



OSHPP E-News

Summer 2005

Office of Sexual Harassment Prevention & Policy (OSHPP)

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

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LOOKING FOR LOVE IN ALL THE WRONG PLACES

On July 18, 2005, the California Supreme Court issued a groundbreaking decision regarding employer liability for consensual relationships. The case, *Miller v. Department of Corrections*, involved employees at Valley State Prison for Women who complained that the warden favored three female employees with whom he was having concurrent affairs. The warden's paramours received special assignments, promotions over other more qualified employees, and other privileges. When employees complained, the warden retaliated against them. The Supreme Court ruled that while an isolated incident of favoritism would not usually constitute sexual harassment, widespread favoritism based on consensual relationships could send the demeaning message that management viewed employees as sexual playthings or that the way to succeed in the workplace was by engaging in sexual conduct with managers. The Court found that such widespread favoritism could create a hostile work environment for women and men. UCSD's Policy on Conflicts of Interest Arising Out of Consensual Relationships may be viewed at <http://adminrecords.ucsd.edu/ppm/docs/200-11.pdf>.

HOT BLOGGING BACKFIRES

A Boston University adjunct faculty member was fired from teaching journalism after he posted comments on a blog that one of his female students was "incredibly hot" and had a "bitchin' bod." The department chair determined that the posting damaged the integrity of the student-teacher relationship and stated that students should be confident that their work will be judged impartially and not on the basis of their looks. The University of California Policy on Sexual Harassment is intended to protect the students, staff and faculty from discrimination, not to regulate protected speech. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates anti-discrimination laws. OSHPP reminds readers to think twice before hitting the "send" button on email and posting on web logs.

SUPERVISORS RUSH TO COMPLY WITH MANDATORY TRAINING

All supervisors, managers and work leaders who have not complied with the state mandated two hour sexual harassment training requirement must do so by December 31, 2005.

Supervisors may enroll for training sessions through Enrollment Central at <http://enrollmentcentral.ucsd.edu/>. The Office of the President plans to offer a 2 hour online course later in the year that will also satisfy the legal requirement. Frequently asked questions about the new law are answered on the OSHPP web page at <http://oshpp.ucsd.edu>. Supervisors may continue to call (858) 534-8298 or email oshpp@ucsd.edu to schedule a live presentation for other non-supervisory staff.

SEX IN THE CINEMA PRESENTS "TEAM AMERICA" DURING WELCOME WEEK

See "TEAM AMERICA" by the creators of "South Park" on Monday, September 19, 2005 at 6:00 pm in Center Hall room 101. This is a FREE screening! Save the date!

DID YOU KNOW?

On August 11, 1999, the Equal Employment Opportunity Commission (EEOC) settled the first male-on-male sexual harassment class action for \$1.9 million. Long Prairie Packing Company, Inc., a meat packing plant in Minnesota, settled the lawsuit with the EEOC following allegations by male employees who complained of same-sex verbal and physical harassment and retaliation. At that time, men comprised 85% of the Long Prairie Packing Company's workforce.