

# 1995 Campus Climate Report

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CHANCELLOR'S COMMITTEE ON  
LESBIAN, GAY, AND BISEXUAL ISSUES  
c/o OFFICE OF THE CHANCELLOR, 0005

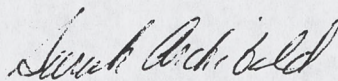
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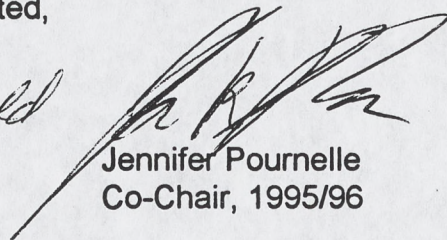
Attached, please find a copy of the Campus Climate Report written by the Chancellor's Advisory Committee on Lesbian, Gay, and Bisexual Issues (CACLGBI). This report represents an examination and assessment of various areas of the campus environment and its guiding policies to determine how supportive UCSD is towards Lesbians, Gays, and Bisexuals within its ranks of faculty, staff, and students. The report will help direct the CACLGBI to create change in areas that require improvement. In this respect, reports may follow to assure progress and to identify new areas of concern.

We are grateful to former Chancellor Atkinson. CACLGBI met with Chancellor Atkinson in June, 1995 and submitted a preliminary draft of findings to him. We acknowledge his initial support of many of our recommendations during the meeting, particularly in the area of employee benefits for domestic partners. The members of CACLGBI hope that you will read this report with interest and find its recommendations useful.

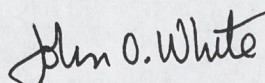
Respectfully submitted,



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**CHANCELLOR'S ADVISORY COMMITTEE ON  
LESBIAN, GAY, AND BISEXUAL ISSUES**

**CAMPUS CLIMATE REPORT**

**University of California  
San Diego**

**October 1995**

## CHANCELLOR'S ADVISORY COMMITTEE ON LESBIAN, GAY, AND BISEXUAL ISSUES (CACLGBI)

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The CACLGBI wishes to acknowledge two previous reports:

Campus Climate Report for Lesbian, Gay, and Bisexual Persons at the University of California, San Diego, Spring 1992, principal author Michael Lambert.

Chancellor's Ad Hoc Committee on Gay, Lesbian, and Bisexual Issues, a Preliminary Report, University of California, Davis, June 1991.

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## INTRODUCTION

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The environment in which lesbians, gays, and bisexuals (LGBs), study, work, teach, and conduct research at the University of California, San Diego in 1995 is a complex one. Ever pervasive is an ugly prejudicial environment shaped by the larger societal context of church, state, and community. LGB's fear being honest and "out" about their sexual orientation, given the range of actions that can be taken against them, actions that can drastically affect future employment, future studies, and scholarly work.

Many undergraduates, while at college, begin to come to grips with their sexual orientation. They require caring and sensitive mental and physical health delivery systems and nurturing support environments. Openly out undergraduates must address the wrath of fellow students who have been taught to hate in unenlightened high school environments. Many graduate students, fearful of alienating academic departments and powerful faculty dissertation committees, live in the closet.

Only a handful of tenured faculty are open about their lesbian, gay, or bisexual identity. Many more are closeted and extraordinarily careful about exposing any facet of their sexual identity to the academic or administrative power structures. For example, several faculty were unwilling to serve on the Chancellor's Advisory Committee on Lesbian, Gay, and Bisexual Issues (CACLGBI), simply because they feared that such association would jeopardize their future in some way or another.

Employees are usually closeted during their probationary period for fear of losing their jobs due to prejudice. Once an employee has made a practice of being closeted to coworkers, it is harder to be "out" -- to be oneself at work. This puts a chill on work relations which is pervasive, and the cost of which is hard to calculate. As staff move up the career ladder, they have more to lose and often become more closeted. This creates the impression that there are no LGBs in the staff above a certain classification. Staff employees in the Administrative and Professional Staff Program (A&PS) and the Management and Professional Program (MAP) who are closeted say they don't want to lose the power of assumed heterosexuality and the concomitant membership in the "old boy network" in what remains largely a heterosexual white male-dominated hierarchy at this university. More junior LGB staff have had, until recently, no role models and believe that there is a "glass ceiling."

