would collaborate with the Department on the Status of Women, and would seek to build upon prior recommendations developed by that Department.

The Director of the Office would be appointed by the Human Rights Commission, with input from a three-member advisory committee composed of a sexual-assault survivor, a community-based advocate, and an academic with expertise on sexual assault or sexual harassment. Employees of the Office would be required to promptly receive sufficient education or training to qualify as a "sexual assault counselor" within the meaning of Section 1035.2 of the California Evidence Code, if they do not already qualify as sexual assault counselors at the time of appointment.

This legislative digest reflects amendments made in Rules Committee on June 20, 2018. These amendments provide that the Office shall engage with other entities in City government (including the Department on the Status of Women and any Sexual Assault Response Team established pursuant to state law), and also that the Office shall collaborate with (and build upon prior recommendations made by) the Department on the Status of Women in developing its recommendations. Additionally, these amendments clarify the requirement that employees of the Office receive, to the extent permitted by law, sufficient education or training to qualify as "sexual assault counselors" under state law. Finally, these amendments clarify that the ordinance does not affect the City's existing, Charter-based procedures concerning complaints made by City employees interacting with the City in its capacity as an employer.