



## OPHD E-news

Summer 2012

An update on bias, harassment, and discrimination issues from the  
Office for the Prevention of Harassment & Discrimination (OPHD)

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### **LIFE THEATRE TRAINING ON NOVEMBER 8, 2012, 1-3 PM**

The award-winning theatre troupe, Life Theatre, will perform again on November 8, 2012, from 1-3 pm, in the Price Center East Forum, 4<sup>th</sup> Floor. Attending one of their entertaining performances is one of the most popular ways to satisfy the mandatory supervisory sexual harassment prevention training requirement. Those interested should sign up through UC Learning. For assistance with signing up, contact Staff Education.

### **NEW FREEDOM OF EXPRESSION WEBSITE**

UC San Diego students, staff, and faculty have a new online resource to obtain information about the First Amendment at <http://freespeech.ucsd.edu>. The website was created by a group of student affairs professionals to help educate everyone about free speech protections and academic freedom. The site also includes links to off-campus resources.

### **USE OF “BITCH” COULD BE SEXUAL HARASSMENT**

A federal appeals court ruled that use of the word “bitch” in the workplace could constitute harassment based on sex. However, context is key to distinguishing between general vulgarity and conduct that a reasonable person would find severely hostile or abusive. In *Passananti v. Cook County* (7<sup>th</sup> Cir. 7/20/12), the employee alleged that her supervisor called her “bitch” repeatedly from 2003 to 2006. He used the word angrily, and often called her a “lying b----,” “stupid b----,” and “f---ing b----.” There was evidence that the supervisor did not use the word in jest, but used it together with threats of firing the employee. The court found that the word was used repeatedly to address and demean Passananti based on her sex. The supervisor used the word as a gender-specific term and the impact was to degrade women in general and Passananti in particular. Because the supervisor used the term in a hostile and demeaning manner, the court decided that the facts supported Passananti’s sexual harassment claim.

### **WASHINGTON STATE UNIVERSITY PAYS \$650K TO SETTLE RACE CLAIM**

Washington State University has settled a racial discrimination lawsuit filed by two Chinese researchers. Dr. Ying Li and her husband, Lizhong Yang will each be paid \$325,000, and the school will revise policies to prevent discrimination. Dr. Li and Mr. Yang, who worked in WSU's Laboratory for Bioanalysis and Biotechnology, were prohibited from speaking Chinese at work and on breaks. After they complained, they were excluded from numerous lab meetings. Both resigned when the discriminatory conduct did not stop. The Equal Employment Opportunity Commission (EEOC) investigated their claims and concluded that Li, Yan, and other Asian employees of the lab were subjected to a hostile work environment based on race and national origin. The lab supervisor who was accused of discrimination is separating from the university. WSU signed an agreement that will allow the EEOC to monitor the lab for two years.

### **AGE DISCRIMINATION FOUND AT STATE DEPARTMENT**

When a U.S. government agency hires an employee abroad, is the employee still protected by U.S. non-discrimination laws? That was the issue presented in a case involving a former State Department employee—and a U.S. citizen—who worked at the U.S. embassy in Paris and who was terminated from the position when he turned age 65. The State Department argued that the employee was exempt from the protections of the Age Discrimination in Employment Act (ADEA) because he was hired in France under a contract that followed French practice of mandatory retirement at age 65. The Court of Appeals found that there was no such exemption from ADEA's protections. The court wrote "Even if the State Department were correct in reading this ambiguous passage as relating to State Department hiring, it is unclear how allowing the United States to discriminate against its own citizens on the basis of their age — or disability, race, religion, or sex — would promote the hiring of U.S. workers abroad."

### **"MEN IN BLACK III" FREE SCREENING ON MONDAY SEPT. 24<sup>TH</sup> 7 PM, PRICE CENTER THEATRE**

Please join us for a FREE screening of MEN IN BLACK III starring Will Smith, Tommy Lee Jones, and Josh Brolin. The Men in Black must travel back to the past to save the future. Fun trivia and prizes before the film! Co-sponsored by OPHD, the University Centers, and Welcome Week Committee.

### **BE THE VOICE—REPORT BIAS**

OPHD oversees the UC San Diego online bias reporting system. All members of the UC San Diego community may report bias-motivated incidents or other acts of intolerance to [reportbias.ucsd.edu](http://reportbias.ucsd.edu), (858) 534-BIAS (2427) or [ophd@ucsd.edu](mailto:ophd@ucsd.edu). Be The Voice—Report Bias.

### **OPHD IS ABOUT SOLUTIONS.**

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