It is difficult to separate perception from reality and determine the degree to which LGBs are excluded from the UCSD community and the degree to which fear makes them self-excluding. Fear of discrimination leads many who can pass as straight to take that route; thus, acceptance by the wider community goes largely untested. It is also difficult to quantify how much discrimination and prejudice occurs at UCSD; accurate and valid statistics are difficult to gather when dealing with hate crimes and harassment.

Many LGB members of the UCSD community were heartened by the recent executive appointment of an openly gay person. Further, the appointment of the CACLGBI signals a willingness on the part of the administration to consider the concerns of lesbians, gays, and

bisexuals. However, UC intransigence on the issue of domestic partner benefits illustrates how far LGBs still need to travel.

The following report describes the campus environment for LGB students, faculty, and staff in 1995. The hope is that progress will continue to be made, both at UCSD and within the University of California, so that future reports will be able to celebrate increased successes and have fewer and fewer examples of discrimination to note and act upon.



## I. UNIVERSITY NONDISCRIMINATION POLICY

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### UNIVERSITY POLICY

An area of concern is the University's nondiscrimination policy statement, which prohibits "discrimination" based on sexual orientation but does not prohibit "harassment." The statement reads as follows:

"The University of California, in accordance with applicable Federal and State law and University policy, prohibits discrimination against or harassment of any person employed by or seeking employment with the University on the basis of race, color, national origin, religion, sex, physical or mental disability, medical condition (cancer-related), ancestry, marital status, or age. The University of California also prohibits discrimination on the basis of sexual orientation, status as a Vietnam-era veteran or special disabled veteran or, within the limits imposed by law or University policy, on the basis of citizenship."

This University's policy on nondiscrimination applies to admissions, access, and treatment in university programs and activities, as well as application for or treatment in university employment.

### UNIVERSITY POLICY AND POLICIES OF OTHER INSTITUTIONS

While the University's nondiscrimination policy is commendable, the University of California was not the first institution to adopt such a policy nor are the University's policies covering nondiscrimination and benefits to domestic partners as far-reaching as policies developed by other institutions and companies. Included in the Appendix is a list of over 500 corporations, organizations, unions, agencies, regions, government/public bodies, and educational institutions with nondiscriminatory policies. It should be noted that there are nearly 200 cities and counties whose nondiscrimination policies have been expanded to address issues of domestic partnerships including benefits.<sup>1</sup> The issue of benefits for domestic partners is more fully discussed in Chapter III.

### RECOMMENDATIONS

The University's nondiscrimination statement should be amended to prohibit both discrimination and harassment based on sexual orientation.

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<sup>1</sup> See Appendix 1, "List of organizations with a 'sexual orientation' non-discrimination clause or subject to laws relating to 'sexual orientation.'"

## II. HARASSMENT

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The CACLGBI acknowledges two distinct forms of harassment:

- a) "Quid-pro-quo" sexual harassment actions, and
- b) "Hostile environment" harassment actions which include unwelcome conduct based on sexual orientation.<sup>2</sup>

The difference between these two forms is an area of concern for the CACLGBI since the distinction is not always made when reporting incidences of harassment. "Harassment" statistical data and its meaning may, therefore, be misleading. The CACLGBI is very concerned that the accurate number of cases of "hostile environment" harassment actions based on sexual orientation be identified. The campus Office of Sexual Harassment Prevention and Policy acknowledges the importance of the distinction and is willing to incorporate appropriate changes in annual reports.

Both forms of harassment described above are prohibited under State Civil Code covering sexual discrimination.<sup>3</sup> State Civil Codes include reporting requirements which may not necessarily make or require the distinction between the two forms of harassment. Incidences of harassment of LGBs are often recorded within the UC system by administrators who also have responsibilities for implementing Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964 which prohibit discrimination based on sex within education programs or activities receiving Federal funds. Hate crimes involving criminal action, e.g., assault, are under the jurisdiction of the campus Police Department.

