

Syllabus
Employment Discrimination
Professor Modesitt

Course information:

Text – Employment Discrimination: Law and Theory, Rutherglen & Donohue (3d Ed. 2012).

Office – LC 507

Email – nmodesitt@ubalt.edu Please use email as the primary means of reaching me.

Phone – 410-837-1902

Office hours – Mondays & Wednesdays, 6-7, or by appointment

Grading:

Grading will depend on whether the class decides to have a midterm. If the class as a whole chooses to have a midterm, then the grading will be as follows.

40% - Midterm

60% - Final Exam

If the class chooses not to have a midterm, then the entire grade will be comprised of your performance on the final exam. Either way, class participation will factor in as follows. Class participation may result in a 1/3 grade increase or decrease to be determined in my discretion (i.e. excellent class participation can raise your grade from a B+ to an A- while poor class participation can lower your grade from a B+ to a B).

Topics and Readings:

Week 1: History and Theories of Employment Discrimination

Monday (Jan. 12):

Text, pp. 1-19

In preparation for the first class, please go to <https://implicit.harvard.edu/implicit/demo/> and take the test for race.

Wednesday:

Text, pp. 19-50.

Weeks 2-3: Individual Claims of Intentional Discrimination

Topics: **The *McDonnell Douglas* Framework**
 After-Acquired Evidence
 Mixed-Motive Cases
 Retaliation

Monday (Jan. 19): No class, Martin Luther King Day

Wednesday:
Text, pp. 51-93

Monday:
Text, pp. 93-119

Wednesday:
No new readings

Weeks 4-5: Class Claims

Topics: **Disparate Treatment**
 Disparate Impact

Monday (Feb. 2):
Text, pp. 120-150

Wednesday:
Text, pp. 150-193

Monday:
Text, pp. 193-247

Weeks 5-6: Affirmative Action

Topics: **Constitutional Standards**
 Title VII Standards

Wednesday (Feb.11):
Text, pp. 248-280.

Monday:
Text, pp. 280-306

Weeks 6-9: Sex Discrimination Under Title VII and the Equal Pay Act

Topics: **EPA**

Pregnancy Discrimination
BFOQs
Sexual Harassment

Wednesday (Feb. 18):
Text, pp. 307-328

Monday:
Text, pp. 328-358

Wednesday:
Text, pp. 358-372

Monday:
Text, pp. 372-397

Wednesday:
Text, pp. 397-422

Monday:
Text, pp. 422-470

Wednesday:
Midterm.

Spring Break March 16/18.

Week 10: Other Grounds of Discrimination
Topics: National Origin Discrimination
Religious Discrimination

Monday (Mar. 23):
Text, pp. 471-92

Wednesday:
Text, pp. 492-521

Weeks 11-12: Age Discrimination
Topic: ADEA

Monday:
Text, pp. 716-738

Wednesday (April 1):
No class. In lieu of class today, you are required to attend one event over the course of the semester that relates to employment discrimination. It can be a law

school event, a Maryland Bar event, a court hearing or oral argument, or any other event sponsored by an educational institution or bar association. You may watch or listen to a taped oral argument or attend a virtual event such as a webinar. After attending the event, you must send me an email describing what you learned at the event that relates to employment discrimination.

Monday:

Text, pp. 738-774

Weeks 12-13: Disability Discrimination

**Topics: Coverage
Reasonable Accommodation**

Wednesday (April 8):

Text, pp. 777-811

Monday:

Text, pp. 811-841

Wednesday:

Text, pp. 841-869

Weeks 14-15: Procedures & Remedies

Monday (April 20):

Text, pp. 534-570

Wednesday:

Text, pp. 628-665

Monday (make-up class for MLK day):

Text, pp. 665-676