



OSHPP E-News

Spring 2004

Office of Sexual Harassment Prevention & Policy (OSHPP)

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

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SEX SECOND TO RACE

Sex discrimination complaints are the second most frequently alleged type of discrimination charges filed with the Equal Employment Opportunity Commission (EEOC). The EEOC released its enforcement statistics for fiscal year 2003 and race-based charges comprised 35.1% of the total charges filed, followed by sex/gender allegations which were 30% of the total charges filed. Males filed 14.7% of the total number of sexual harassment charges in 2003. To review the EEOC data, log on to <http://www.eeoc.gov>.

FEDEX DOESN'T DELIVER

FedEx has been in the news for failing to deliver on time a UC Berkeley package containing 30 applications for Fulbright fellowships resulting in Berkeley's disqualification for missing the Department of Education deadline. But that is not FedEx's only recent problem. A federal jury awarded a female Federal Express employee over \$3.2 million for sex discrimination and retaliation. The complainant was the only female tractor-trailer driver at the Federal Express facility at Harrisburg International Airport in Middletown, Pennsylvania from 1997 to 2000. While working there, she was subjected to sexual innuendo, anti-female remarks, and threats from male co-workers. After she made numerous complaints about the harassment, her truck brakes were sabotaged, she was refused help with the loading of her truck, and she was given poor work assignments in retaliation. The jury found that Federal Express violated Title VII of the Civil Rights Act of 1964 by subjecting the complainant to a hostile work environment and retaliating against her when she complained.

THAT WAS THEN

Feminist author, Naomi Wolf, recently alleged that Yale professor, Harold Bloom, sexually harassed her when she was an undergraduate student at Yale in 1983. Wolf has alleged that the university's grievance process was and continues to be ineffective. She stated that she was afraid to come forward when the incident occurred twenty years

ago. Wolf's article detailing her experience is available at http://www.newyorkmetro.com/nymetro/news/features/n_9932/index.html. OSHP strongly encourages *EARLY* reporting of unwelcome sexual behavior. Unreasonable delay in reporting incidents of sexual harassment could affect your legal rights.

FALSE CLAIMS DON'T FLY

Intentionally false accusations of sexual harassment are not legally protected. In a recent decision, a federal appeals court upheld an employer's termination of a male employee who maliciously and in bad faith filed a sexual harassment complaint against his female supervisor. During the investigation, a co-worker reported that the male employee admitted fabricating the alleged harassment as a way to get his female supervisor fired. He was later terminated for dishonesty and retaliatory conduct. He then sued the employer alleging that he had been retaliated against for complaining of sexual harassment. The court found that there is nothing wrong with disciplining an employee for filing malicious claims. The federal anti-discrimination law was designed to protect the rights of employees who in good faith believe that they have been targets of illegal discrimination. *Mattson v. Caterpillar, Inc.*

WEB PORN WOES

A recent EEOC case decided that repeated exposure to sexually explicit web sites created a hostile work environment. In *Walker v. Department of Defense*, a male complainant worked with two male employees who persistently accessed sexually explicit material on the computer. After the complainant notified the director of information technology, a block was placed on the computers. However, the male co-workers overrode the block and continued to access the sexual images. They also made sexual comments about the complainant's wife in connection with the images. This case is a reminder that sexual harassment may occur between people of the same sex. In addition, OSHP reminds all who utilize UCSD information technology to be on notice of our policies relating to acceptable computer use.

FREE MOVIE NIGHT

SEX IN THE CINEMA features "Mona Lisa Smile" on Tuesday, April 6, 2004, 7 and 10 pm at the Price Center Theatre. This FREE showing is co-sponsored by OSHP, the Women's Center, and University Centers.

PUZZLED ABOUT SEXUAL HARASSMENT?

Solutions found here. Office of Sexual Harassment Prevention & Policy (OSHP), 201 University Center, (858) 534-8298, email oshpp@ucsd.edu or log on to <http://oshpp.ucsd.edu>.