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“Enough is Enough: Looking at State Sexual Harassment Law Through the Lens of #MeToo and #Times Up”

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In the past year, the media has reported that more and more victims of sexual harassment are making their voices known, attacking both ordinary and celebrity status harassers for their sexual misconduct in and out of the workplace. Their movement has sparked conversations on how to treat victims and prevent sexual harassment in all venues of life, especially within the workplace. This research focuses on the progress of sexual harassment law within the contexts of the Me Too and Times Up movements. Title VII of the Civil Rights Act of 1964 has been the starting point for prosecuting harassers and preventing employer retaliation but it merely serves as a floor of protection. California took the initiative to expand the protections of employees through its Fair Employment and Housing Act of 1959 or FEHA, for short. FEHA goes beyond to protect against sexual harassment and discrimination on the basis of gender, gender identity, gender expression and sexual orientation, without requiring a minimum number of employees for a report to be made. Other states, like New York, for example, are currently making similar strides with their sexual harassment laws. Through the use of federal and state statutes, and case law, this research reviews the success that states have had in protecting victims and from both harassment and retaliation. Recommendations will include a more comprehensive protection plan against harassment and retaliation for victims that can be easily used for a new federal bill or as an example for more states to follow.

To describe this work, it is derived from personal experience with sexual harassment and using that experience to further educate others on how a more comprehensive federal bill could be introduced to reduce the number of sexual harassment incidents within the United States. This is an issue that affects everyone; one in three women experience sexual harassment in the workplace and seventy-one percent of those women do not report it. Twenty-one percent of men experience workplace sexual harassment as well. While there have been multiple law review articles written about how the MeToo and TimesUp movements have pushed states to create better protections for their workers, there has not been any action taken by the United States Congress to enact new legislation. It has only occurred at the state level. This research takes a

closer look at how the federal government could improve Title VII of the Civil Rights Act's protections against sexual harassment.

When this research was presented to a group of legal studies students, it was widely accepted as important research. It introduced a legal perspective, rooted in federal and state legislation, not just a political, activist perspective as seen through the media. This research showcases the discrepancies that the federal law has, while states like California and New York have made the effort to be more inclusive and go above and beyond in their state legal codes. The main goal of improving federal and state laws would reach a wider audience as sexual harassment is a universal law that governs every person living in the United States, no matter their identity or background. It also introduces the notion that retaliation is an all too frequent repetitive theme within the legal arena. California and New York are two states that are working to minimize retaliation from the start as well as the effects it can have on the people who bring forward claims.

While this work is tailored to addressing sexual harassment laws, it contributes to the idea that victims of any sort of sexual violence need and should be taken more seriously. Sexual violence affects everyone in some way, shape or form, making it a wide net to cover. This sexual harassment research is just one of the small but critical parts of this issue but nonetheless, it will educate more people on how the legal system can support sexual violence victims, specifically victims of sexual harassment, and will help them gain the knowledge needed to improve the laws that govern them.

Word Count: 663

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