

Update on Sexual Harassment Case Law

On October 7, 2019, the U.S. Supreme Court declined to review the Fourth Circuit's February 2019 decision in [Parker v. Reema Consulting Services](#). In that decision ([summarized here](#)), the appeals court held that an employer can be liable for violating Title VII if it participates in spreading a false rumor about a female employee sleeping with her boss to get promoted. The Fourth Circuit rejected the employer's argument that Ms. Parker's complaint was grounded on false allegations of conduct. Instead, it recognized that the rumor tapped into a harmful gender-based stereotype that women can only succeed in the workplace by sleeping their way to the top. In other words, the appeals court saw this type of rumor as inextricably connected to Ms. Parker's identity as a woman.

The Supreme Court's decision not to consider this issue means there remains a split between the federal circuits on whether such rumors are based on an individual's sex or conduct. Remember, Title VII protects employees from discrimination based on sex (as well as race, color, religion, and national origin). For employers like MUSC based in South Carolina, we continue to follow the Fourth Circuit's holding that spreading false rumors based on sex could constitute sexual harassment.

For more information about this case, please contact Deputy Title IX Coordinator [Daniela Harris](#).

Commented [HD1]: Link this to the April 2019 story once that story is up