



## OPHD E-news

Fall 2015

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 OCTOBER 26 FROM 1 – 3 PM**

The Emmy Award winning acting group, Life Theatre, will be on campus on October 26 from 1 – 3 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!

### **THE AAU RELEASES RESULTS OF LARGE SCALE SEXUAL ASSAULT SURVEY**

On September 21, 2015 the Association of American Universities [released the overall results](#) of a survey that asked students at 27 universities about their experiences with sexual assault and sexual misconduct, drawing responses from more than 150,000 students. Over twenty-seven percent of female undergraduates at an array of prominent universities reported that since entering college they had experienced sexual assault and misconduct (ranging from sexual touching to penetration with force or incapacitation), echoing findings elsewhere. Almost three-fourths of those who said they had experienced assault or misconduct had not reported to campus authorities or police. The most common reason stated was that they did not think the incidents were serious enough to report; others said they felt ashamed or did not think they would be taken seriously. At UC San Diego, CARE at SARC (Sexual Assault and Violence Prevention Resource Center) is available 24/7 for students, staff and faculty seeking assistance following an assault and incidents may be reported to OPHD, the campus' Title IX office and UC Police at (858) 534-HELP.

### **FREE SPEECH AND TITLE IX**

After a Kansas court ordered University of Kansas student Navid Yeasin not to contact his ex-girlfriend for a period of one year due to abuse, Yeasin posted a series of “puerile and sexually harassing” tweets on his Twitter account, which were about his former girlfriend. Although Yeasin did not post the tweets on campus or at a University sponsored event, Yeasin was found to have violated the University's Student Code and sexual harassment policy, and he was expelled. Yeasin filed suit against the University claiming that his expulsion violated his First

Amendment right to free speech. The University argued that it was required under Title IX to address the sexually hostile education environment of one of its students. A Kansas Court of Appeals sided with Yeasin stating that the University had no authority to expel him for this conduct because the Student Code's provisions say they apply only to conduct that occurs on campus or at University sponsored events. Questions about the First Amendment at UC San Diego are answered at <http://freespeech.ucsd.edu>.

### **TARGET TO PAY \$2.8 MILLION SETTLEMENT FOR DISCRIMINATORY HIRING TEST**

The Equal Employment Opportunity Commission (EEOC) announced that the retail giant would pay \$2.8 million to resolve a charge related to a discriminatory test, which Target used nationwide and the EEOC first discovered in 2006. Target gave the tests to job candidates who had applied for "exempt" positions not eligible for overtime pay. The EEOC found that the assessments disproportionately screened out black, Asian, and female applicants. "The tests were not sufficiently job-related and consistent with business necessity, and thus violated Title VII of the Civil Rights Act of 1964," the EEOC said. Target also ran afoul of the Americans with Disabilities Act (ADA) for requiring a test of applicants that was evaluated by psychologists. The ADA states that an employer can conduct a medical test only after making a job offer and only if it requires one for all workers applying for jobs in that category.

### **DID YOU KNOW?**

The California Supreme Court recently granted bar admission posthumously to a Hong Yen Chang, a Chinese native who wanted to become a lawyer in California but was denied under the Chinese Exclusion Act in 1890. Chang was the first lawyer of Chinese descent in the United States and was granted admission to the New York bar but not the California bar. In granting his descendants' petition for posthumous admission the court recognized the need for "a candid reckoning with a sordid chapter in the state and national history...The people and courts of California were denied Chang's services as a lawyer. But we need not be denied his example as a pioneer for a more inclusive legal profession."

### **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) or [ophd@ucsd.edu](mailto:ophd@ucsd.edu). Be The Voice—Report Bias.

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

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