### "HOSTILE ENVIRONMENT" HARASSMENT BASED ON SEXUAL ORIENTATION

While one will find that most college and university campuses tend to be safer environments for LGBs, compared to what is often referred to as "the real world" off campus, LGBs regularly endure the fear of potential and real harassment and sometimes violence. The UCSD environment is no exception to this phenomenon.

Those forms of harassment termed hate crimes, in which verbal taunting or threats or violence are perpetrated upon LGBs is in fact widespread throughout American society. In most large cities it has become the fastest growing category of hate crimes. It is not the CACLGBI's

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<sup>2</sup> Hostile environment – Verbal, visual and/or physical, unwelcome conduct that is either sexual in nature or because of the sexual orientation or the sex of the person that is used to create a hostile environment. The actions may be repeated, pervasive and severe and cause the reasonable person to judge his/her workplace or environment as intolerable or hostile.

<sup>3</sup> In addition to the State Civil Codes covering sexual discrimination, the Hate Harassment Law (Ralph Act) prohibits intimidation and threats directed to individuals, including those who are lesbian, gay, or bisexual.

intention here to try and determine all the factors that lead to this violence and why it is growing, but an examination of a few possibilities can help enlighten the policymakers at UCSD so as to avoid as many hate crimes as possible.

It is extremely difficult to measure the actual level of harassment towards LGBs either on or off campus. Traditionally, many LGBs have avoided reporting anti-gay harassment to police departments. First, many victims have experienced direct harassment by police officers elsewhere because of some officers' own homophobia. Secondly, many police departments have not considered violence towards this minority group a serious problem. While there have been major strides in most police departments to improve the responsiveness and accountability of police officers, nevertheless the hesitancy on the part of many LGB persons to report crimes still persists.

The other major contributing factor making it difficult to gauge the full level of harassment is that reporting such a hate crime will require the victim to proclaim her or his homosexuality or bisexuality. The vast majority of LGB persons are not open or "out of the closet" and disclosing the information to an authority figure or organization can be too difficult for many people. The victim may not feel comfortable about his or her own sexual orientation or there may be a real danger in the possibility of losing one's job, family, and/or friends by disclosing this information.

Ideally this very important part of this campus climate report should include a confidential campus wide survey of all UCSD community members to attempt to find out the extent of harassment towards LGBs and the potential for harassment. It would require funding and strong support from the Chancellor to accomplish this, and it is something that the CACLGBI feels should be done in the future. The reality is that as more LGB people come out of the closet and demand equal rights and equal protection under the law, more will be willing to show affection in public and be honest about who they are. As this occurs, more violent confrontations can be expected to occur against this minority group. In addition, if one accepts that society at large is becoming less tolerant of diversity in general, and that verbal proclamations against all minority groups is growing, it can be expected that LGBs will be scapegoated along with other minorities. Inevitably, this verbal taunting leads to further violence.

What follows is a brief overview of some of the cases of harassment that we are aware of that have occurred at UCSD. Again, the reader is reminded that these represent only those cases in which a victim was willing to reveal an incident to a CACLGBI member.

1. Approximately ten years ago, two women were walking together followed by two friends behind them. As they walked on the walkway between Peterson Hall and the old Student Center, one woman said something funny and the other one laughed and threw her arm around the first woman. A couple of moments later, the women looked up and noticed a large, young man on a skateboard three feet in front of them, his arm stretched out towards one woman. Through clenched teeth he hissed, "Lovers!" At this point, the man sailed past the women. Right after this, there was a smaller man jogging behind the first one with arms raised to chest level, elbows out, fists clenched, who ran directly into one of the women, knocking her to the ground. While still on the ground, the woman spun around and saw the two men about 20 feet away laughing.
2. In a different type of case, one which would partially fall under the category of sexual harassment, another woman who described herself as being young, naive, and unexperienced was told years ago that if she did not do what a co-worker had wanted her

to do, the first individual would reveal the other employee's sexual orientation, causing her (in the perpetrator's words) to lose her job and make it impossible for her to get a similar job elsewhere. Because of this blackmail, and the victim's lack of any support system for dealing with the threats, she suffered a great deal of mental anguish and psychological damage.

