

EMPLOYMENT DISCRIMINATION LAW
FALL 2019
Professor Anderson

Office: 218 **Phone:** 453-5634 **E-Mail:** cheryla@siu.edu
Office Hours: Wednesday 1:00-2:30 p.m. and whenever office door is open

Welcome! This course covers the major federal statutes that prohibit employment discrimination. By the end of the course, you should be familiar with the substance and structure of these statutes, the dominant Supreme Court and selected lower court cases interpreting them, and the procedural issues that arise in addressing discrimination claims. We will not just read cases, however; we will also look at the stories of the individuals involved in some of the most significant cases. We will additionally consider the broader legal and societal themes that arise in any discussion of judicial enforcement of civil rights.

REQUIRED TEXTS

Sperino & Gonzalez, *Employment Discrimination: A Context and Practice Casebook* (3d ed. 2019);

Statutory Supplement posted on TWEN.

LEARNING OBJECTIVES

- To learn the major theories of discrimination law, including disparate treatment, disparate impact, retaliation, accommodation, and sexual harassment;
- To understand the similarities and differences in how employment discrimination law applies to different categories of discrimination, including but not limited to race, sex, religion, and age;
- To contextualize relevant legal rules and develop arguments and advice reasonable lawyers would make or give when advising clients and litigating claims;
- To identify and apply significant policy arguments that influence courts in employment discrimination decision-making;
- To understand the role of statutory and regulatory law in employment discrimination doctrine; and
- To apply employment discrimination doctrine to new fact contexts and produce written analysis of complex employment discrimination claims and issues.

METHOD OF EVALUATION

This course will be evaluated in three parts. First, after we complete Chapter 4 in the text, there will be a closed-book multiple choice exam that will be used to satisfy the bar assessment requirement. Students will need to demonstrate proficiency with the material in order to pass this exam. There will be an opportunity to retake the exam if necessary to reach the proficiency level,

but students will receive either the score from the first attempt at the exam, or a zero for failure to reach proficiency. To help prepare for this exam, I will weekly post a quiz on TWEN through which students can check their case reading comprehension and outline accuracy. This will be worth 30 points.

Second, to meet the Writing Across the Curriculum requirement, there will be a short collaborative writing project at the end of Chapter 3. This will be graded pass/fail.

Third, there will be a take-home exam distributed on the first day of the exam period and due no later than the last day of that period. The final exam will be worth 60 points.

All three requirements must be successfully completed on a timely basis in order to receive credit for the course. More information on each will be provided in class.

READING ASSIGNMENTS

Listed on the next page are the assignments I anticipate for the first two classes. After the first week, I will post the specific reading assignments on TWEN.

Class 1: Introduction to Coverage and Protected Classes

Text pp. 1-28. In class, we will talk about exercises 1.3, 2.1. On TWEN, in the Syllabus and Assignments section, you will find links to two videos and a short news article to also prepare for this class.

Class 2: Protected Classes, cont'd

Text pp. 29-45. For exercise 2.3, write out a checklist for drafting the policy: What are the options, what questions would you ask the employer?

ATTENDANCE AND CLASS RECORDING POLICY:

Attendance will be kept and administered according the SIU School of Law Academic Regulations, as amended through the current semester. **Students may miss or note out a maximum of six (6) total class meetings.** Each student is required to sign an attendance sheet for each class meeting. The attendance sheet will be circulated at the beginning of class and then collected. No one shall sign the attendance sheet once it is collected by the professor. Please note that signing someone else's name to an attendance sheet or signing the sheet without permission after it has been collected will be considered Honor Code violations and treated accordingly. Also please note that attendance includes preparation. Do not sign the sheet if you are not prepared.

I define "prepared" to mean you have:

- Carefully read the materials to be discussed in class;
- Identified answers to the study questions included in the text or posted on TWEN;
- Prepared the tasks in the assigned exercises; and
- Are ready to engage in discussion about the assignment.

This is what is required of you to meet the course workload expectations.¹ Of course, you may not be able to answer every question you are asked, but you will be expected to be able to make a reasonable effort. You may read ahead, but be aware that I consider the response, “I read it but I don’t really remember it” to be the equivalent of not having prepared it at all. If you read ahead, you should review the materials shortly before class to refresh yourself on them. **Signing the attendance sheet is your representation that you are prepared. I will strike your attendance credit if I determine you are not sufficiently prepared for class.**

It will be your responsibility to keep track of your absences; you will not receive reminders concerning the number of absences you have incurred, nor should you expect my assistant to remind you of your attendance record. Attendance sheets will be kept until the end of the semester that you may consult for purposes of verifying any discrepancy in your absence record.

Once class has started, you are expected to remain in the classroom unless there is an emergency or you have been granted an accommodation through the Associate Dean’s office. Having to use the restroom is not an emergency unless you are ill. Leaving class in-session without permission will be counted as an absence and may result in denial of re-entry into the classroom for the rest of the class session. If you need accommodation of this policy, you should consult the disability services policy at the end of this syllabus as soon as possible.

Recording policy: Our class sessions may be recorded by the Law School; however, any recordings will be made available with my permission only. I will grant permission to view a recording in only limited circumstances, such as a job interview or the flu, but such absences will not be excused, except for extraordinary circumstances, because as the expectation is you will use your allowed absences for those types of commonly occurring reasons. You may be able to make-up absences for law school activity-related absences, such as clinic court appearances and moot court or trial team competition attendance, by submitting an additional assignment to be determined and then viewing the recording of the class that was missed. This must be arranged with me beforehand, except in extraordinary circumstances. All other recording of the class is prohibited without my permission; violation of this policy will be grounds for referral under the Honor Code.

COMPUTER AND CELL PHONE POLICY

Notebook and tablet computers are permitted in class for note-taking purposes, to look up the text of cases, statutes and materials relevant to what is being discussed in class, to look at material posted on the Employment Discrimination Law TWEN pages, and when you are

¹ The workload expectations for the course are based on ABA Standard 310(b)(1) for a three credit hour class. Under those standards, “a ‘credit hour’ is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” You should expect to spend 75 minutes in class two times a week and at least three hours preparing for each class (six hours total for two classes).

explicitly instructed that you may use them for a class activity. You may **not** use your computer or tablet for any other activity, including but not limited to surfing the web, social networking, checking or sending email, reading or sending instant or text messages, playing games, or using apps unconnected to classroom activity. **If I determine that any student is using a computer for an impermissible purpose during class, I will mark that student absent for that class session.** Repeated violations will result in computer privileges being suspended for the remainder of the semester, including the exam.

Cell phones should be shut off and placed away where they cannot be seen (absent prior approval). They may not be used for any purpose that would not be permissible if done on a computer. You may be asked to check your phone at the podium if you violate this rule.

If you have any questions about what is permissible and what is not, ask in advance and do not assume.

UNIVERSITY REQUIRED SYLLABUS ATTACHMENT

You can find the required syllabus attachment here:

<https://pvcaa.siu.edu/syllabus-attachment-fall-2019.pdf>