



## OSHPP E news Spring 2010

### Office of Sexual Harassment Prevention & Policy (OSHPP)

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

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#### **SPRING TRAINING FOR SUPERVISORS**

On March 30, 2010, the Office of the President took a “snapshot” of compliance at all UC locations with the state-mandated sexual harassment prevention training requirement for supervisors. The current overall compliance rate at UC San Diego is 91%. The next “snapshot” will be taken on June 30, 2010.

#### **“NON-COLLEGIAL” PROFESSORS GET DAY IN COURT**

A federal court recently decided that two female professors may sue Xavier University in Ohio for gender and age discrimination, retaliation, breach of contract and violations of the Equal Pay Act. Tenured professors Miriam Finch and Tara Michels were terminated from the Communications Arts department amid allegations that they lacked collegiality, were derelict in carrying out their ethical responsibilities to the university, and that they were responsible for the dysfunctional atmosphere in the department. The court denied the university’s motion to dismiss the lawsuit and ruled that a jury may decide whether the professors were dismissed in retaliation for complaining about pay disparities among faculty based on gender and age, or whether the dismissal was due to their non-collegial conduct. Visit the UC San Diego Faculty Equity website at <http://facultyequity.ucsd.edu/>

#### **STUDENT INCIVILITY AIMED AT YOUNG, FEMALE PROFESSORS**

A recent University of Redlands study found that students who were disrespectful to their professors tended to take aim at female and young professors. The researchers surveyed 339 female and male professors at diverse colleges and universities nationwide. The majority of the female respondents reported that they had experienced severe uncivil behavior and had been upset by it. The types of student incivility listed in the survey included classroom behavior such as sleeping or texting in class, coming late to class, talking on cell phones during class and being openly disrespectful, rude or abusive

to faculty. Readers are reminded to review the UC San Diego Principles of Community at <http://www.ucsd.edu/explore/about/principles.html>

#### **DEPARTMENT OF EDUCATION CLARIFIES TITLE IX**

On April 20, 2010, the U.S. Department of Education Office for Civil Rights (OCR) changed a policy regarding ways that educational institutions may demonstrate equal athletic opportunities as required by Title IX. There is a three-prong test that OCR uses to assess whether a recipient of federal funding is effectively accommodating the athletic interests and abilities of its students. Institutions may demonstrate: 1) Male and female athletics participation is proportional to the full time undergraduate enrollment; 2) A history and continuing practice of expansion of athletics opportunities for women; or 3) Accommodating the interests and abilities of women student-athletes. The recent clarification of the third prong will help colleges and universities to more accurately evaluate the interest in women's sports on their campuses. To read the OCR "Dear Colleague" letter, visit <http://www2.ed.gov/news/pressreleases/2010/04/04202010a.html>

#### **SEX IN THE CINEMA SCREENS "VALENTINE'S DAY" MAY 18, 2010 AT 6 & 9 PM, PRICE CENTER THEATRE**

An all-star ensemble cast comes together in this film which follows the intertwining storylines of a group of Los Angelinos as they find their way through romance over the course of one Valentine's Day. There will be trivia and prizes before the film and, of course it's **FREE!** Co-sponsored with University Centers.

#### **DID YOU KNOW...?**

It has been almost 40 years since the U.S. Supreme Court issued the landmark freedom of expression decision in Cohen v. California. Paul Cohen walked into a courthouse in Los Angeles wearing a jacket with the words "Fuck the Draft" on it. He was convicted of disturbing the peace through offensive conduct. The Supreme Court found that Cohen's First and Fourteenth Amendment rights were violated and overturned his conviction. The Court ruled that "the State may not make the simple public display of this single four-letter expletive a criminal offense." Justice John Marshall Harlan II famously wrote "One man's vulgarity is another's lyric."

#### **PUZZLED ABOUT SEXUAL HARASSMENT? SOLUTIONS FOUND HERE.**

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