3. In 1991, twelve obscene phone calls were recorded at the LGBA (student group) office and reported to the UCSD Police Department. Group members also reported obscene calls at their homes. Also in 1991, there were two reported vandalism cases and a bizarre incident when someone vomited on the door of the LGBA office. Included in the harassing phone calls was a bomb threat towards a semi-formal dance sponsored by the LGBA. Also in 1991, two women walking together were verbally and physically assaulted on campus by some unidentified men. The same year, a graduate student hired as a T.A. was spat upon by a student after giving a lecture on LGB-related issues. In 1992, an LGBA member staffing one of the LGBA's dances was attacked with a paint pellet fired from a passing car.
4. In 1993 a staff employee who was just being dropped off at work had kissed his boyfriend goodbye. Some men who were subcontractors at a UCSD construction site began yelling derogatory anti-gay remarks at the employee, including "Faggot!" The incident almost escalated into a fight, but when the employee asked the group of men for their names and their supervisor's name, they walked away. By the time the perpetrators could be identified, the subcontracting company had vacated the site. Further oral and written communication with the subcontractor proved time-consuming and frustrating. The last letter received from the supervisor of the subcontractor was not at all gay-friendly or sensitive.
5. In 1993 a mural on a campus building that featured openly gay San Francisco Supervisor Harvey Milk, who had been assassinated, was defaced by vandals.
6. Last year, a poster advertising a San Diego LGB Pride Parade that was displayed on a staff bulletin board in the University Library was defaced with the words, "YES, GO TO THE PARADE! KILL ALL DYKES AND FAGS AT ONCE! HA-HA!"<sup>4</sup> Immediate and forceful action was taken by Library Administration to respond to this. An e-mail was sent out to all staff and student supervisors informing them that discrimination or harassment would not be tolerated within the Library and that the Library places a great value on diversity, as well as the message reemphasizing the University's non-discrimination statement.
7. Currently there is a staff person on campus who, upon finding out that her co-worker is a lesbian, has completely shunned the co-worker.<sup>5</sup> In what was formerly a good productive working relationship, the homophobic individual stopped speaking to the woman who happens to be a lesbian. She began exiting rooms whenever the lesbian entered the room, would greet everyone in a room except her, stopped talking whenever the lesbian entered a room, and would not look at her. In spite of the lesbian's attempts to work and

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<sup>4</sup> See Appendix 2, "San Diego Lesbian & Gay Pride 20th Anniversary."

<sup>5</sup> See Appendix 3, "E-mail message, Subject: 'harassment.'"

communicate with this woman, the woman's behavior created a tense and hostile working environment for several months.

The lesbian's boss was sympathetic to her plight and stressed repeatedly that the Director fully supporter her and viewed any violation of the University's nondiscrimination policy as unacceptable behavior. The boss asked her to report any overt instance of verbal or physical harassment immediately and to tell her if the situation otherwise became intolerable. The Director followed this up with a letter to all staff reiterating the department's unwavering support of nondiscrimination policies.

After this "shunning" treatment for months, the lesbian again raised the issue with her boss. The boss called for a simultaneous meeting of parties involved. It eventually worked out satisfactorily, but there is a valuable lesson to be learned -- that is, if supervisors back up their personal support for policies by IMMEDIATELY taking a leadership role in requiring, even in a gentle fashion, homophobic employees to face and cope with their fears, an extremely uncomfortable work environment can be avoided for all concerned.

