



OPHD E-news

Spring 2011

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

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NEW TITLE IX GUIDANCE

On April 4, 2011, the U.S. Department of Education Office for Civil Rights issued a "Dear Colleague" Letter clarifying educational institutions' responsibilities under Title IX when addressing complaints of sexual harassment and sexual violence. The letter provides specific examples of steps institutions must take to protect victims of sexual harassment and sexual assault. The guidance was announced after several female students filed a Title IX complaint against Yale University for failing to promptly and effectively respond to several incidents of harassment on that campus. The "Dear Colleague" Letter may be found at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>. Questions about Title IX may be directed to OPHD. UC San Diego has a Student Sex Offense Policy, which will be reviewed in light of the new Guidance. The Student Sex Offense Policy may be viewed on the OPHD website at <http://ophd.ucsd.edu>.

CHANCELLOR'S NOTICES

Chancellor Marye Anne Fox sent out notices recently reminding all members of the UC San Diego community about our nondiscrimination policies and respectful, civil discourse. Reaffirmation of the UC San Diego Policy on Sexual Harassment, Reaffirmation of UC San Diego's Commitment to be Accessible to Individuals with Disabilities, and the Reaffirmation of UC San Diego's Equal Employment Opportunity/Affirmative Action Policy are available on Blink at <http://blink.ucsd.edu/sponsor/hr/reaffirm/>. The April 21, 2011 Notice on Respect for Our Colleagues During Discourse and Debate may be found at <http://adminrecords.ucsd.edu/Notices/2011/2011-4-21-2.html>. Remember that our Principles of Community are vital to the success of the University and the well-being of our community members.

ON THE "KILL BILL" LIST

A California state court of appeal ruled that an employee who violates an employer's workplace violence policy may be disciplined even if the conduct was caused by a disability. Linda Wills, a court clerk in Orange County, suffered from bipolar disorder, which is characterized by mood

swings and may cause inappropriate behavior. Ms. Wills threatened to put some of her co-workers on her “Kill Bill” list, referring to the Quentin Tarantino movie in which the main character made a list of people she intended to kill. Ms. Wills also sent numerous emails containing threats, she forwarded a cell ringtone to several people with the command “I’m going to blow this bitch up if you don’t check your messages right now!...F**k you!”, she expressed extreme anger towards family members and co-workers, and she talked about suicide. Some of Ms. Wills’ co-workers feared for their safety. The employer investigated the conduct and decided to terminate Ms. Wills for violating its policy against workplace violence. Ms. Wills sued and argued that her termination constituted discrimination based on disability. The court rejected her argument and found that when an employee makes threats of violence, an employer is entitled to take action to protect the work environment.

SEMEN CONTACT “HUMOR”

An editor of a surgery journal resigned from his position as president-elect of the American College of Surgeons after receiving sharp criticism for an editorial he wrote. Commenting on research regarding benefits of female college students who have unprotected sex, Dr. Lazar Greenfield joked that semen contact was a better gift than chocolates for Valentine’s Day. The renowned surgeon and professor emeritus at the University of Michigan Medical School stated that “I only hope that those who choose to judge me will read the article in the spirit in which it was intended.” Many found his editorial comments to be offensive, demeaning to women, and inappropriate. This is a reminder that everyone does not share the same sense of humor.

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, (858) 534-BIAS (2427) or ophd@ucsd.edu. Be The Voice—Report Bias.

OPHD IS ABOUT SOLUTIONS.

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