

CALIFORNIA CIVIL CODE

Summary

Civil Code 51.9

Effective 1998, updated 2002



A person is liable in a cause of action for sexual harassment ... when the plaintiff proves *all* of the following elements:

1. There is a **business, service or professional relationship** between the plaintiff and defendant.
Such a relationship may exist ... including, but not limited to, any of the following persons:
 - physician, psychotherapist, dentist--*patient*
 - attorney, holder of a master's degree in social work, real estate agent, real estate appraiser, accountant, banker, trust officer, financial planner, loan officer, collection service, building contractor or escrow loan officer--*client*
 - executor, trustee or administrator--*beneficiary*
 - landlord or property manager--*tenant*
 - teacher--*student*
 - a relationship that is substantially similar to any of the above.*
2. The defendant has made sexual advances, solicitations, sexual requests or demands for sexual compliance by the plaintiff, or engaged in other verbal, visual, or physical conduct of a sexual nature or of a hostile nature based on gender, that were **unwelcome** and pervasive or severe, ~~continuing~~ ~~after a request by the plaintiff to stop.~~
3. There is an **inability** by the plaintiff **to easily terminate** the relationship.
4. The plaintiff has suffered or will suffer economic loss or disadvantage or **personal injury**, including but not limited to, emotional distress or the violation of a statutory or constitutional right, as a result of the conduct...