



OSHPP E-News

Summer 2006

Office of Sexual Harassment Prevention & Policy (OSHPP)

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

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SUMMER SUPERVISOR TRAINING

Are you a new supervisor or academic appointee? Summer is a great time for you to comply with the state mandated sexual harassment training requirement. You may enroll in a live training or take the online program sponsored by Workplace Answers. For more information about the requirement, visit the OSHPP website at <http://oshpp.ucsd.edu>.

RAILROAD RETALIATION

On June 22, 2006, the U.S. Supreme Court ruled in favor of a female forklift operator who was suspended and transferred to a more physically demanding job after complaining of sexual harassment. The employer, Burlington Northern Railway, argued that to prevail on a retaliation claim, the retaliatory action must be directly related to the terms or conditions of employment and result in a tangible economic loss. In rejecting this argument, the Court clarified that retaliation may include ANY action taken by an employer that would intimidate or discourage a reasonable employee from complaining about discrimination. Therefore, retaliation may be found even absent firing or demotion. OSHPP reminds supervisors to get advice before taking actions against a complainant, witness or other individual involved in a pending sexual harassment complaint.

FRIENDS FRACAS ENDS

The California Supreme Court decided that explicit sexual banter, simulated masturbation and other vulgar sexual behavior did not create a hostile work environment during writers' meetings of the "Friends" television show. A writers' assistant sued the show and said she was harassed by the frequent profanity and sexual talk of the writers. The defense argued and the Court agreed that raunchy language was a necessary part of the creative process because "Friends" was an adult-oriented comedy show featuring sexual themes. The Court pointed out that similar behavior might constitute illegal harassment in

other types of non-creative work environments. Unless your UCSD job is to write adult-oriented comedy, this case will probably not provide a safe haven for raunchy talk.

FRISKY BUSINESS

In a unanimous decision, the California Supreme Court upheld a damages award to a nurse who was sexually harassed by an 84-year-old patient recovering from penile implant surgery. In this case, the accused hounded the complainant for sex and lied to others that they had slept together at a Motel 6. The nurse complained to her supervisor, and the hospital attempted to stop the harassing conduct by counseling the patient. Despite these actions, the harassment continued and the patient even tried to run her down in his electric scooter. The Court decided that under the Fair Employment and Housing Act (FEHA), employers may be held liable for failing to take reasonable steps to stop the sexually harassing behavior of customers, vendors, patients, clients and other non-employees. At UCSD, we have many non-affiliates on campus and at the Medical Centers at any given time. OSHP encourages readers to report disruptive behavior promptly.

THE SOPRANOS APPROACH

In a unique approach, a college professor hired a hit man to kill the colleague who had accused him of sexual harassment. Jay Glosser, an associate professor at Tidewater Community College in Virginia, has been charged with conspiracy to commit murder and two other men have been arrested as co-conspirators. Professor Glosser's approach proved unsuccessful when the hired gun suggested to the complainant that she could avoid death if she paid him more money than Glosser and withdrew her sexual harassment complaint. OSHP reminds readers: please don't try this at home.

DID YOU KNOW...?

It has been 15 years since the infamous Tailhook scandal. In 1991, the Navy came under fire for its mishandling of the investigation following a wild party at the annual aviators' convention where 83 women and 7 men were sexually assaulted. Lieutenant Paula Coughlin, a young Naval pilot, courageously came forward after she was forced to walk a gauntlet in the hotel hallway where men tore at her clothes, and groped her breasts and buttocks. The case raised awareness about the prevalence of sexual harassment and treatment of women in the military.

PUZZLED ABOUT SEXUAL HARASSMENT? SOLUTIONS FOUND HERE.

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