

# Beth ann faragher, petitioner v. city of boca raton

Law



Case Study Beth Ann Faragher v. of Boca Raton The case deals with the responsibility of an agency when one of its employees who is at a higher rank is found to have been abusive or discriminative, or used language that can be termed as abusive to the employees working in a lower rank. They law in many regions as indicated in the ruling of this case have not set clear situations on when the agency or city in this case can be held responsible for the felonies stated above and executed by one of their employees. The laws of the agency require that the supervisors and other employees in higher ranks should be close to the employees they are supervising. This therefore puts them in a position that they can abuse by practising acts that can be termed as abusive and therefore call for legal intervention.

In our case the city is claimed to be unaware of the actions of two of its employees-Terry and Silverman who were sued for subjecting the petitioner-Faragher and other female lifeguards to the unwelcome and uninvited touches and abusive language that they were using. Among the allegations, Terry had said that he would never promote a woman to the rank of a Lieutenant and in another occasion, Silverman had warned Faragher that she should date him or she would clean the toilets for a year (Legal Information Institute).

Silverman being in a position to allocate duties to the lifeguards, had the power to execute that threat. This therefore calls for the intervention of the law as the powers he uses are bestowed to him by the agency that has hired him and set him to the rank that he is in.

The United States District Court for the Southern District of Florida handled the case where Faragher had sued the city. It established that during the time that that Faragher was working with the city, Terry was serving as the <https://assignbuster.com/beth-ann-faragher-petitioner-v-city-of-boca-raton/>

Chief of the Marine Safety division and he had authority to supervise all aspects of the life guards' assignments, engage in counselling and deliver oral reprimands while putting into record such an occurrence. At that moment, Silverman was serving in the position of marine safety lieutenant. The city had a sexual harassment policy that was drafted on February 1986. This was revised in 1990 and a restatement reissued. However, Terry, Silverman and Gordon were unaware of it. This put the responsibility of their actions at an individual level as the city had already drafted a policy in regard to sexual harassment.

The court made a conclusion that the conduct of Terry and Silverman could be cause a hostile working environment for Faragher. The court therefore ruled that there were three justifications to hold the city liable for their actions. The pair was acting as its agents when they committed the felonies. The district Court having found the court liable awarded Faragher one dollar in nominal damages for her title VII claim (Legal Information Institute).

The judgement made by the District court against the city was reversed by a panel of the court of appeals for the eleventh circuit. In their ruling they said that Terry and Silverman were not acting within the scope of their employment when they engaged in the harassment. This meant that the city had played no part in influencing their actions against the female life guards.

Second they ruled that the city had no constructive knowledge of the harassment by virtue of its pervasiveness or taking that Gordon was knowing of the actions of his fellow superiors. The full court of appeals adopted the panel's conclusion that the city could not be held liable for the actions of Terry and Silverman. It was however important to note that ' a supervisor is <https://assignbuster.com/beth-ann-faragher-petitioner-v-city-of-boca-raton/>

always aided by the existence of the agency relationship with his employer because his responsibilities include close proximity to and regular contact with the victim'. But the court noted that neither Terry nor Silverman threatened to fire Faragher and so those being among the powers given by the city it could not be held liable for the other actions against them (Legal Information Institute). The laws used in determining this case were not sufficient as they did not clearly address situations when the agency could be held liable for the actions of its employees. Again in some agencies the supervisors are the owners of the agency and so their actions are directly tied to the agency.

#### Cited Work

Legal Information Institute, Beth Ann Faragher v. City of Boca Raton (1992).  
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