8. The Guardian reported an incident in which aggressors shouted, "Die Faggot" and attempted to run an individual over with their car.<sup>6</sup>
9. Anyone who has regularly placed flyers up on campus advertising LGB-related events has experienced a much higher percentage of these types of flyers being removed by homophobic individuals than other types of flyers. While this act is not violent, the CACLGBI does find it highly objectionable. The CACLGBI urges University officials to discuss the seriousness of limiting freedom of expression via the destruction of flyers and posters, and also urge University officials to then actively pursue sanctions against violators of this policy.
10. This year as in past years, the LGBA has continued to endure lewd and threatening phone calls left on their answering machine. In addition, earlier this year, an LGBA member who has been active in educating the campus on LGB issues avoided a gay-bashing attempt. The aggressors shouted the phrase, "Die faggot" and tried to run him over with their car.
11. Several CACLGBI members recently met with the UCSD Police Chief to communicate the members' concerns and to establish an open dialogue between both communities. The group found the Police Chief to be receptive and educated on many of the issues surrounding the LGB communities, and she welcomed some of the CACLGBI members to conduct some sensitivity training before the Police Force at a future date.

Furthermore, she said that if the CACLGBI ever had any reports of discrimination against LGB persons by any of her officers, that these concerns should be communicated directly to her. The CACLGBI wants to urge LGB persons to feel comfortable in reporting any incidents of harassment against them to the UCSD Police Department. The Chief strongly encouraged the CACLGBI members to let others know that individuals should feel comfortable making reports to the Police Department. This is crucial and that if victims feel they do not have this outlet, victims may suffer even further psychological and

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<sup>6</sup> See Appendix 4, " The UCSD Guardian, 4/3/95, "LGBA Member Escapes Gay-Bashing Incident."

potentially physical trauma at the hands of the aggressor. The CACLGBI also hopes that LGB police officers can be confident in knowing that they will be treated justly and with respect by their fellow officers.

During the Summer, 1995, four members of the CACLGBI conducted a workshop with the Police Department to try to explore each group's concerns and to better relate to each other on the issues with which both have to contend. CACLGBI found the police officers overall to be very receptive to CACLGBI concerns.

The workshop included short biographies by the presenters, a section exploring the myths and stereotypes surrounding LGBs, a brief history of why LGBs are reluctant to report crimes to police, an overview of incidents involving LGBs at UCSD, and examples from Davis, California, where the City employs a LGB liaison to the Police Department. The session was then opened up to questions. The Police encouraged LGBs to join in the Ride-Along Program where they can observe the work of an officer on duty. In addition, officers spoke of particular incidents they have encountered and sought CACLGBI members' advice on whether there might be a more effective means of dealing with a particular situation. The officers stressed that they want LGBs to not be afraid to report any crimes and said they would be willing to meet with CACLGBI in the future to further support open lines of communication.

Many CACLGBI members are aware that often times anti-gay violence is more likely to be found amongst groups of people as "group think" takes hold and individuals do not feel personally accountable for their actions. Anti-gay violence of this sort has commonly emanated from fraternities at many campuses across the country. Administration and Student Affairs officials need to be cognizant of this. At the same time, many CACLGBI members are aware that sometimes individuals who are the most anti-gay in their actions or rhetoric are themselves dealing with their own internalized homosexuality and consequently their own homophobia and self-hatred which causes them to lash out at openly gay individuals. By ensuring that LGB-supportive mental health personnel and facilities exist throughout campus, and that Campus Administration continually includes LGB issues as a part of diversity training and recognizes LGBs as valuable contributing members of the campus community, we can all work towards a more tolerant environment whereby homophobic individuals will be more likely to work on overcoming their prejudices rather than acting upon them.

## RECOMMENDATIONS

Funding should be provided to conduct a campus-wide survey on harassment and violence towards LGB students, staff, and faculty. Such a survey could be designed with assistance of the UCSD community.

Campus Administration and Student Affairs personnel should be cognizant of the potential for violence and harassment towards LGB persons on campus and pursue all violations to the fullest extent of the law and campus regulations.

Campus police should maintain hate crime statistics with capabilities of readily identifying those cases based on sexual orientation.

