



# OPHD E-news

Winter 2014

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

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## **LIFE THEATRE RETURNS APRIL 16, 2014**

Save the date for sexual harassment prevention training for supervisors featuring the actors from Life Theatre. We will have two programs on April 16, 2014, a morning session on campus, and an afternoon session at Hillcrest. For further details, log on to <http://uclearning.ucsd.edu>

## **RETALIATION CLAIMS ON THE RISE**

The Equal Employment Opportunity Commission (EEOC) released its 2013 complaint statistics. Retaliation claims, which continued to be the most frequent claims, increased from 2012 to 2013, comprising 41.1% of the charges of discrimination. The next most frequent claims were of race discrimination (35.3%) and sex discrimination, including sexual harassment and pregnancy discrimination (29.5%). For more information about EEOC statistics, visit <http://www.eeoc.gov/eeoc/newsroom/release/2-5-14.cfm>.

## **SEXUALLY SUGGESTIVE SNIFFING COULD BE HARASSMENT**

A federal court ruled that sexually sniffing a co-worker could be considered sexual harassment. A female manager complained that two maintenance workers hovered over her and each sniffed her about a dozen times during a four day period. When she complained to her supervisor, she was told to "let it slide...you know how men are like when they get out of prison." After the woman complained, she was fired. The court found that the conduct was "menacing," and could be seen as "physically threatening," "humiliating" and "frequent," three factors that indicate sexual harassment. The court decision is available here <http://www.ca5.uscourts.gov/opinions/pub/12/12-11022-CV0.pdf>

## **SEXUAL ORIENTATION CANNOT BE USED TO EXCLUDE JURORS**

A federal court ruled that lesbians and gays may not be excluded from juries based on their sexual orientation. During jury selection, attorneys may strike prospective jurors without stating a reason. The court stated in its unanimous opinion, "Gays and lesbians have been systematically excluded from the most important institutions of self-governance...Permitting a strike based on sexual orientation would send the false message that gays and lesbians could

not be trusted to reason fairly on issues of great import to the community or the nation.” The decision, written by Judge Stephen R. Reinhardt, is here

<http://cdn.ca9.uscourts.gov/datastore/opinions/2014/01/24/11-17357.pdf>

### **IMMIGRATION STATUS NO BARRIER TO BAR ADMISSION**

In a landmark case, the California Supreme Court ruled that one’s status as an undocumented immigrant is not a reason to deny admission to the State Bar. Sergio Garcia was born in Mexico and brought to California by his parents when he was an infant. Garcia’s father filed a visa petition in 1994 but due to the large backlog of petitions from persons of Mexican origin, Garcia’s visa number has still not become available. The California Legislature enacted a new law that allows undocumented immigrants who pass the California bar to practice law. This law became effective January 1, 2014. The California Supreme Court stated, “We conclude that the fact that an undocumented immigrant’s presence in this country violates federal statutes is not itself a sufficient or persuasive basis for denying undocumented immigrants, as a class, admission to the State Bar.” See <http://www.courts.ca.gov/opinions/documents/S202512.PDF>

### **DID YOU KNOW?**

The U.S. Navy has named the first female in its history to be a four-star admiral. Vice Admiral Michelle J. Howard is the first woman and the first African American to serve as Vice Chief of Naval Operations, the Navy’s second highest ranking officer. Howard stated during an interview, “When men walk onto a ship, on board they have the luxury of being average. When you walk in as a woman, that assumption does not come with you—you need to prove yourself.”

### **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](http://reportbias.ucsd.edu), (858) 534-BIAS (2427) or [ophd@ucsd.edu](mailto:ophd@ucsd.edu). Be The Voice—Report Bias.

### **OPHD IS ABOUT SOLUTIONS.**

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