EMPLOYMENT DISCRIMINATION LAW
FALL 2015
LAW 718-512 (5214)
LEST 605-185 (5454)

Monday, Wednesday: 6:15-7:30 p.m.
Law Center 603

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SYLLABUS

Zimmer = Zimmer, Sullivan, & White, Cases and Materials on Employment Discrimination
(Aspen, 8th ed.)

Cases assigned that are not in the Casebook are available through LEXIS Blackboard, Lexis,
Westlaw, or in books in the library.

Course Web Page: This course has a LEXIS Blackboard webpage that links to this syllabus,
announcements, the class assignments, helpful treatises and other class materials. Students
are responsible for self-enrolling in the webcourse and should check the webcourse regularly.

Grades: There is one three hour, in class, closed book examination that results in the raw grade
for the course. Regular class participation, with discussion that is thoughtful and that
demonstrates familiarity with the course material, will raise a student’s grade one-half step (e.g.,
from a B to a B+).

Assignments/Participation: This should be self-evident, but students are expected to
complete reading assignments and to participate in class discussion.

Attendance: Class attendance is a primary obligation of each student, whose right to continued
enrollment in the course and to take the examination is conditioned upon a record of satisfactory
attendance. A student who exceeds the maximum allowable allowances as illustrated below in
UB’s Attendance Policy (see http://law.ubalt.edu/template.cfm?page=267) may be compelled to
withdraw from the course, or may be barred from sitting for the final exam. Students who are
forced to withdraw for exceeding the allowed absences may receive a grade of WA (withdrawal
due to excessive absences) or a grade of WF.
Class Cancellation: If I have to cancel a class, notices will be sent via email and/or posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web page or call the University’s Snow Closing Line at (410) 837-4201. If the University is not closed, students should presume that classes are running on the normal schedule.

Academic Integrity: Students must refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. [Reference to School of Law Honor Code http://law.ubalt.edu/template.cfm?page=477 ]

Disability Policy: If you have a documented disability that requires accommodations, please contact the Center for Educational Access at 410.837.4775 or cea@ubalt.edu. The office is in the Academic Center, Room 139. The center provides reasonable and appropriate accommodations for students with documented disabilities.

Class Assignments

August 17   (1)  INTRODUCTION: A (BRIEF) HISTORY OF EMPLOYMENT LAW

Zimmer xxvii-xxx

August 19   (2)  THE CIVIL RIGHTS ACTS OF 1866 AND 1871 AND THEIR CURRENT APPLICATION – Section 1981

Zimmer 39-48


Spriggs v. Diamond Auto Glass, 165 F.3d 1015 (4th Cir. 1999)

August 24  (3)  THE CIVIL RIGHTS ACTS, CONTINUED – Section 1983 and
Section 1985(3)


Handout on Civil Rights Acts pp. 2377-2431  (Lindeman & Grossman, Employment
Discrimination Law, (BNA, 4th Ed.))


August 26  (4)  TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

Zimmer 61-63, 313-25

STATUTES:

AGE DISCRIMINATION IN EMPLOYMENT ACT("ADEA"):
Sections 2, 3, 4, 11, 12 (29 U.S.C. §§621-23, 630-31)


September 2  (5)  THE DISPARATE TREATMENT THEORY OF DISCRIMINATION

Zimmer 2-8, 11-27

March 27, 2014)

September 9  (6)  DISPARATE TREATMENT (CONTINUED)

Zimmer 48-61, 68-77

Furnco Construction Corp. v. Waters, 438 U.S. 567 (1978)
1300-06)

September 14  (7)  “MIXED MOTIVE” AND “BUT-FOR”

