DRAFT SYLLABUS

Employment Discrimination
Spring 2006
University of Colorado Law School
Melissa Hart

About the Course
The study of employment discrimination law focuses on three primary questions. First, what is discrimination? Second, how can and should we require that discrimination be proven in the courts? And finally, once discrimination is proven, what remedies are appropriate? We will take up each of these questions, and consider them in the context of discrimination on the basis of race, gender, sexual orientation, national origin, religion, age and disability.

Meeting Times
We will meet on Tuesdays and Thursdays from 10:30-11:45. We will not meet on Thursday February 16 or Tuesday February 21.

Required Texts

Additional cases and materials to be posted on TWEN

Grading and Class Participation
Your grade will be based on three components: an in-class final exam given in May (70 percent); a short research project to be completed during the semester (20 percent); and class participation (10 percent).

The research projects will have two primary purposes. First, I hope that they will offer each student an opportunity to work on research, writing and oral presentation skills. Second, they should give the entire class an opportunity to get a sense of up-to-the-minute trends in employment discrimination litigation. You will be able to choose a week to do your research project, based on your particular interests and schedules. You will be expected to write a 5-page paper detailing the results of your research, and then to make an oral presentation to the class. During most weeks, we will devote a substantial part of Thursday’s class to these presentations.

I hope that each of you will volunteer occasionally, and willingness to volunteer will be taken into account in assessing the participation portion of the grade. You will also each have certain days that you are “on-call”. On those days, I expect you to be prepared to answer questions and to participate actively in class discussion. If you miss class on a day you are on-call, your grade will be negatively affected. If you are obviously not
prepared for class discussion on a day you are on-call, your grade will be negatively affected. If, for any reason, you are not able to attend class or to be prepared on a day you are on-call, you can let me know ahead of class time. You will be scheduled as on-call for the next class period, or at some other time we agree upon. As a general matter, I reserve the right to adjust grades by up to an additional three points in either direction for exceptional class participation. Class participation will be evaluated on quality, rather than quantity. My consideration of the quality of your participation will not take account of your particular views on some of the controversial issues we will discuss in class, but instead on your ability to support your views with an understanding of the relevant law and logical and thoughtful policy arguments.

Reading Assignments
You should assume that each of the reading assignments listed here corresponds with one class period unless I tell you otherwise. I may modify some of these assignments as the semester progresses. I will notify you of any modification at least one week ahead.

1. The Problem of Discrimination: An Overview
   Pages 2-64

2. Disparate Treatment
   66-79, 83-104

3. Disparate Treatment
   105-137

4. Disparate Treatment
   137-163

5. Disparate Treatment
   163-187

6. Disparate Impact
   188-211, 233-42

7. Disparate Impact
   211-232, 242-250

8. Disparate Impact
   250-272

   273-305

10. Sex Discrimination: Theory; Dress & Appearance Requirements
    308-318, 380-394
11. Discrimination on the Basis of Pregnancy
   318-354

12. The BFOQ Defense
   354-380

13. Sex-Based Compensation Schemes and Comparable Worth
   395-439

   440-474

15. Harassment: Same-Sex Sexual Harassment; Racial Harassment
   474-487, 530-40

16. Employer Liability for Harassment
   487-530

17. Discrimination Because of Sexual Orientation
   541-577

18. Discrimination Because of Religion
   578-627

19. Discrimination Because of National Origin
   628-667

20. Discrimination Because of Age
   668-716

21. Disability Discrimination
   717-742

22. Disability Discrimination
   742-767

23. Disability Discrimination
   767-795

24. Retaliation
   813-839

25. Remedies
   842-886
26. Alternative Dispute Resolution
932-989