



OPHD E-news

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

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HIGHER ED TECHNOLOGY SERVICES COMPANY TO PAY \$140K TO TRANSGENDER EMPLOYEE

Ellucian, a higher education technology services company with operations in Minnesota, has agreed to pay \$140,000 and provide significant non-monetary relief to resolve a finding of discrimination against a transgender employee by the U.S. Equal Employment Opportunity Commission (EEOC). [An investigation by the EEOC revealed](#) that Ellucian barred the employee from access to her workplace on a college campus the day after she informed her co-workers she planned to transition from male to female. The college asked Ellucian, which was performing contracted informational technology work for the college, to remove the employee from their campus, and Ellucian complied with the college's request. Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination, including bias based on transgender status, gender stereotyping and subjecting an employee to different terms and conditions and/or a hostile work environment because of sex.

DFEH ISSUES NEW FACT SHEET ON WORKPLACE RIGHTS FOR MILITARY AND VETERANS

On April 15, 2016, the California Department of Fair Employment and Housing [issued a new fact sheet](#) on workplace rights for members of the military and veterans. In the fact sheet, DFEH reminds employees and employers that “the opportunity to seek, obtain, and hold employment without discrimination because of military and veteran status is a civil right.” It further states that under the law, military and veteran status also includes a perception that a person is a veteran or member of the military or that the person is associated with someone who is a veteran or member of the military. The fact sheet details the ways in which discrimination on this protected basis might occur, such as in a refusal to hire, denial of benefits or accommodations, or harassment. Any employee or potential employee can file a claim with DFEH regarding any discriminatory treatment by calling 800-884-1684 or using the online system at <http://www.dfeh.ca.gov> or contact OPHD at ophd@ucsd.edu or (858) 534-8298.

EEOC OBTAINS OVER \$66K IN PREGNANCY DISCRIMINATION CASE AGAINST ARIZONA BAR OWNERS

The owners/operators of the Moonshine Whiskey Bar in Tempe, Arizona, will pay \$66,000 and furnish other relief to settle a [pregnancy discrimination lawsuit](#) by the EEOC, announced May 3, 2016. According to the EEOC's lawsuit, Tempe-based Moonshine Group, LLC

discharged Michelle Viscusi, a bartender, because she was pregnant. After Moonshine Group failed to appear and defend itself in court, Judge Douglas L. Rayes held a default judgment hearing. During the hearing, EEOC provided an audiotape recording in which Benjamin Levine, one of Moonshine Group's owners, said, "There's going to be a whole number of people that I would be offending by allowing a pregnant person to be behind the bar..." In his April 19 finding in favor of the EEOC, Judge Rayes found Moonshine's conduct "deplorable," concluding that Moonshine Group violated Title VII of the Civil Rights Act of 1964 (as amended by the Pregnancy Discrimination Act) by removing Viscusi from her duties because she was pregnant. Judge Rayes ordered Moonshine Group to pay \$15,721 in back pay, \$925 in back pay interest, \$10,000 in compensatory damages, and \$15,000 in punitive damages, for a total of \$41,647. Moonshine Group's new owner, True Country, must pay \$25,000, conduct management training, and implement new equal employment opportunity policies to ensure that its practices comply with anti-discrimination laws.

DID YOU KNOW? In "[Beyond Stereotypes: Poverty in the LGBT Community](#)," Brad Sears and Lee Badgett explain that transgender people are "four times as likely to have a household income under \$10,000 and twice as likely to be unemployed" as most people in the U.S. Nearly a fifth of transgender people experience homelessness in their lifetimes, and 90 percent report having been discriminated against or harassed while on the job, according to the article. Financial difficulties and housing insecurity puts many transgender people more at risk of violence, making it especially difficult for them to access necessary resources and protection. A 2013 report from the [National Coalition of Anti-Violence Programs \(NCAVP\)](#) offered alarming statistics about violence against trans people, revealing that trans women of color to be especially at risk: 72 percent of victims of anti-LGBT homicide were transgender women; and 67 percent of anti-LGBT homicide victims were trans women of color.

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 or ophd@ucsd.edu. Be The Voice—Report Bias.

OPHD IS ABOUT SOLUTIONS.

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