

## **The Office of Equal Opportunity and Diversity (OEOD) E-News**

A quarterly electronic newsletter with the latest information on policies and programs related to diversity, discrimination, retaliation and sexual harassment.

### **Staff Development Scholarships Available**

If your New Year's resolutions include a focus on professional development, OEOD might be able to help you with a Staff Development Scholarship. Awards up to \$500 are available at [www.eod.uci.edu/sds.html](http://www.eod.uci.edu/sds.html). Check out the guidelines and apply soon!

### **Diversity In Medicine Course Valuable to Both Students and Professionals**

The Diversity in Medicine course, co-sponsored by the School of Medicine and the Office of Equal Opportunity & Diversity, provides information to assist healthcare professionals and medical students maximize the quality of patient care in a diverse society. Participants learn the customs, values, and behavior patterns of various cultures and how these factors affect health, illness, and the giving and receiving of health care. The course is open to faculty, staff, students, and community members. For more information, go to [www.eod.uci.edu/dim.html](http://www.eod.uci.edu/dim.html)

### **Interesting Cases**

#### **E-mail Not As Private As You Might Hope**

Is e-mail a private form of correspondence? Ask former Congressman Mark Foley, who resigned September 29, 2006 following the disclosure of several salacious messages he sent to 16-year old Congressional pages. E-mail is no more private than a postcard, and may be disclosed under California's Public Records Act. Review the *UCI Guidelines for the UC Electronic Communications Policy* at [www.policies.uci.edu/adm/procs/800/800-15.html](http://www.policies.uci.edu/adm/procs/800/800-15.html) and the *Computer and Network Use Policy* at [www.policies.uci.edu/adm/pols/714-18.html](http://www.policies.uci.edu/adm/pols/714-18.html). Remember to always keep your e-mail correspondence professional and appropriate for the workplace. Repeatedly sending someone unwelcome e-mail that includes sexual content, be it jokes or imagery, can potentially violate the *UC Policy on Sexual Harassment*. Review the policy at [www.ucop.edu/ucophome/coordrev/policy/PP021006Policy.pdf](http://www.ucop.edu/ucophome/coordrev/policy/PP021006Policy.pdf).

#### **U.S. Supreme Court Says Retaliation Does Not Require An Economic Loss**

On June 22, 2006, the U.S. Supreme Court ruled that retaliation may include any action taken by an employer that would intimidate or discourage a reasonable employee from complaining about discrimination. In *Burlington Northern & Santa Fe Railway Company v. Sheila White*, a female forklift operator was suspended and transferred to a more physically demanding job after complaining of sexual harassment. The Supreme Court ruled that, although there was no tangible economic loss, retaliation may be found even absent firing or demotion. In complaints of retaliation, the OEOD looks for a protected activity, an adverse employment action, and a causal link. Adverse employment actions may include such things as a negative evaluation or grade, an undesirable schedule or assignment, an increased level of supervision or scrutiny, denial of professional development opportunity, ostracism from others, or lack of feedback on performance. Supervisors are advised to contact the OEOD before taking actions that may adversely affect an individual who has made a complaint, assisted a complainant, or acted as a witness in an investigation of discrimination or sexual harassment.

#### **Employers Must Stop Harassment Even by Non-employees**

Employers may be liable for sexual harassment of employees by non-employees if the employer fails to take immediate and appropriate corrective action upon receiving a complaint. In *Carter v. California Department of Veterans Affairs* the California Supreme Court upheld a damages award to a nurse who was sexually harassed by a patient. The nurse had complained to her supervisor, and the hospital attempted to stop the harassing conduct by counseling the patient, but despite these actions the harassment continued. The Court held that under the *Fair Employment and Housing Act (FEHA)*, employers may be held liable for failing to take reasonable steps to stop the sexually harassing behavior of customers, vendors, patients, clients and other non-employees. At UCI, we have many non-affiliates on campus and at the UCI Medical Center. Report sexual harassment promptly, and remember, if you are a supervisor, that employees have the right to work in an environment free of sexual harassment, regardless of the source of the harassment.

### Services Must Be Equally Accessible

A recent case brought to the 9<sup>th</sup> Circuit U.S. Court of Appeals affirmed that the accessibility requirements of the *Americans with Disabilities Act (ADA)* can apply to web sites. In *National Federation of the Blind v. Target Corp.*, the National Federation of the Blind alleged that Target.com was not accessible to blind individuals. Websites may be designed to accommodate the blind by including codes that communicate with text reading software. The court confirmed that the ADA does not merely apply to physical access and “on-site” accommodation, but can also apply to the services of a place of public accommodation that are “heavily integrated with” or serve as a “gateway to” the public facility. If you are in need of resources to make your UCI website compliant to Section 508 and Section 504, please visit [www.disability.uci.edu/other\\_links/web\\_accessibility.html](http://www.disability.uci.edu/other_links/web_accessibility.html).

Consultation is available to determine appropriate technology to meet disability-related needs by contacting the Disability Services Center at (949) 824-7494 (Voice), (949) 824-6272 (TDD), (949) 824-3083 (FAX), or e-mail Robert Espero, Technology Coordinator at [dsc@uci.edu](mailto:dsc@uci.edu).

### **Upcoming Events**

To find diversity-related events taking place at UCI, check out the calendar at [www.eod.uci.edu](http://www.eod.uci.edu). If your department is sponsoring a diversity-related event, please email information about the event to [eod@uci.edu](mailto:eod@uci.edu) to be added to the OEOD event calendar.