

Office of Sexual Harassment Prevention & Policy (OSHPP)

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

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- UCSD launches new online education program
- Sex discrimination claims were 31.1% of EEOC charges filed in 2001
- California employers are automatically liable for harassing conduct of supervisors
- Repeated comparison of student to Monica Lewinsky is harassment
- Staring may constitute sexual harassment

UCSD hosts a new student online sexual harassment education program, ***Preventing Sexual Harassment***. The new program is specifically tailored for students and features interactive quizzes, hypothetical vignettes, and links to government agencies and relevant law. This is new among a series of online programs available for staff, supervisors, and faculty. Just log on to <http://oshpp.ucsd.edu> and click on “education programs”.

According to the U.S. Equal Employment Opportunity Commission (EEOC), sex discrimination charges accounted for 31.1 percent of all discrimination claims filed in year 2001. Sex and gender claims were the second most frequent types of discrimination alleged; race claims were the most frequent type and totaled 35.8 percent of all charge filings. 13.7 percent of the sexual harassment charges were filed by men. For more statistics, visit the EEOC website at <http://www.eeoc.gov/stats/harass.htm>.

A recent California Court of Appeals decision clarifies employer liability for sexual harassment committed by supervisors under California law. **The Court held that an employer is automatically liable for the harassing conduct of its supervisors, even though the employer did not know about the conduct.** The Court noted that holding employers automatically liable increases the likelihood that employers will provide adequate training for supervisors. The case, *Department of Health Services v. McGinnis*, has been appealed to the California Supreme Court.

A professor's repeated classroom remarks comparing a female student to Monica Lewinsky constituted sexual harassment. A State University of New York professor targeted one of his students by making comments such as “How was your weekend with Bill?”, “Shut up, Monica. I’ll give you a cigar later”, and he observed to class that the student wore the same lipstick color as Lewinsky. The court found that the professor’s verbal conduct created a hostile environment that interfered with the student’s education. The daily comments occurred at the height of the White House scandal. This timing was significant in the court’s decision. *Hayut v. State University of New York*.

Prolonged staring may constitute sexual harassment. A female employee complained that a male co-worker persistently asked her out on dates and made suggestive comments about his sexual fantasies. She complained to her supervisor, who ordered the male co-worker to stay away from her. He did not speak to her again but he did continue a campaign of intense staring at her from a distance several times each day. The court found the staring to be intimidating and retaliatory behavior which was directed at the plaintiff because she was a woman. *Birschtein v. New United Motor Manufacturing*.

Want more information about sexual harassment issues? Go to OSHP's website at <http://oshpp.ucsd.edu> or email us at oshpp@ucsd.edu.