

## Minnesota Supreme Court Holds That Hostile Work Environment Claim Based on Sex Allowable Even When Offending Conduct is Not Sexual

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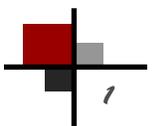
On May 16, 2012, the Minnesota Supreme Court held in *Carol J. LaMont v. Independent School District #728* that a plaintiff may advance a claim of a hostile work environment based on the plaintiff's sex even though the offending conduct is not sexual, that conduct that does not meet the Minnesota Human Rights Act's definition of "sexual harassment" including "unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature... (Minn. Stat. 363A.03, subd. 43).

LaMont was a female school janitor whose supervisor made comments to employees and co-workers expressing a negative view of women in the workplace; physically separated female janitor work teams from male work teams; required female janitors to check in by radio while on break (a requirement not imposed on male janitors); and prohibited female janitors from talking unless they were on break.

LaMont sued claiming a hostile work environment and the district court gave summary judgment to the school district on the grounds that the hostile work environment claim failed since the alleged offending conduct did not meet the statutory definition of sexual harassment. The Minnesota Court of Appeals affirmed.

Citing its decision in *Continental Can Co. v. State* [297 N.W. 2d 241, 245 (Minn. 1980)] the Supreme Court noted that "...certain treatment of women is so extreme that the treatment can affect a woman's condition's of employment, amounting to discrimination." One type of such treatment is sexual harassment but "Another type of behavior that can alter a female employee's conditions of employment, amounting to discrimination, is verbal and physical harassment based on sex." The Court therefore held that "...verbal and physical harassment directed at an employee because of her sex may constitute discrimination in the terms and conditions of employment."

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## DEED and Gray Plant Mooty to Offer Workshop on Technology Transactions

As noted in the April issue of this publication, DEED and Gray Plant Mooty have published *A Legal Guide to Technology Transactions* as a primer on contracting for the acquisition of information technology. On Friday, June 22, 2012 Gray Plant Mooty will offer a free workshop on the topic at its offices at 500 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402. A light breakfast will be served from 7:30 AM to 8:00AM with the program to follow from 8:00 AM to 9:00 AM.

Topics will include:

- Risks inherent in acquisition, development, and implementation of technology.
- Methods of avoidance and allocation of risk.
- Key elements and issues to address in contracts and license agreements.
- ABCs of risk allocation from acceptance testing through warranties.

Space is limited. Parking will be validated for the Marquette/IDS Ramp.

Please RSVP by June 18, 2012  
By email: [events@gpmlaw.com](mailto:events@gpmlaw.com)  
By phone: 612-632-3398

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