

Office of Sexual Harassment Prevention & Policy (OSHPP)

This electronic newsletter provides an update on sexual harassment and gender discrimination issues.

In this issue:

*New California law protects against gender identity discrimination

**Studies survey incidence of students harassing professors

*** Jury finds in favor of graduate student sexually harassed while researching abroad

**** California Department of Fair Employment and Housing has new language resources

***** Office for Civil Rights emphasizes importance of First Amendment rights

***** DID YOU KNOW...?

*The new amendment to the California Fair Employment and Housing Act (FEHA) prohibits discrimination or harassment on the basis of gender perception or identity. The new law enacted on August 2, 2003 provides protection for employees who are harassed because they do not conform to traditional notions of femininity or masculinity in terms of their appearance or behavior. Now under California law, an employee may not be discriminated against because he or she dresses or acts in a manner considered to be inconsistent with his or her gender.

**Two recent studies assess the prevalence of sexual harassment in which a student harasses a professor. Both studies were conducted by the Illinois State University Department of Psychology. In one study, almost one-third of the students surveyed reported having sexually harassed a professor at least once. Male students were more likely than females to be perpetrators. In the second study of 209 tenured and tenure-track faculty, over half of the professors reported being sexually harassed by students at least once. Although male and female faculty experienced similar rates of sexual harassment from students, the psychological outcome was worse for women than for men. The studies, *Contrapower Sexual Harassment: A Survey of Students and Faculty Members*, are published in the research journal *Sex Roles*.

***An Iowa State University graduate student received a jury award of \$3 million after she complained of being sexually harassed by a faculty member on a research trip to Moscow. The student alleged that the professor made numerous sexual advances towards her and insisted that they share a hotel room on the research trip. This case serves as a reminder that federal and state laws as well

as university policies may apply to behavior that occurs while working or studying abroad.

****The California Department of Fair Employment and Housing (DFEH) has new publications in multi-languages including Spanish, Arabic, Armenian, Cambodian, Chinese, Farsi, Hmong, Korean, Russian, Tagalog, and Vietnamese. These materials can be downloaded from the DFEH web site at <http://www.dfeh.ca.gov>. Individual UCSD departments may also obtain the information sheets from OSHP.

*****The U.S. Department of Education Office for Civil Rights (OCR) issued a clarification regarding First Amendment rights. The OCR clarification emphasizes that Title IX is intended to protect students from discrimination, not to regulate the content of speech. In order to establish a hostile environment, the harassment must be sufficiently serious to limit or deny a student's ability to participate in or benefit from an educational program. OCR stated that none of its regulations should be interpreted to impinge upon First Amendment rights. The entire Dear Colleague letter is available at <http://www.ed.gov/ocr>.

*****DID YOU KNOW...? October marks the 12th anniversary of the historic Anita Hill-Clarence Thomas Hearings which increased public awareness of sexual harassment and gender discrimination issues. The U.S. Senate Judiciary Committee conducted nationally televised hearings from October 11 to October 13, 1991 after President George Bush nominated Clarence Thomas to replace Thurgood Marshall on the U.S. Supreme Court. Law professor Anita Hill testified that Thomas had repeatedly asked her for dates and made inappropriate sexual remarks in the workplace. The hearings are among the most memorable television events.

PUZZLED ABOUT SEXUAL HARASSMENT?
Solutions found here.

Office of Sexual Harassment Prevention & Policy (OSHP)
201 University Center, (858) 534-8298, <http://oshpp.ucsd.edu>.