



OSHPP E news

Summer 2010

Office of Sexual Harassment Prevention & Policy (OSHPP)

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

In This Issue:

- Supervisor training kudos
- UC Hastings's nondiscrimination policy upheld
- Supremes okay supervisor search of employee texts
- Temp agency pays for use of code words
- Pharmaceutical company owes \$250 million for sex claims
- Free Movie GET HIM TO THE GREEK on Sept 20th at 6 pm

SUPERVISOR TRAINING KUDOS

On July 1, 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. Kudos to the Chancellors Office and to Resource Management and Planning for 100% compliance. These areas were followed closely by External and Business Affairs (98%), Student Affairs (95%) and Marine Sciences (93%). We expect the next compliance snapshot to be taken by the Office of the President on October 1, 2010. Courses for supervisors are offered monthly through Enrollment Central.

UC HASTINGS'S NONDISCRIMINATION POLICY UPHELD

The U.S. Supreme Court recently decided that UC Hastings's nondiscrimination policy did not violate the First Amendment. The Christian Legal Society (CLS) challenged the law school's policy that required recognized student organizations to admit anyone who wanted to be a member. CLS required its members to sign a statement of faith and to commit to engage only in sexual activity within heterosexual marriage. Hastings refused to register CLS as a recognized student organization eligible for school funding and access to campus facilities because it excluded certain students. CLS argued that the policy violated First Amendment rights to freedom of religion and freedom of association. The Court upheld the nondiscrimination policy and noted that it served the valid purpose of encouraging tolerance and diversity.

SUPREMES OKAY SUPERVISOR SEARCH OF EMPLOYEE TEXTS

The U.S. Supreme Court has ruled that supervisors may review employees' text messages on work cell phones and pagers. The City of Ontario police department issued pagers to employees and informed them that the city reserved the right to check whether text messages

were work-related. Police officer Quon sued the city after learning that the police chief had read thousands of sexually explicit text messages Quon had sent to his wife and girlfriend. In rejecting Quon's claim that this was an unreasonable search in violation of the Fourth Amendment, the Court found that the employer's search had a legitimate work-related purpose and it was not excessive in scope. The Court noted that its decision was narrow in scope and did not resolve all disputes relating to electronic communications. The case is *City of Ontario v. Quon*.

TEMP AGENCY PAYS FOR USE OF CODE WORDS

A Cleveland, Ohio temporary agency agreed to pay \$650,000 for using race, color, age, and sex code words to identify job applicants to prospective employers. According to the Equal Employment Opportunity Commission (EEOC), Area Temps used phrases such as "small hands" to identify women, "hockey player" for young white males, and "chocolate cupcake" to identify young African American women. Other code phrases used by the agency were "ballerina" and "basketball player." Two employees were terminated because they refused to follow the practice. The EEOC has condemned this type of profiling.

PHARMACEUTICAL COMPANY OWES \$250 MILLION FOR SEX CLAIMS

Novartis Pharmaceuticals must pay \$250 million in punitive damages after a jury found that the company discriminated against thousands of female sales representatives from 2002 to 2007. During the trial, witnesses testified that one supervisor refused to hire women because he said "first comes love, then comes marriage, then comes flex time and a baby carriage." Additionally, there was evidence that a male manager invited women to sit on his lap while he showed them porn, and company trainers told female employees not to get pregnant. Novartis also paid women less than men and denied promotions on the basis of sex.

SEX IN THE CINEMA PRESENTS "GET HIM TO THE GREEK" Mon. Sept 20th at 6 pm, PC Theatre

A record company intern is hired to accompany an out of control rock star to a concert at LA's Greek Theatre. This outrageous rock parody contains scenes related to gender, racial stereotypes, and sexual harassment. Please join us for a free screening on Monday September 20, 2010 at 6 pm at the Price Center Theatre. Discussion, trivia, and prizes before the movie! Co-sponsored with the Welcome Week Committee of Student Affairs.

PUZZLED ABOUT SEXUAL HARASSMENT? SOLUTIONS FOUND HERE.

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