

Employment Discrimination Law
Professor Nancy Modesitt
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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

Mondays & Wednesdays, noon-1, or by appointment.

Class meeting time & location

Mondays & Wednesdays, 3-4:15.

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 midterm (worth 20%), an out-of-class assignment (worth 20%), and your final exam (worth 60%). This year, midterms are being scheduled by the Office of Academic Affairs. Our midterm will be on **Friday February 21, 3:00-4:15 pm. Please mark your calendar accordingly, as this is not during our regular class time.**

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>.

Course Evaluations

It is a requirement of this course that students complete a course evaluation. The evaluation will be available later in the semester and is entirely anonymous. Faculty members will not have access to the feedback provided on course evaluations until after all grades are submitted.

Disability Policy

If you are a student with a documented disability who requires an accommodation for academic programs, exams, or access to the University's facilities, please contact Office of Academic Affairs, at ublacacadaff@ubalt.edu or (410) 837-4468.

Reading, other assignments, and TWEN

Reading and other assignments will follow the order listed below. Changes to the syllabus or assignments will be announced in class and/or posted on TWEN. You must use TWEN for this class.

Week 1: January 13

Overview of Employment Discrimination Laws; Meaning of "Race" and "Color"; Disparate Treatment Claims

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

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

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

Week 2: January 20

Mixed-Motive Claims

Monday: Class cancelled - Martin Luther King Day

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

Week 3: January 27

Retaliation Claims; Statistics and Pattern-or-Practice Cases

Monday: Text, Chapter 3, section C.

Wednesday: Text, Chapter 3, section D.

Week 4: February 3

Disparate Impact Claims.

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

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

Week 5: February 10

Sex Discrimination

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

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

Week 6: February 17

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

Monday: Text, Chapter 8.

Wednesday: TBD due to pending USSCT case.

Friday February 21, 3:00-4:15 pm: Midterm covering materials through Chapter 7 of the text.

Week 7: February 24

Harassment

Monday: Text, Chapter 10, sections A & B. Before class, watch Jackson Katz's TED talk, available at

https://www.ted.com/talks/jackson_katz_violence_against_women_it_s_a_men_s_issue?language=en

Wednesday: Text, Chapter 10, section C1.

Week 8: March 2

Harassment, con't; Religious Discrimination

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

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

Week 9, March 9

Religious Discrimination, con't; National Origin Discrimination

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

Wednesday: Text, remainder of Chapter 12.

SPRING BREAK MARCH 16-20

Week 10, March 23

Age Discrimination

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

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

Week 11, March 30

Disability Discrimination

Monday: Chapter 14, sections A & B.

Wednesday: Chapter 14, sections C - E.

Week 12, April 6

In lieu of classes this week, you will do research and write up an analysis involving an area of employment discrimination law of your choice. There are two research components to this assignment: (1) identify and watch/listen to an oral argument of any Supreme Court case that focuses on employment discrimination on a topic that interests you; and (2) conduct research in sources outside of the law to gain perspective from individuals who have been subjected to the type of discrimination at issue in the case you select. For instance, if you were to watch an argument on a case involving harassment, you could listen to a podcast addressing the #MeToo movement that included first-hand accounts from women subjected to sexual harassment. The source(s) must be significant - for instance, reading one article in the New York Times would not be sufficient, but listening to an hour-long podcast would be.

After you complete this work, you will write up an analysis of what you learned. Your analysis must incorporate some insight gained from the outside source and the oral argument. You might also discuss whether you were surprised by any of the questions (or answers) in light of the outside source and whether the experiences of those who have

been subjected to discrimination are captured in the oral argument and/or opinion in the case. Your analysis may not exceed 4 pages, double spaced, and is due by 5 pm on April 8. This will count 20% toward your final grade.

Week 13, April 13

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

Monday: Text, Chapter 5.

Wednesday: Text, Chapter 15.

Week 14, April 20

Enforcement Schemes; Remedies

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

Wednesday: No new readings.

Week 15, April 27

Monday (make up day for Martin Luther King Day): No class unless there is a snow day.