Campus police, and any other appropriate campus units, should advertise self-defense classes they offer to the LGB community.

LGB organizations and individuals need to actively encourage survivors of violence or harassment to report the abuse to the proper authorities, including the Police Department.

### III. DOMESTIC PARTNER BENEFITS

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The CACLGBI believes that benefits for partners and families of staff, students, and faculty at UCSD should be equal with those offered to legal spouses in keeping the University's policy of nondiscrimination based on sexual orientation and marital status. The benefits offered to UC members and their families are numerous, and such benefits are often cited as major considerations for recruitment and retention of staff, students, and faculty. The provision of major and minor benefits varies widely across the UC system.

CACLGBI applauds the policy at the Davis campus which extends certain benefits to domestic partners in the same manner and to the same extent permitted to the married spouse of a campus employee.<sup>7</sup> CACLGBI also applauds the recent development at the Berkeley campus in which Chancellor Chang-Lin Tien issued a policy extending benefits to domestic partners.<sup>8</sup> Covered under such policies are those benefits which are under the purview of individual campus discretion, e.g., recreation services, Library privileges, student employment, and discounts offered by outside agencies to employees. Extension of certain other benefits to domestic partners, such as retirement and health, must be approved at the systemwide level.

The following provides a cursory look at the benefits offered to staff, faculty, and students at UCSD. It is by no means meant to be inclusive and may not have reviewed all benefits offered or denied. The lack of benefits for health coverage, retirement benefits, and housing are systemwide and glaring examples of discrimination against LGB employees and their partners. However, it should also be noted that at UCSD, most campus departments contacted did not offer services different for domestic partners than that of legal spouses and often specifically stated that domestic partners were included and welcome. The degree to which these departmental policies are well known, however, is of concern, as is the lack of knowledge on the part of departmental personnel contacted. While constructing this report, it usually took a supervisor or senior personnel to confirm the existence of domestic partner privilege. This leaves one to wonder how consistently consumers of these benefits are treated, and experiences reported to the CACLGBI have been varied. There are specific reports to CACLGBI that indicate usage of parking and recreation services have been inconsistent. The existence of written policy from departments was also quite variable and often nonexistent.

#### HEALTH AND RETIREMENT BENEFITS

One of the most significant benefits not offered to domestic partners of UC employees is that of health and retirement. Health and retirement benefits are currently denied to domestic partners

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<sup>7</sup> See Appendix 5, "Letter dated September 30, 1994 from Dennis Shimek, Associate Vice Chancellor--Employee Relations and Staff Affairs to Deans, Directors, Department Chairs, and Campus/UCDMC Administrative Officers."

<sup>8</sup> See Appendix 6, "E-mail message announcing Chancellor Tien's policy to extend benefits to domestic partners."



and to their children for all faculty and staff in the entire UC system. Benefits are currently limited to legal spouses and families. Some UC campuses have negotiated for student access to benefits on their own since student health benefit contracts are negotiated separately from staff and faculty. At UC Davis, Residents and Interns have also acquired domestic partner benefits. Most of the domestic partnership benefits allowed are on a fee for contract basis although UCSD does not currently have any domestic partnership health benefits for students, Residents, or Interns.

The issue of all domestic partner benefits, but probably most specifically the health and retirement benefits, has been advocated for years by the systemwide organization, University of California Lesbian, Gay, and Bisexual Association (UCLGBA). The organization has had limited success, although ongoing discussion continues with the Office of the President regarding this issue.<sup>9</sup> It is believed these benefits cannot be provided without the approval of the Board of Regents. UCLGBA continues to recommend the adoption of these benefits and the CACLGBI offers full support for the adoption of domestic partner benefits and hopes for further action at the systemwide level. Provision of these benefits has been supported by most campus organizations, staff associations, and very specifically by the Academic Council which forwarded its recommendations to procure domestic partner benefits to the Office of the President more than a year ago.

