



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

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JUDGE RULES YOGA IS NOT RELIGION

On July 1, 2013, a San Diego Superior Court judge rejected a lawsuit filed by parents who argued that teaching yoga in the Encinitas elementary school system was a violation of state law that prohibits religious instruction in public schools. The school district had removed any references to Hinduism or Sanskrit from the program and the district argued that yoga was a way to teach healthy exercise habits and stress reduction. The court found that yoga was similar to other exercise programs such as dodgeball, and that teaching two 30-minute yoga sessions a week was not religious in nature.

NEW LAW PROTECTS TRANSGENDER STUDENTS

On August 12, 2013, Governor Jerry Brown signed into law bill AB 1266 that will allow students in California elementary and secondary schools to compete on sports teams and use facilities, including restrooms and locker rooms, based on their gender identity. The law will provide transgender students equal access to all school programs and activities. The law goes into effect on January 1, 2014. The UC San Diego Nondiscrimination Policy protects against discrimination based on gender identity.

LACTATION DISCRIMINATION IS UNLAWFUL SEX DISCRIMINATION

A federal court ruled that terminating a woman because she is lactating or expressing milk is unlawful sex discrimination under Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978. The court of appeals overturned the lower court which had ruled that “lactation is not pregnancy, childbirth, or a related medical condition.” In overturning the lower court decision, the court of appeals noted the fact that lactation is a physiological condition that only women who have undergone pregnancy experience. Further, the court decided that firing a woman because she is lactating or expressing milk is discrimination based on sex, since men as a matter of biology cannot be fired for such a reason.

LIFE THEATRE SUPERVISOR TRAINING ON NOVEMBER 7, 2013

Save the date for the award-winning Life Theatre, which will perform on campus on November 7, 2013 from 12 pm to 2 pm. This performance satisfies the mandatory 2-hour supervisor sexual harassment prevention training requirement. Supervisors may enroll online at UC Learning Center at <http://uclearning.ucsd.edu>. A link to enroll in the course is also available on the OPHD website at <http://ophd.ucsd.edu/programs.asp>.

SEX IN THE CINEMA: "THIS IS THE END" SEPTEMBER 23rd, 6 PM, PRICE CENTER THEATRE

Please join us during Welcome Week for a FREE screening of the popular film, "This Is The End," starring James Franco and Seth Rogen. The comedy focuses on a group of friends trapped at a house party during the zombie apocalypse. The film touches on themes of sexism, racism, homophobia and religious beliefs. The screening will provide a fun, educational, and social opportunity for new students to hear about campus resources like OPHD. Trivia and prizes before the film!

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

OPHD IS ABOUT SOLUTIONS.

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