



DEVELOPMENTS IN SEXUAL HARASSMENT LAW

February 7, 2020 | Berkeley Law

Written Materials for MCLE Credit

Panel 1 – Developments in California Sexual Harassment Law

- [CA Senate Bill 1300](#) “Unlawful employment practices: discrimination and harassment”
- [CA Senate Bill 820](#) “Settlement agreements: Confidentiality”
- [CA State Assembly Bill 3109](#) “Contracts: Waiver of right of petition or free speech”
- Jang, Scott P., [“California Bar on Mandatory Arbitration Agreements in Employment Challenged, Injunction Sought.”](#) Jackson Lewis Publications, Dec. 12, 2019.
- Jang, Scott P., [“California Bar on Mandatory Arbitration Agreements in Employment Temporarily Enjoined.”](#) Jackson Lewis Publications, Dec. 30, 2019.
- Jang, Scott P. and Sierra Vierra [“Court Hears Challenges to California Bar on Mandatory Arbitration Agreements in Employment.”](#) Jackson Lewis Publications, January 13, 2020.
- Mizrahi, Ramit [“Sexual Harassment Law After #MeToo: Looking to California as a Model”](#) *The Yale Law Journal Forum*. 18 June, 2018.
- Noel, Ann [“Summary of New California Legislation on Sexual Harassment,”](#) January 2020.
- Yoshihara, Mariko. [“#MeToo Movement Inspires Changes in California’s Sexual Harassment Law: SB 1300”](#) *California Labor and Employment Law*, March 2019 (pages 1-4).
- Yoshihara, Mariko [“California Leads with #MeToo Reforms”](#) *San Francisco Chronicle*, Dec. 31, 2018.

Panel 2 – Developments in Title IX Law

- Cantalupo, Nancy Chi and William Kidder, [“Systematic Prevention of a Serial Problem: Sexual Harassment and Bridging Core Concepts of Bakke in the #MeToo Era”](#) (June 19, 2019). 52 UC Davis Law Review 2349-2405 (2019).
- Landis Dauber, Michele and Meghan Warner, [“Legal and Political Responses to Campus Sexual Assault”](#) (May 29, 2019). Annual Review of Law and Social Science, Vol. 15, October 2019, Forthcoming.
- [“Legal and Policy Mechanisms for Addressing Sexual Harassment.”](#) a chapter from *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*. Edited by Benya FF, Widnall SE, and Johnson PA. June 2018.
- Kidder, William [“\(En\)forcing a Foolish Consistency?: A Critique and Comparative Analysis of the Trump Administration’s Proposed Standard of Evidence Regulation for Campus Title IX Proceedings”](#) January 27, 2019, Journal of College and University Law
- Reynolds, Celene, [“The Diffusion of Title IX Sexual Harassment Complaints Throughout U.S. Colleges and Universities”](#) (January 19, 2019).

Panel 3 – Developments in the Worldwide #MeToo Movement

- [A visualization of the #MeToo movement from Google Trends](#)
- Beitsch, Rebecca [“#MeToo Has Changed Our Culture. Now It’s Changing Our Laws.”](#) *Pew*. July 31, 2018,
- Burke, Louise. [“The #MeToo shockwave: how the movement has reverberated around the world”](#) March 9, 2018, The Telegraph.
- Harris, Elizabeth A. [“How #MeToo Is Smashing the Casting Couch”](#) *New York Times*. January 31, 2020.
- Mercat-Bruns, M. 2016. [“Discrimination at Work: Comparing European, French, and American Law.”](#) California: University of California Press.
- Sen, Purna, et. al. [“Towards an end to sexual harassment: The urgency and nature of change in the era of #MeToo”](#) *UN Women*. September, 2019.
- Sen, Purna. [“What Will It Take? Promoting Cultural Change to End Sexual Harassment”](#) *UN Women*. September, 2019.
- Stone, Meighan and Rachel Vogelstein, [“Celebrating #MeToo’s Global Impact.”](#) March 7, 2019, Foreign Policy Institute

Panel 4 – Workplace Investigations

- [“California Department of Fair Employment and Housing Workplace Harassment Guide for California Employers.”](#) California Department of Fair Employment and Housing
- Dresher, Staci, Kelsey Froehlich, and Clancy Nolan [“Sexual Misconduct: Lessons Learned from Investigations in the Workplace”](#) *International In-house Counsel Journal* Vol. 13, No. 48, Summer 2019.
- [“Guiding Principles of Conducting Workplace Investigations.”](#) Association of Workplace Investigators
- Johnson, Andrea, Maya Rahgu, and Ramya Sekaran. [“#MeToo One Year Later: Progress in Catalyzing Change to End Workplace Harassment”](#) *National Women’s Law Center*, March 2019
- Oppenheimer, Amy. [“The Psychology of Bias: Understanding and Eliminating Bias in Investigations \(Part 1 of 2\)”](#). *CAOWI Quarterly*, California Association of Workplace Investigators, Inc. Jan 2011, Vol. 2, No. 1
- Oppenheimer, Amy. [“The Psychology of Bias: Understanding and Eliminating Bias in Investigations \(Part 2 of 2\)”](#). *CAOWI Quarterly*, California Association of Workplace Investigators, Inc. April 2011, Vol. 2, No. 2
- Oppenheimer, Amy and Alezah Trigueros, [“Guidelines for Responding to Sexual Harassment in the Workplace: An Update”](#) California Labor & Employment Law Review, Volume 32, No. 2
- Oppenheimer, Amy and Alezah Trigueros, [“The Meaning of ‘Due Process’ in Harassment Investigations”](#) 2019.
- Oppenheimer, Amy and Craig Pratt, [“Investigating Workplace Harassment: How to Be Fair, Thorough, and Legal”](#) 2003, Book published by the Society for Human Resources Management
- VANDANA, [“How Vishaka Committees fail women they are meant to protect in workplaces”](#) *Daily O*, 10 August 2018
- [Vishaka vs. State of Rajasthan & Ors](#)—The 1997 judgement of the Supreme Court of India, recognizing workplace sexual harassment as a violation of equality