



OPHD E-news

Winter 2013

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

In this issue:

- EEOC 2012 Statistics
- Life Theatre Here—April 16th
- Supervisor fired for being uncooperative
- 55-year-old manager wins retaliation claim
- “The Invisible War”—April 15th
- Did you know?

EEOC 2012 STATISTICS

Workplace discrimination charges with the Equal Employment Opportunity Commission (EEOC) declined slightly in 2012. The most frequently filed charges of discrimination are retaliation, race, and sex discrimination, and the most commonly alleged type of discriminatory action is discharge. Retaliation charges constituted 38.1% of the total number of the charges, the highest percentage for retaliation charges in history. For more information, visit <http://www.eeoc.gov>.

LIFE THEATRE HERE—April 16th from 1-3 pm

The award-winning theatre troupe, Life Theatre, will perform again on April 16, 2013, from 1-3 pm, in the Price Center East Forum, 4th Floor. Attending one of their entertaining performances is one of the most popular ways to satisfy the mandatory supervisory sexual harassment prevention training requirement. Those interested should sign up through UC Learning. For assistance with signing up, contact Staff Education.

SUPERVISOR FIRED FOR BEING UNCOOPERATIVE

John McGrory was a supervisor at Applied Signal Technology, Inc. One of his subordinates, Dana Thomas, filed a complaint with human resources against McGrory alleging gender and sexual orientation discrimination. An investigator found that McGrory had not discriminated against Thomas but did find that he had been uncooperative and untruthful during the investigation. Applied Signals fired McGrory for his conduct during the investigation, and McGrory then sued Applied Signals for wrongful termination, asserting that his termination was retaliation for his participation in the investigation. The court determined that while employees are protected against retaliation for participating in an investigation of workplace discrimination, nothing in the Fair Employment Housing Act shields an employee from being terminated for lying or withholding information during an employer’s investigation of a discrimination claim. The decision is *McGrory v. Applied Signal Technology, Inc.* filed on January 24, 2013. Readers are

reminded that under UC San Diego Policy, managers or supervisors who fail to report harassment may be subject to disciplinary action.

55-YEAR-OLD MANAGER WINS RETALIATION CLAIM

The EEOC won a victory against Radio Shack on behalf of a 55-year-old manager who was fired days after he complained about age discrimination. David Nelson had been employed with Radio Shack for over 25 years when a new 43-year-old manager was hired to supervise him. Shortly after the new manager was hired, Nelson, who had a spotless performance record, received two “performance improvement plans.” Nelson complained to human resources that he believed he was being discriminated against based on his age. Within five days of his complaint, Radio Shack fired him. The EEOC filed a lawsuit charging Radio Shack with age discrimination and retaliation in violation of the Age Discrimination in Employment Act and obtained an award of nearly \$675,000 for Nelson. The EEOC trial attorney stated “It is particularly important for the EEOC to vigorously enforce the anti-retaliation provisions in the employment discrimination laws. If employees do not feel comfortable coming forward when they feel they are being discriminated against, the very purpose of the anti-discrimination statutes is eviscerated. “

“THE INVISIBLE WAR” TO SCREEN APRIL 15, 2013 IN PRICE CENTER THEATRE AT 6 PM, FREE

This is an award winning documentary about the epidemic of sexual assault in the U.S. military. Survivors and advocates featured in the film call for changes in the way the military handles reports of sexual assault. April is Sexual Assault Awareness Month. The screening is co-sponsored with the Women’s Center, the Sexual Assault and Violence Prevention Resource Center (SARC), and the University Centers.

DID YOU KNOW?

It has been 100 years since women suffragists first marched in Washington, DC to demand the right to vote. On March 3, 1913, the day before President Woodrow Wilson’s inauguration, 5,000 women gathered on Pennsylvania Avenue “to march in a spirit of protest against the present political organization of society, from which women are excluded.” Surprisingly at that time, even some women opposed women’s right to vote. March is Women’s History Month.

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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