

**Employment Discrimination Syllabus (First Week Reading Assignments)**  
**Fall 2007**  
**Professor Sandra Sperino**

**Course Description:** This course focuses on the federal statutes that prohibit discrimination on the basis of race, sex, religion, national origin, disability, and age, as well as the concept of at-will employment and its exceptions. Due to the increasing number of plaintiffs bringing claims under both the Americans with Disabilities Act (“ADA”) and the Family and Medical Leave Act (“FMLA”), at least one class will be dedicated to the interaction of these two causes of action.

While learning and understanding the current law is important, lawyers advising clients about employment issues are expected to do more than parrot the law back to their clients. Class discussion will incorporate how judicial philosophy affects cases, how the equities of cases affect their outcome, and how legal strategy can be used to avoid, prosecute, and defend employment suits.

**Office Hours:** I enjoy speaking with students outside of class and encourage students to stop by my office or contact me by e-mail. I have an open door policy and students are invited to stop by my office any time my door is open. For students who prefer a more fixed meeting time, I will be available for office hours on both Wednesdays and Thursdays from 10:00 a.m. to 11:30 a.m. In addition to office hours, I am also available by telephone or e-mail. Individual appointments at times other than office hours may be scheduled by request.

**Grading and Class Participation:** Your grade will be based on a final examination that will contain at least one essay and a multiple choice component. During the exam, students will be allowed to use any texts assigned for the course and any notes or outlines in which they participated in preparing. Commercial study aides and other materials may not be brought to or used in any way during the final exam.

During the first week of classes all students will be considered on-call. After the first week of class, students will be divided into two groups. The first group will be on-call for the second week of class, and the second group will be on-call for the third week of class. The groups will then alternate responsibility for being on-call. Students who are on call during a particular week are expected to be prepared to discuss the reading assignment and topics addressed therein. I reserve the right to lower a student’s grade by half a letter grade for failure to adequately participate in or prepare for class. Likewise, I may raise a student’s grade by up to half a letter grade for frequent, meaningful class participation.

Despite a common misperception, being on-call is not designed as a punishment or to embarrass students. As a lawyer, you will be required to demonstrate knowledge to your colleagues, your clients, and judges. The on-call system is designed to help practice and develop these skills.

**Attendance:** The reading assignments will serve as background information for class discussions, which will incorporate information outside the required reading. Therefore, students are highly encouraged to attend class.

Frequent unexcused absences for students who are on call will not be tolerated, as this penalizes other students who prepare for and attend class. Students who are on-call are encouraged to let me know via e-mail when they will be missing class for an excused reason, for example, illness, family emergencies, and off-campus interviews, to avoid a grade deduction and/or being prohibited from taking the final exam.

### **Required Reading:**

Arthur B. Smith, Jr., Charles B. Craver, Leroy D. Clark, Employment Discrimination Law: Cases and Materials (6th ed.)

Employment Discrimination Law: Selected Statutes and Regulations. [hereinafter "Selected Statutes"]

Photocopied Supplemental Materials: Will be available on TWEN and paper copies will be available at typical location.

For classes in which both Casebook and Supplemental materials are assigned, please read the assigned reading in the order it is provided in the syllabus.

Following most reading assignments is a question or list of questions to help students in understanding the importance of assigned reading. Considering the questions as you read will be helpful for class discussions.

### **Week 1 (August 22, 23, 24)**

#### **Class 1 (August 22)**

**Employment at will and its exceptions; overview of major statutes.** Supplemental Materials, pp. 2-7 (If you cannot access Supplemental Materials via TWEN or get the photocopied version, the assigned case is 611 So.2d 307.)

You may find it helpful to **skim** the statutory sections discussed in the reading, which are 42 U.S.C. § 1981 (p. 2 in Selected Statutes); §§ 2000e-2000e-2 of Title VII (pp. 7-15 in Selected Statutes); §§ 621-623(d) of Age Discrimination in Employment Act ("ADEA") (pp. 165-167 in Selected Statutes); §§12101-12112(a) of the Americans with Disabilities Act (pp.320-324 in Selected Statutes).

**Questions:** Why is *Howard v. Wolff Broadcasting Corp.* important to understanding federal anti-discrimination laws? What does it mean to say that a person is an at-will employee? Are there any exceptions to at-will employment? What are the major federal anti-discrimination statutes?

**Class 2 (August 23)**

**Coverage and Scope of Statutes.** Casebook, pp. 229-239. 42 U.S.C. § 2000e(a)-(f) (Title VII) (pp. 7-8 in Selected Statutes); 42 U.S.C. § 2000e-1 (pp. 9-10 in Selected Statutes); 42 U.S.C. § 12111 (2), (5) (ADA) (p. 322 in Selected Statutes).

**Questions:** Do the federal anti-discrimination statutes protect every employee from discrimination? If not, who is not protected by the federal statutes?

**Class 3 (August 24)**

**Proof Structures: *McDonnell-Douglas*.** Casebook, pp. 107-112. 42 U.S.C. §2000e-2(a) (p. 10 in Selected Statutes).

**Questions:** What is the test established by *McDonnell-Douglas*? In what type of cases would this test be used?