Zimmer 77-97

***more assignment on next page***
September 16 (8)  THE ADVERSE IMPACT THEORY OF DISCRIMINATION – THE CONCEPT

Zimmer 191-202, 205-09, 217

September 21 (9)  ADVERSE IMPACT THEORY - THE PRIMA FACIE CASE

Zimmer 217-34, 258-63

September 23 (10)  ADVERSE IMPACT - THE EMPLOYER’S REBUTTAL AND THE BALANCE WITH DISPARATE TREATMENT

Zimmer 239-46, 292-308

September 28 (11)  SYSTEMIC DISPARATE TREATMENT

Zimmer 114-24

September 30 (12)  SECTION 703(h) and STATISTICS (briefly)

Zimmer 257-63 (Albemarle revisited) and 269-71
132-45 (optional, and if you like statistics)

***more assignment on next page***

42 U.S.C. §2000e-2(h) (Title VII - Section 703(h))

42 U.S.C. § 2000e-5(e)(2) (Title VII - Section 706(e)(2))

Castaneda v. Partida, 430 U.S. 482, 97 S. Ct. 1272, 51 L. Ed.2d 498 (1977)

**SPECIAL CONCERNS UNDER TITLE VII:**

**October 5 (13) SEX DISCRIMINATION: SEX STEREOTYPING; BFOQ'S; PREGNANCY, CHILDBIRTH AND PARENTING; BENEFITS, PAY**

Zimmer

Reread 68-76

157-69, 330-37


VanDeusen on Gender Identity Issues and Title VII, 2008 Lexis Emerging Issues 793

**October 7 (14) SEX DISCRIMINATION, CONTINUED**

Zimmer

108-14, 341-57


42 U.S.C. § 2000e-5(e)(3) (Title VII - Section 706(e)(3))(Lilly Ledbetter Fair Pay Act)

Handout on the Equal Pay Act (optional reading)

**October 12 (15) SEXUAL HARASSMENT**

Zimmer

325-330, 360-74

Paroline v. Unisys Corp., 879 F.2d 100 (4th Cir. 1989), rev'd in part en banc (1990)

Martin v. Cavalier Hotel Corp., 48 F.3d 1345 (4th Cir. 1995)
October 14  (16)  SEXUAL HARASSMENT, CONTINUED

Zimmer  374-402, 454-57


October 19  (17)  RELIGIOUS AND NATIONAL ORIGIN DISCRIMINATION

Zimmer  402-18, 430-48


EEOC Q&A Guidance on Religious Discrimination (January 31, 2011)

October 21  (18)  RETALIATION

Zimmer  453-44, 459-82


October 26  (19)  AFFIRMATIVE ACTION v. NON DISCRIMINATION

Zimmer  169-88

Handout on Affirmative Action

October 28   --   NO CLASS THIS NIGHT

November 2  (20)  AGE DISCRIMINATION

Zimmer  450-52, 698-703

EEOC v. Clay Printing, 955 F.2d 936 (4th Cir. 1992)

29 U.S.C. § 626(f) (Older Workers’ Benefit Protection Act)
**November 4 (21) DISABILITY DISCRIMINATION: THE AMERICANS WITH DISABILITIES ACT**

Zimmer 487-565 (cases only)

Handout on the ADA and ADAAA


**November 9 (21) DISABILITY DISCRIMINATION, CONTINUED**

Zimmer 566-92

**November 11 (22) PROCEDURAL CONSIDERATIONS**

Zimmer 599-615


ADEA Section 7 (29 U.S.C. §626)

**November 16 (23) ADMINISTRATIVE CONSIDERATIONS & DEFENSES**

Zimmer 616-20, 704-13, 716-18, 726-27

**EEOC v. Propak Logistics, Inc.,** 746 F.3d 145 (4th Cir. 2014)

Handout on Alternative Dispute Resolution

Handout on [Morrison v. Circuit City Stores, Inc.](#)

**November 18 (24) RELIEF**

Zimmer 643-703 (cases only)

42 U.S.C. § 1981a

**November 23 (25) REVIEW SESSION: QUESTIONS AND (MAYBE) ANSWERS**