Examples of failed recruitment, discrimination, and suffering by staff, faculty, and students who are denied these important benefits both at UCSD and across the UC system are evident.<sup>10</sup> Most of the universities and colleges with whom the University of California considers itself competitive for hiring and admissions already offer health and retirement benefits to domestic partners and families of its constituents. In addition, many cities and organizations in the state of California and nation offer such benefits.<sup>11 12 13</sup> Cost analyses on extending benefits to domestic partners indicate the additional expense is small.<sup>14</sup>

## FAMILY ILLNESS

According to the current policy under SPP 410.8 (and A&PS 153.8), an employee shall be permitted to use not more than thirty days of accrued sick leave in any calendar year when required to be in attendance or to provide care because of the illness of the employee's

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<sup>9</sup> See Appendix 7, "Brief History of Domestic Partners' Benefits Proposal."

<sup>10</sup> See Appendix 8, "Personal Accounts from Faculty and Staff on the Importance of Domestic Partner Benefits."

<sup>11</sup> See Appendix 9, "Statement of the 'Competitive' Argument for University of California Domestic Partnership Benefits."

<sup>12</sup> See Appendix 10, "Domestic Partners' Benefit Status at UC 'Comparison Eight' Institutions and Other Competing Employers."

<sup>13</sup> See Appendix 11, "Los Angeles Times, March 30, 1995, 'Caltech, JPL to Expand Benefits to Same-Sex Partners.'"

<sup>14</sup> See Appendix 12, "Comments on Numbers and Costs of Domestic Partner Policies."

"spouse, parents, child, sibling, grandparent, or grandchild. In-laws and step-relatives in relationships listed also are covered. This provision also covers other related persons residing in the employees household."

While domestic partners are not specifically included in this policy, there are many inconsistencies in the interpretation of this policy among the different departments at UCSD. It has been common practice to let the employee's home department make the discretionary decision whether to grant sick leave to provide care for a domestic partner. But for those employees denied this benefit, the result has been severe stress and hardship, and in some cases termination of employment. (A committee member once relayed during a meeting that an acquaintance at the Medical Center had to terminate his employment because he had exhausted his sick and vacation time in order to care for his partner who was suffering with AIDS.)

#### CATASTROPHIC LEAVE POLICY

The Catastrophic Leave Donation Program became available on a pilot basis effective January 1, 1995. According to the policy, catastrophic illness or injury is defined as an illness or injury which incapacitates the employee or family member. Eligible recipients may also participate in the program to care for family members as defined on SPP 410.8 and A&PS 153.8.

The catastrophic leave policy states:

"UCSD employees may donate vacation leave credits to another UCSD employee who experiences a catastrophic illness or injury, or who must care for a family member who experiences a catastrophic illness or injury."

As in the policy covering family illness, the definition of "family" is critical and impacts LGBs. While the campuses of Berkeley, Santa Cruz, and Davis interpret the word "family" to include domestic partners, the San Diego campus does not. In response to a query from the CACLGBI, Rogers Davis, the Assistant Vice Chancellor for Human Resources, replied that the definition of "family" as stated in the policy is defined only to include legal relatives including spouse, parent, child, sibling, grandparents, in-laws, and step-relatives. He also indicated the University follows state legislative actions on such matters.

At a meeting of the UCLGBA with President Peltason in August 1995, this policy was brought up by the President as an example of a "discretionary" policy that does not have to be determined by the State Legislature or the Board of Regents (in comparison to health benefits) and should be made available at the local level. This information has been made available to Assistant Vice Chancellor Rogers Davis and to Chancellor Atkinson, but no action has been taken.

#### BEREAVEMENT

According to the current policy under SPP 410.9 (and A&PS 153.9), an employee shall be permitted to use not more than 5 days of accrued sick leave when that employee's absence is required due to death of the employee's

"spouse, parent, child, sibling, grandparent, or grandchild. In-laws and step-relatives in the relationships listed also are covered. This provision also covers other related persons residing in the employee's household."

