



## OPHD E-news

Fall 2014

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

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### **LIFE THEATRE SUPERVISOR TRAINING ON NOVEMBER 4, 2014 FROM 10 AM TO 12 PM**

The Emmy Award winning acting group, Life Theatre, will be on campus on November 4, 2014 from 10 am to 12 pm at the Price Center East Forum. Supervisors may satisfy the mandatory sexual harassment prevention training requirement by attending this program. You may register at UC Learning, <http://uclearning.ucsd.edu>. Don't miss this very popular program!

### **NEW LEGISLATION**

Of the bills recently signed by Governor Brown, two have impact in the University of California. The first, [AB-2053](#) (effective January 1, 2015) requires California employers already subject to the AB 1825 sexual harassment training mandate (the law requiring 2 hours of sexual harassment prevention education for supervisors) to add "prevention of abusive conduct as a component to the training and education" already provided. The second, [SB-967](#), is commonly known as California's "Yes Means Yes" bill. The bill requires any post-secondary institution receiving state funds to adopt an "affirmative consent standard," and clearly outline reporting procedures and resources for victims, as well as conduct prevention and outreach programs on sexual assault. Affirmative consent is defined in the bill as "affirmative, conscious, and voluntary agreement to engage in sexual activity." The University of California Policy on Sexual Harassment and Sexual Violence, which became effective in March 2014, has an affirmative consent definition meeting the standards of SB-967.

### **CAMPAIGNS ON SEXUAL ASSAULT PREVENTION**

In September of this year, the White House initiated the "It's On Us" campaign with the goal to prevent sexual assault on college campuses. The White House also created the White House Task Force to Protect Students from Sexual Assault. Two websites were launched, "1 is 2 Many" and "Not Alone" to educate about victims' rights and bystander intervention techniques. For more information, log on to <https://www.notalone.gov/>, <http://itsonus.org/> and

<http://www.whitehouse.gov/1is2many>. In addition, the UC San Diego Sexual Assault and Violence Prevention Resource Center (SARC) was just awarded a \$300,000 Department of Justice grant to improve education and enhance services on sexual assault, dating violence, domestic violence and stalking. The grant is for three years, from October 1, 2014 through September 30, 2017.

### **HATE SPEECH OR SPEECH PROTECTED BY THE FIRST AMENDMENT?**

In [Pompeo vs. Board of Regents of Univ. of New Mexico](#), a United States District Court allowed a case to go forward in which a student asserted that the University of New Mexico violated her First Amendment rights. The case arose after a teacher accused her of “hate speech,” and encouraged her to drop a class titled “Images of (Wo)men: From Icons to Iconoclasts,” after the student wrote a paper harshly critical of lesbian characters in a film and lesbianism in general. The syllabus assured students that “it’s quite clear that we do not expect anyone to necessarily agree with the positions and arguments advanced in our work. There’s controversy built right into the syllabus, and we can’t wait to hash out our differences.” In allowing the case to go forward, the court stated that the student had a “plausible case” that the “restrictions on speech...were not reasonably related to legitimate pedagogic concerns.” We will watch for the outcome of this case.

### **KAISER PERMANENTE SETTLES DISABILITY DISCRIMINATION LAWSUIT**

Kaiser Permanente, the largest managed care organization in the U.S., agreed to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). A food service worker at Kaiser’s San Diego facility had a medical condition, hydrocephalus, which caused difficulties with memory, dizziness and concentration. The employee requested accommodations in the form of additional training time and the assistance of a temporary job coach to learn the job. Kaiser fired the employee instead of providing the reasonable accommodations. The EEOC and Kaiser entered into a two-and-a-half year consent decree and Kaiser has agreed to pay \$75,000, appoint an equal employment opportunity coordinator, provide training to all staff, and monitor requests for accommodations and terminations involving persons with disabilities.

**DID YOU KNOW?** This is the 50<sup>th</sup> anniversary year of the 1964 Civil Rights Act, the foundation of much of today’s non-discrimination laws.

### **BE THE VOICE—REPORT BIAS**

OPHD now 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](mailto:reportbias.ucsd.edu) or [ophd@ucsd.edu](mailto:ophd@ucsd.edu). Be The Voice—Report Bias.

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

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