Employment Discrimination Law

Professor Nancy Modesitt

[nmodesitt@ubalt.edu](mailto:nmodesitt@ubalt.edu)

410-837-1902

Room 507

Administrative Assistant: Gloria Joy

**Text**

Maria Ontiveros, et al., Employment Discrimination Law: Cases and Materials on Equality in the Workplace (9th Ed. 2016).

**Office Hours for Professor Modesitt**

Tuesday/Thursday, 5 - 6 pm, or by appointment.

**Class meeting time & location**

Tuesdays & Thursdays, 6:15 - 7:30.

Room assignments will be posted on myUB. Please check the classroom assignment the week class begins because room assignments may change before the semester begins.

**Learning Outcomes**

Students who successfully complete the course will be competent at:

1. Articulating theories and underlying assumptions that influence employment discrimination law;

2. Articulating major legal doctrines in employment discrimination law;

3. Applying these theories and doctrines to new factual scenarios.

**Professionalism and Course Expectations**

I expect you to display professionalism in this class. This includes arriving on time, attending all classes, being prepared for class, and behaving respectfully. If you are not prepared for a class, please let me know by sending an email before class that day.

The American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

**Grading**

Your final grade will consist of your performance on a quiz (worth 20%), an out-of-class assignment (worth 20%), and your final exam (worth 60%). 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). Class participation takes into account both the quality and quantity of your participation.

**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 attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below 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 FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

|  |  |  |
| --- | --- | --- |
| Regular Semester Hours | | |
| Credit Hours | Meetings Per Week | |
|  | 1 | 2 |
| 2 | 2 absences | 5 absences |
| 3 | 2 absences | 5 absences |
| 4 | -- | 5 absences |

**Academic Integrity**

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor\_code/.

**Title IX Sexual Misconduct and Nondiscrimination Policy**

The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: http://www.ubalt.edu/titleix.

**Disability Policy**

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

**Reading, other assignments, and TWEN**

Reading and other assignments will follow the order listed below. However, assignments may be added or changed. This listing does not include all assignments; some will be announced in class and/or posted on TWEN. Changes to the syllabus will also be announced in class and/or posted on TWEN. You must use TWEN for this class.

Week 1: January 15

*Overview of Employment Discrimination Laws; Meaning of “Race” and “Color”; Disparate Treatment Claims*

Tuesday: Text, Chapter 1, Chapter 2, pp. 11-20, 42-52. Before the first class, please take one of the implicit bias tests, available at

<https://implicit.harvard.edu/implicit/takeatest.html>

Thursday: Text, Chapter 3, sections A & B1.

Week 2: January 22

*Mixed-Motive Claims; Retaliation Claims*

Tuesday: Text, Chapter 3, sections B2 & B3.

Thursday: Text, Chapter 3, section C.

Week 3: January 29

*Statistics and Pattern-or-Practice Cases; Disparate Impact Claims*

Tuesday: Text, Chapter 3, section D.

Thursday: Text, Chapter 4, sections A & B.

Week 4: February 5

*Disparate Impact Claims, con’t; Assessment.*

Tuesday: Text, Chapter 4, sections C & D.

Thursday: Quiz. This will count 20% toward your final grade.

Week 5: February 12

*Sex Discrimination*

Tuesday: Text, Chapter 7, sections A - C.

Thursday: Text, Chapter 7, sections D - F.

Week 6: February 19

*Pregnancy & Family Responsibility Discrimination; Sexual Orientation Discrimination; Gender Expression Discrimination; Gender Identity Discrimination*

Tuesday: Text, Chapter 8.

Thursday: Text, Chapter 9.

Week 7: February 26

*Harassment*

Tuesday: Text, Chapter 10, sections A & B.

Thursday: Text, Chapter 10, section C1.

Week 8: March 5

*Harassment, con’t; Religious Discrimination*

Tuesday: Text, Chapter 10, Sections C2 & D.

Thursday: Text, Chapter 11, sections A - D and pages 650-65.

Week 9, March 12

*Religious Discrimination, con’t; National Origin Discrimination*

Tuesday: Text, remainder of Chapter 11; Chapter 12, pp. 685-696.

Thursday: Text, remainder of Chapter 12.

SPRING BREAK MARCH 19-23

Week 10, March 26

Tuesday: In lieu of class, watch an oral argument of any Supreme Court case that we have or will study this semester and send me your analysis of what you learned from the oral argument. You might discuss whether you were surprised by any of the questions (or answers), whether the questions asked by the justices appeared indicative of their ultimate positions in the case, how the oral argument changed your perspective on the case, and/or whether you could identify any portion of the oral argument that found its way into the opinion(s). Your analysis may not exceed 4 pages, double spaced, and is due no later than the last class of the semester. This will count 20% toward your final grade.

Thursday: Guest lecturer.

Week 11, April 2

*Age Discrimination*

Tuesday: Text, Chapter 13, sections A & B.

Thursday: Text, Chapter 13, sections C & D.

Week 12, April 9

*Disability Discrimination*

Tuesday: Chapter 14, sections A & B.

Thursday: Chapter 14, sections C - E.

Week 13, April 16

*Equal Protection & Reconstruction-Era Civil Rights Acts; Affirmative Action*

Tuesday: Text, Chapter 5.

Thursday: Text, Chapter 15.

Week 14, April 23

*Enforcement Schemes; Remedies*

Tuesday: Text, Chapter 2, sections C & E.

Thursday: No new readings.