While domestic partners are not specifically included in this policy, there are many inconsistencies in the interpretation of this policy among the different departments at UCSD. It has been common practice to let the employee's home department make the discretionary decision whether to grant sick leave if the employee's absence is required due to death of the employee's domestic partner.

#### PSYCHOLOGICAL AND COUNSELING SERVICES

UCSD Psychological and Counseling Services offers equitable services for legal spouses and domestic partners. Couples and family counseling is available to students regardless of marital status. For more information regarding psychological and counseling services, see Chapter IV.

#### HOUSING

At UCSD and all other UC campuses at this time, family housing and married student housing are denied to domestic partners. While legally married spouses and families enjoy this benefit, incoming graduate students and faculty with non-traditional families are turned away from campus housing. UCSD does allow domestic partners to apply for University-offered off-campus housing at La Jolla Del Sol.

This issue of housing is under review currently by the Office of the President. Previously this was thought to be a systemwide issue requiring the approval of the Board of Regents. However, it is now understood to be an issue that can be decided by the President or at each campus. The CACLGBI looks forward to the inclusion of housing as one of the benefits offered equitably to domestic partners at UCSD.

#### RECREATIONAL FACILITIES

UCSD's recreation department has recently adopted a policy that is inclusive of domestic partners. The benefits are also delineated in writing and it is encouraging to see such benefits added.<sup>15</sup>

The Aquatic Center, which is affiliated with UCSD and other San Diego colleges, accepts domestic partners and families in their "immediate family" requirement for eligibility, although this is not specifically stated on application forms. All personnel contacted confirmed this policy.

#### LIBRARY PRIVILEGES

UCSD has a formal written policy providing lending privileges to domestic partners that is equivalent to the privilege for legal spouses. See Chapter IX, "UCSD Libraries."

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<sup>15</sup> See Appendix 13, "RecCard Eligibility Policies."

## **PARKING PRIVILEGES**

The parking office offers supplemental parking permits to the primary holder of a permit for use of a second car. The additional vehicle must be registered to the basic permit holder. Only one car is allowed to be parked on campus at one time except if one chooses to pay for a metered space for the additional vehicle.

While Transportation and Parking Services claim there is no difference between benefits for legal spouses and domestic partners, some LGB applicants for permits have been told the supplemental permit is available only to legally married spouses, to people with the same last name, or to family members only. The issue of "legal relationship" is irrelevant and should not be considered as a factor in granting supplementary permits.

## **ALUMNI ASSOCIATION**

At some UC campuses there are alumni camps and other benefits available to alumni families. Currently at UCSD there are no benefits for legal spouses, domestic partners or families of Alumni. The campuses of Berkeley and Los Angeles have LGB alumni associations.

## **CHILD CARE**

UCSD's day care center is available for the children of employees and their partners who need not be legal spouses. The employee does not need to have legal custody but must have physical custody of the child. This policy is equitable for the partners of all UCSD staff and faculty according to day care personnel. No written policy exists.

## **HOSPITAL VISITATION AND PATIENT RIGHTS**

Please see Chapter VII, "Special Issues at the UCSD Medical Center."

## **RECOMMENDATIONS**

Health and retirement benefits should be extended to domestic partners of UC employees and to their children.

A campus-wide domestic partner benefits policy, allowing all campus units to provide equivalent benefits to legal spouses, family members (with family not being legally defined), and domestic partners, is recommended. This would necessarily exclude those areas, such as health benefits, which are under control by The Regents or Office of the President at this time. A written document to this effect would eliminate departmental and staff variations, and reiterate the University's support of the nondiscrimination policy based on sexual orientation.

The term "family," when used in campus policies covering family illness, catastrophic leave, and/or bereavement, should be broadened to include domestic partners.

Campus family housing and married student housing should be available to domestic partners.

Transportation and Parking Services should ensure that its policy in issuing supplementary permits be administered equitably to all applicants without regard to a "legal relationship" factor.

If the UCSD Alumni Association implements a benefit available to alumni families, the benefit should be extended to domestic partners and to off-spring of domestic partners.