



## OSHPP E-News

Summer 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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#### \*\*\*RATCHETED UP TO THE BREAKING POINT\*\*\*

In its first sexual harassment case since 2001, the U.S. Supreme Court recently decided that employers could be held liable when a supervisor commits sexual harassment that is so intolerable, it causes an employee to resign. However, the employee has a duty to make reasonable use of the employer's complaint resolution procedures. In *Pennsylvania State Police v. Suders*, the Court for the first time held that a claim for constructive discharge may be filed under Title VII of the Civil Rights Act of 1964. Constructive discharge occurs when an employer creates a work environment that is so intolerable that a reasonable person in the employee's position has no option but to resign. In this case, the plaintiff was subjected to unwelcome sexual conduct from her supervisors including repeated sexually explicit talk, obscene gestures, and other intimidating behavior. After the situation escalated, she reached the breaking point and resigned. OSHPP urges anyone who is subjected to or witnesses unwelcome sexual behavior to seek assistance as early as possible.

#### \*\*\*WITH FRIENDS LIKE THESE\*\*\*

A female former writer's assistant is suing the producers and writers of the popular television show, "Friends." It will be up to a jury to determine whether the accused writers' work behavior including regular talk about sex, sexual banter, pantomiming masturbation during meetings, sexually explicit drawings and speculation about the sexual orientation of certain cast members created a hostile environment. The defendants argue that the sexual behavior was justified by "creative necessity" because "Friends" is widely known as a show that deals with adult subject matter. While the TV series may have ended, stay tuned for the final outcome of this pending case.

#### \*\*\*IT'S THE WAY THEY MAKE YOU FEEL\*\*\*

The world's largest privately owned and operated health club chain, 24 Hour Fitness, has been ordered to pay \$3.5 million in a sexual harassment case filed by a former corporate

sales manager. The plaintiff alleged that she was subjected to sexual harassment by managers, sales reps and personal trainers. Unwelcome sexual behavior included being groped and subjected to simulated sexual activity by male employees. Although she complained about the conduct, no disciplinary action was taken. After she reported the harassment, her work was more closely scrutinized and she was eventually fired for not being a team player. A private arbitrator determined that this was illegal discrimination and retaliation.

\*\*\*WHAT'S NEW AT OSHPP?\*\*\*

OSHPP Annual Reports are now available online at <http://oshpp.ucsd.edu>. The Annual Reports provide information on the matters reported to OSHPP during the indicated fiscal year. They are designed to inform the University community about the character and extent of some of the work performed by OSHPP.

\*\*\*SUMMER SEASON—A GREAT TIME FOR LEARNING\*\*\*

OSHPP reminds all UCSD staff, faculty and students that we are available for live presentations during the summer months. Call (858) 534-8298 or email [oshpp@ucsd.edu](mailto:oshpp@ucsd.edu) to schedule a program. We also host a convenient online education program, PREVENTING SEXUAL HARASSMENT, that is accessible from any computer. Just log on to the OSHPP website at <http://oshpp.ucsd.edu>.

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

It was 40 years ago, in 1964, that volleyball was introduced as the first team sport for women in the Olympic Games. Women were first allowed to compete at the Games of the II Olympiad in Paris in 1900. That year, women athletes participated in tennis and golf.

This summer also marks the 40<sup>th</sup> anniversary of the passage of Title VII of the Civil Rights Act of 1964 which is the federal law that prohibits discrimination in employment.